



An  
Bord  
Pleanála

## Board Direction 17.RP2146

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 8<sup>th</sup> 2018.

The Board decided to consider the referral on a point of detail, and did not accept the recommendation of the Inspector to invalidate the referral, as it considered that the referral was allowable within the provisions of Section 35 (5) of the Planning and Development Act, 2000, as amended.

The Board decided to determine that condition no. 24 of planning permission register reference number LB/161121 should be retained, as set out by the Planning Authority as set out in the following Order, and that it was not appropriate to accept a bond in lieu of the cash deposit that had been specified in that condition, for the Reasons and Considerations set out below.

Board Order as follows:-

**WHEREAS** by order dated the 23<sup>rd</sup> day of January, 2017, Meath County Council, under planning register reference number LB/161121, granted subject to conditions a permission to Urban Life (Seabury) Limited care of Van Dijk Architects of Mill House, Mill Street Dundalk, County Louth for development comprising alterations to previously granted planning register reference number SA/50515 (as extended under planning register reference number SA/110436), planning register reference number SA/60549 (as extended under planning register reference number SA/110598) and planning register reference number LB/160452 to provide for replacement of

permitted four number two-storey semi-detached dwellings and one number two-storey detached dwelling with two number two-storey semi-detached dwellings and a single terrace of dwellings comprising four number two-storey dwellings, together with landscaping, boundary treatment and all associated site development works with access off the existing Seabury Housing Estate Road, at Seabury Lawns, Mornington, Drogheda, County Meath.

**AND WHEREAS** condition number 24 attached to this permission required the developer to lodge with the planning authority a cash deposit of €42,000, as a security for 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 the condition stated that in the event of the non-completion or maintenance of the services, the planning authority shall be empowered to apply the said funds or part thereof to the satisfactory completion of and maintenance as aforesaid of any part of the development:

**AND WHEREAS** the developer and the planning authority failed to agree on the form of the security in compliance with the terms of this condition and the matter was referred by the developer to An Bord Pleanála on the 15<sup>th</sup> day of March, 2017 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 condition number 24 of planning register reference number LB/161121 shall be as follows:-

The developer to lodge with the planning authority a cash deposit of €42,000, as a security for 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 In the event of the non-completion or maintenance of the services, the planning authority shall be empowered to apply the said funds or part thereof to the

satisfactory completion of and maintenance as aforesaid of any part of the development.

**Reason:** To ensure that the development is carried out and completed to an acceptable construction standard:

### **Reasons and Considerations**

Having regard to:

- (a) section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of Meath County Council Development Plan 2013-2019 and specifically Section 12.4.4 of the Development Plan,
- (c) Section 7.13 of the Development Management Guidelines, issued by the Department of the Environment, Heritage and Local Government, in June 2007, and
- (d) the planning history of the site and the overall development of which it forms a part.

the Board considered that the planning authority had acted within its discretion in relation to the form of security it required in relation to the proposed development, and did not consider that the provision of a bond, in lieu of a cash deposit, was appropriate in this instance.

**Board Member**

**Date:** 8<sup>th</sup> June 2018

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Philip Jones