

An
Bord
Pleanála

Board Direction
BD-015058-24
ABP-315453-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2024.

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

Reasons and Considerations

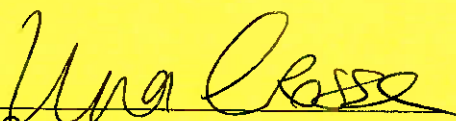
The subject site is Zoned OS - Open Space in the Fingal County Development Plan 2023-2029. The land use objective is to '*preserve and provide for open space and recreational amenities*'. The vision for these lands is to provide recreational and amenity resources for urban and rural populations subject to strict development controls. A childcare facility is not permitted on lands zoned for open space. The proposed development would materially contravene the zoning objective, pertaining to the site as set out in the Fingal County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note

The Board noted the Inspectors reference to Section 37 (2)(b) of the Planning and Development Act, 2000, and their contention that this section precluded the Board from granting of planning permission for the proposed development as none of the provisions of section 37 (2)(b) (i), (ii), (iii) or (iv) of the said Act apply in this case. The Board had regard to the provisions of Section 37 (2)(b) and noted that this section of

the Act referred to instances where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan. In the subject case the planning authority had granted permission for the proposed development and therefore Section 37 (2)(b) would not apply. Notwithstanding, the Board concurred with the Inspector that as a childcare facility is not permitted on lands zoned for open space that the proposal would materially contravene the zoning objective now pertaining on the lands.

Board Member


Una Crosse

Date: 15/01/2024