



An  
Bord  
Pleanála

**Board Direction**  
**BD-007549-21**  
**ABP-308348-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/02/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the 'RS' zoning of the site, which allows for residential development, to the provisions of the Fingal Development Plan, 2017-2023, and to all relevant national planning provisions, it is considered that, subject to the conditions set out below, the proposed development would provide an adequate standard of amenity for its occupants, would not injure the character of the area or the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. It would therefore be in keeping with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19<sup>th</sup> day of June, 2020, and by the further plans and particulars received by An Bord Pleanála on the 17<sup>th</sup> day of August, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The terms and conditions of the grant of permission made by the Board under ABP. Ref. No. PL06F.235190 (P.A. Ref. No. F09A/0015) shall be complied with in full in the course of the development herein permitted, save for the changes to the plans submitted for this application.

**Reason:** In the interest of clarity and in the interest of proper planning and sustainable development of the area.

3. The developer shall comply in full with the following:
  - (a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.
  - (b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

**Reason:** In the interest of orderly development and to protect the amenities of the area.

4. The following requirements shall be complied with in full:
  - (a) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

5. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows:

(a) An approved insurance company bond in the sum of €548,000, or

(b) A cash sum of €342,500 to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

(c) Such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion of the development.

6. The developer shall pay to the planning authority a financial contribution of €2,059,382 in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Note:** In deciding not to accept the Inspector's recommendation to include a condition on additional tree planting and the introduction of a coniferous hedge buffer

in the area of the West Green Space, the Board had regard to the existing landscaping in this area, the intervening distance between the development to be retained, constructed and carried out and the appellant's property, and the *de minimus* amendments to the development provided for in the application for retention, and considered that the introduction of conifers and hedging in this area would have a negative visual impact on the open space and was satisfied that compliance with the conditions of the grant of permission made by the Board under ABP PL06F:235190 (as provided for in Condition 2 of this order) adequately addressed these issues.

**Note:** Copy of Board Order to issue with the Board Direction.

**Board Member**

**Date:** 16/02/2021

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Maria FitzGerald