

An
Bord
Pleanála

Board Order
ABP-320701-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0066

Appeal by Carroll Estates (Rush Limited) care of Downey Chartered Town Planners of 29 Merrion Square, 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 numbers 20 and 32 of its decision made on the 2nd day of August, 2024.

Proposed Development: The proposed development will consist of the construction of 49 number residential units comprising of 44 number semi-detached type units (33 number three bed two-storey houses, 10 number three bed 2.5 storey houses, and one number four bed 2.5 storey house), and five number detached type units (two number three two-storey houses, one number four bed 2.5 storey house, and two number four bed three-storey houses), all provided with private gardens and associated carparking; bin and bicycle stores; utilisation of the existing vehicular access on Park Road; landscaping; boundary treatments including works to existing boundary treatments; public lighting; and all associated site infrastructure and engineering works necessary to facilitate the development at Park Road, Rush, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 9th day of July, 2024)

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 conditions numbers 20 and 32 and directs the said Council to REMOVE conditions numbers 20 and 32 and the reasons therefor.


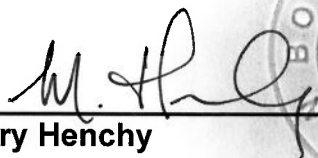
Reasons and Considerations

The Board noted the planning authority's submission advising that condition number 20 is a duplicate condition and should be removed, the Board concurred.

The Fingal County Council Section 48 Development Contribution Scheme, 2021-2025, provides for a contribution in lieu where there is a shortfall in open space. In this instance the applicant has provided an area greater than 12% of the gross site area as public open space and an area of approximately 15% of the site area (net the land reserved within the site for the yet to be finalised alignment for the north south Rush Relief Road). This open space provision accords with the quantity of open space required for residential development as set out in Section 4.5.2.3 of the Fingal County Development Plan 2023-2029. As the Board concurs with the applicant that the quantity of open space provided accords with the Fingal County Development Plan requirements, therefore, the requirement for a contribution in lieu of open space does not apply.



The Board did not concur with the Inspectors recommendation as the Board considered the open space provided accords with the requirements of the Fingal County Development Plan 2023-2029 and, therefore, the requirement to pay a contribution in lieu of open space does not apply.



Mary Henchy

Member of An Bord Pleanála

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

Dated this



day of



2025.