



An
Bord
Pleanála

Board Order
ABP-314930-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD 18A/310

WHEREAS by Order dated the 27th day of September, 2019, An Bord Pleanála, under appeal reference number ABP-304659-19, granted subject to conditions a permission to Phoenix Croft Limited care of CKPM of 18 Landscape Avenue, Churchtown, Dublin for development comprising construction of a 25 unit residential housing development on a site extending to 0.96 hectares consisting of the following: one number detached, two and a half storey five bedroom house (Type 1, 295 square metres), one number detached, two and half storey five bedroom house (Type 1a, 270 square metres), one number detached, two and a half storey four bedroom house (Type 1b, 270 square metres), one number detached, two and a half storey five bedroom house (Type 1c, 280 square metres), one number detached, two and a half storey five bedroom house (Type 1d, 270 square metres), eight number detached, two and a half storey houses (Type 2, 150 square metres each), a two-storey, semi-detached block consisting of: one number two bedroom house (Type 3, 70 square metres), one number two bedroom house (Type 3a, 74 square metres), 10 number semi-detached two and a half storey houses (Type 4, 150 square metres each), all associated site development works including landscaping works, public lighting, ground works, (reduction of existing site level), boundary treatment, roads, footpaths, foul drainage,

surface water drainage including attenuation, water main and site entrance piers (with no gates). All on a site to the north of the N4 Lucan by-pass and to the east (end of) Ardeevin Avenue, Lucan, County Dublin:

AND WHEREAS condition number 18 attached to the said permission required the developer to lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development and the condition required that the form and amount of the security were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the requirement of a tree bond in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 21st day of October, 2022 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 based on the Reasons and Considerations set out below, hereby determines that condition number 18 does not require the provision of a tree bond.

Reasons and Considerations

Having regard to:

- (a) the Inspector's Report and Board Order under ABP-304659-19,
- (b) section 34(5) of the Planning and Development Act, 2000, as amended,
- (c) South Dublin County Council's Taking in Charge Policy (2nd revision, June 2018),
- (d) Clause 1 of South Dublin County Council's Record of Executive Business and Manager's Order (P/0075/13) relating to the scale of charges for security bond conditions to be attached to permissions for housing developments,
- (e) the submission on file, and
- (f) the general practice of applying specified 'Tree Bond' conditions where deemed necessary and in accordance with proper planning and sustainable development,

the Board considers that the terms of condition number 18 of ABP-304659-19 do not provide for payments other than those prescribed in Clause 1 of the afore-mentioned Manager's Order (P/0075/13).



Mary Henchy

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

Dated this *21st* day of *December* 2023.