



An
Bord
Pleanála

Board Order ABP-318883-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0659

Appeal by Jump Zone North Limited care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin against the decision made on the 15th day of December, 2023 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Continuation of existing use for indoor sport activities. Temporary permission was granted for five years under planning register reference number F13A/0439 and further extended for five years under planning register reference number F19A/0009 at Unit 27, Airways Industrial Estate, Santry, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to REMOVE condition number 2 and the reason therefor and to ATTACH two further conditions so that they shall be as follows for the reasons set out.

Further Conditions

The widths of both of the vehicular accesses to the site shall be reduced to a detail to be agreed in writing with the planning authority.

Reason: In the interest of amenity and of traffic and pedestrian safety.

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 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

Having regard to:

- (a) the zoning of the site under 'GE' General Employment to 'Provide opportunities for general enterprise and employment' as set out in the Fingal County Development Plan 2023-2029,
- (b) planning policies and objectives under the Fingal County Development Plan 2023-2029, particularly EE01, EEP2, EE014, CIOS06, CIOSP8, and CIOS013,

- (c) the existing pattern of development in the vicinity, and
- (d) the planning history of the site,

the Board considered that the removal of condition number 2 would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, would otherwise be acceptable in terms of pedestrian and traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In the context of permitting the permanent continued use of the site for indoor recreation, as per the removal of condition number 2, the Board considered it appropriate to attach a condition requiring that the vehicular accesses be rectified to a state that is more appropriate to the use.

In the context of permitting the permanent continued use of the site for indoor recreation, as per the removal of condition number 2, the Board considered it appropriate to attach a development contribution condition pursuant to section 48 of the Planning and Development Act 2000, as amended.



Joe Boland

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

Dated this 11th day of July 2024.