

An
Bord
Pleanála

Board Order ABP-315103-22

Planning and Development Acts 2000 to 2022

Amendment of Board Order

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0999

Proposed Development: Demolition of existing dwelling and replacement with a two-storey detached dwelling utilising existing vehicular access, and two semi-detached two-storey dwellings with new vehicular access driveways, all at 41 Hainault Road, Dublin.

WHEREAS the Board made a decision to grant subject to conditions a permission to Patrick and Patricia Boylan by Order dated the 15th day of November, 2023,

AND WHEREAS it has come to the attention of the Board that a bond/security condition for the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services, and a section 49 financial contribution condition for a supplementary development contribution scheme was omitted from the Order due to a clerical error,

AND WHEREAS the Board considered that the inclusion of the above-mentioned two conditions would not result in a material alteration of the terms of the permission, the subject of the decision,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the appeal the subject of this amendment,



NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision so that it shall include the said two conditions which shall read as follows:

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 11th day of March 2024.