



An
Bord
Pleanála

Board Direction 17.RP2145

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 22nd 2018.

The Board determined, generally in accordance with the recommendation of the Inspector, that another form of security, such as a bond from an insurance company, is allowable in lieu of a cash deposit in satisfaction of the requirement under condition number 1 of planning permission register reference LB/160136.

Board Order as follows:-

WHEREAS by Order dated the 24th day of February 2011, Meath County Council granted planning permission under planning register reference number SA/100361 for the construction of 13 no. residential units, 4 no. retail units and 4 no. office units, and associated site works at Donacarney Great, Donacarney, Co Meath, and condition 42 of that permission required the lodgement with the planning authority of a cash deposit of €84,714, a bond of an insurance company/bank in the form of the current Meath Co Council draft bond, or other security to secure the satisfactory completion and maintenance of services (including maintenance of services until taking-in-charge by the authority).

AND WHEREAS Meath County Council granted an extension of the duration of that permission, under register reference number LB/160136, on the 12th day of April 2016, subject to one condition, which required the lodgement of a cash deposit of €84,714 as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, watermains, sewers, drains, public lighting, open space, landscaping and any other services required with the development.

AND WHEREAS the developer and the planning authority failed to agree on the application of the terms of this condition of this condition and the matter was referred by Urban Life

Limited, the owner of the site, to An Bord Pleanála on the 8th day of March, 2017, for determination, pursuant to Section 34 (5) of the Planning and Development Act 2000, as amended;

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 another form of security, such as a bond from an insurance company, is allowable in lieu of a cash deposit in satisfaction of the requirement for security for completion and maintenance of the development under condition number 1 of planning permission register reference LB/160136.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) The provisions of Meath County Council Development Plan 2013-1019 and specifically Section 12.4.4 of the Development Plan,
- (b) Meath County Council's Taking In Charge Policy (2008)
- (c) Section 7.13 of the Development Management Guidelines issued by the Department of the Environment, Heritage and Local Government, and
- (d) the submissions on file, and the planning history of the site.

The Board considered it appropriate that an option be provided allowing the developer to lodge with the planning authority an approved insurance company bond or a cash sum to ensure the satisfactory completion and maintenance of the development until taken in charge.

Board Member

Date: 22nd January 2018

Philip Jones