

An  
Bord  
Pleanála

Board Order  
ABP-310359-21

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0523**

**Appeal** by Rimford Developments Limited care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin 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 28 of its decision made on the 30<sup>th</sup> day of April, 2021.

**Proposed Development:** Construction of 84 number residential dwellings across two plots of land, Rathmore East (gross area c.1796Ha) and 'Rathmore West' (gross area circa 1.288 hectares) and incorporates a section of Tyrellstown Road and Raheny roundabout to facilitate connections to municipal services, and parcel of land (circa 0.4391 hectares) to the north of Rathmore Road at Lusk North Park for Class 1 open space. The proposed residential dwelling mix consists of nine number different two and three-storey house types as follows: four number two bedroom, 66 number three bedroom and 14 number four bedroom dwellings. 'Rathmore East' will provide for 50 number units and will be accessed via one number new vehicular entrance from Tyrellstown Road and two number pedestrian/cycle entrances from Rathmore Road. 'Rathmore West' will provide for 34 number units and will be accessed via two number new vehicular entrances from Raheny Close and

Loughcommon Lane and two number pedestrian /cycle entrances from Rathmore Road. The proposed development will include the provision of a total of 7,533 square metres of landscaped public open space, private amenity space, associated boundary treatments; a total of 164 number on-curtilage car parking spaces, street lighting, ESB substation, drainage and water supply infrastructure, and all ancillary site development works required to facilitate the proposed development, all on lands to the east and west of Rathmore Road (R127) and Lusk North Park at Clonrath Avenue, Lusk, County Dublin. The proposed development has a gross site area of 3.5 hectares.

## **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 28 and directs the said Council to REMOVE condition number 28 and the reason therefor.**

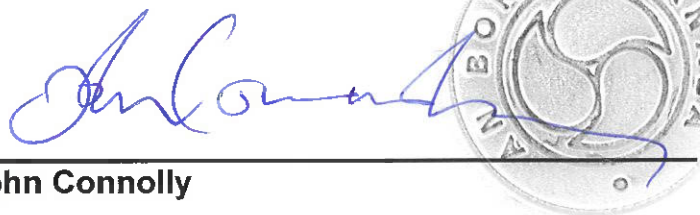
## **Reasons and Considerations**

Having regard to the satisfactory level public open space provision, the provisions of the Fingal County Development Plan 2017-2023 which facilitate financial contributions in lieu of public open space provision, and the Fingal County Development Contribution Scheme 2021-2025 which provides for the payment of a contribution in lieu of public open space provision, it is considered that the terms of the development contribution scheme have not been properly applied as no financial contribution is required in lieu of public open space provision.

In deciding not to accept the Inspector's recommendation to amend condition number 28, the Board did not agree that there was a shortfall in public open space provision.

## **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.



**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 28<sup>th</sup> day of SEPTEMBER 2021.