



An
Bord
Pleanála

Board Direction
BD-004681-19
ABP-305169-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/12/2019.

The Board determined that the form and amount of the security required under condition 21 of planning permission register reference number 2038/18 (An Bord Pleanála reference number ABP-302344-18) is a €30,000 bond.

Board Order as follows:-

WHEREAS by order dated the 8th day of January, 2019 An Bord Pleanála, under appeal reference number ABP-302344-18, granted subject to conditions a permission to MKN Property Group, for development comprising the construction of Residential development of 72 no. units in 4 no. blocks with a single level basement, consisting of the change of use of the existing Verville Retreat building from nursing home use to residential use and change of existing former outbuilding to residential use and all ancillary works all at Verville Retreat, Vernon Avenue, Clontarf, Dublin 3:

AND WHEREAS condition 21 attached to the said permission required the developer prior to the commencement of development to lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing with the planning authority, to secure the replacement of any trees within the public realm damaged or removed in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to secure the replacement of any trees within the

public realm. The form and amount of security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination

AND WHEREAS the developer and the Planning Authority failed to agree on the above details in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 15th day of August, 2019 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 form and amount of the security required under condition 21 of planning permission register reference number 2038/18 (An Bord Pleanála reference number ABP-302344-18) is a €30,000 bond.

REASONS AND CONSIDERATIONS

Having regard to the limited information provided by the Council, the lack of any substantial justification for a €130,000 bond, the lack of information on how such large trees are to be transported, and the lack of any substantial justification for the requirement of such mature trees in the context of potential failure to thrive, the Board considered a bond in the amount of €130,000 to be excessive. Having regard to the foregoing, the Board also considered the applicant's proposal, and justification of same, to be plausible and reasonable in this instance.

Board Member

Date: 06/12/2019

John Connolly