



An
Bord
Pleanála

Board Order
ABP-316408-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0036

Appeal by Colm Shine and Cara Herbert care of Collier Law Solicitors of 326 Clontarf Road, Clontarf, Dublin against the decision made on the 30th day of March, 2023 by Fingal County Council to grant permission subject to conditions to Jackie Greene Construction Limited care of Mc Crossan O'Rourke Manning Architects of 1 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Revisions to previously permitted development register reference F16A/0152, register reference F16A/0152/E1A as amended by register reference F22A/0562. The proposed revisions to the permitted development comprise of the following; (a) alterations to the garden boundaries of unit number 44, (b) revisions to the site layout consisting of a change in location for units numbers 45 and 46 and associated revisions to roads and open space and (c) revised detached house types for units 45 and 46, all at lands in the townlands of Ballymacartle and Greenwood, Parish of Kinsaley, North of Ashgrove and Baskin Cottages and Baskin Lane (L2055), Cloghran, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the original grant of permission and the need to protect the residential amenity of adjoining property it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The terms and conditions of the grant of permission by An Bord Pleanála under appeal reference number PL06F.247545 shall be complied with in full, save for the changes to plans submitted in this application. In respect of condition number 2 of the grant of permission under appeal reference number PL06F.247545, no further construction or excavation works shall take place in the area of the proposed hammerhead, adjacent to the proposed open space or at the site of the proposed E-type house until Japanese Knotweed has been eradicated from the site to the written satisfaction of the planning authority.

Reason: In the interest of proper planning and sustainable development.

3. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 the Board 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *28th* day of *February*, 2024.