



Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0184

Appeal by Feathermist Limited care of Bridgedale Asset Management Limited of Unit 11, Block F, Maynooth Business Campus, Maynooth, County Kildare in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 36 of its decision made on the 11th day of August, 2017.

Proposed Development: A mixed use development with two number vehicular accesses from the Ballyboughal Road to the south and one number vehicular access from the R108 Naul Road to the west of the site. (a) Demolition of existing 1,023 square metres partially built structures in the south-western corner of the site. (b) 57 number dwellings to include: five number five-bedroom detached, 20 number four-bedroom detached, two number four-bedroom semi-detached, five number three bedroom-bedroom semi-detached, eight number three-bedroom semi-detached/end of terrace, four number two-bedroom terraced, five number four-bedroom bungalows, five number three-bedroom bungalows and three number two-bedroom bungalows, (c) Two-storey commercial block (323 square metres gross floor area) with two number ground floor retail units and two number first floor office units with associated signage, 13 number associated surface car parking spaces, one number loading bay and four number cycle spaces and (d) internal roads, footpaths, associated landscaping, boundary treatments and all associated ancillary works. All

at Main Street (bounded by the Naul Road and the Ballyboughal Road),
Ballyboughal, County Dublin.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 36 and directs the said Council to REMOVE condition number 36 and the reason therefor.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Fingal County Council Development Contribution Scheme 2016-2020;
- (b) the provisions of the Fingal Development Plan 2017-2023;
- (c) the provisions of the Ballyboghil Local Area Plan 2012-2022; and
- (d) the submissions made in this appeal;

the Board considered that the proposed provision of public open space complies with the requirements under Objectives DMS57 and DMS57B, and that since there is no shortfall in the provision of public open space, the payment of a financial contribution in lieu of all or part of the open space requirement, as required under the terms of the Development Contribution Scheme, does not apply in this case. It is considered, therefore, that the terms of the Development Contribution Scheme have not been properly applied by the planning authority and condition number 36 should, therefore, be removed.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018