

An  
Bord  
Pleanála

## Board Order ABP-320894-24

### Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0479E

**Appeal** by NT Palmer Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, 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 19 and 31 of its decision made on the 28<sup>th</sup> day of August, 2024.

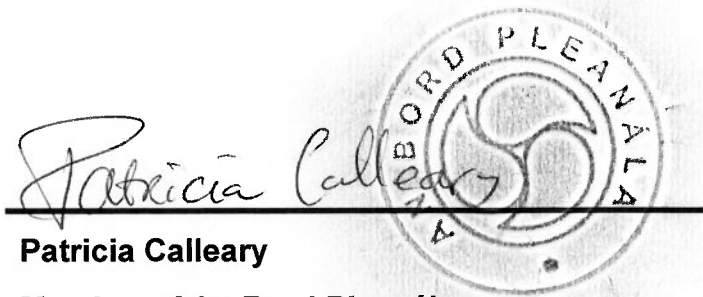
**Proposed Development:** Development consisting of construction of 28 number residential dwellings (seven number two-bed, 19 number three-bed and two number four-bed houses, each two storeys) each with private open space and on curtilage parking, a new access from Palmer Road at the southern perimeter of the site with pedestrian footpath and landscaping, a total of 51 car parking spaces with cycle parking provided within dedicated stores or to the rear of houses, a total of circa 0.113 hectares of public open space at the northern perimeter of the site (circa 566 square metres) (with existing hedgerow retained) and the south-west corner of the site (circa 560 square metres), and ESB substation (circa six square metres) at the south-west corner of the site accessed from Palmer Road, and all associated access, public lighting, landscaping, boundary treatments, bin stores, engineering works and other infrastructure to facilitate the development, all at (circa 0.8 hectares) site on lands north of Palmer Road and west of Palmer Avenue, Rush, County Dublin.

## **Decision**

**The Board, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition numbers 19 and 31 and directs the said Council to REMOVE condition numbers 19 and 31 and the reasons therefor.**

## Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development, including the provision of public open space therein, the totality of the relevant provisions of the Fingal County Development Plan 2022-2028, the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, and the detailed submissions on file from the appellant and the planning authority, it is considered that the proposed development would incorporate a sufficiency of public open space on site in excess of 15% and that a contribution in-lieu of open space is not warranted. Therefore, the Board, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that the terms of the Fingal County Council Development Contribution Scheme 2021-2025 for the area has not been properly applied in respect of condition number 19 and condition number 31 and directs the said Council to remove both conditions.



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

Dated this 10<sup>th</sup> day of March 2025.