



An
Bord
Pleanála

Board Order 29N.RH.2049

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3910/15

WHEREAS a dispute has arisen between the planning authority and the developer in relation to the agreement required by condition number 8 of the grant of permission made by Dublin City Council on the 11th day of April, 2016 under planning register reference number 3910/15 in respect of a development at Haremount and Lonsdale, 726-728 Howth Road, Dublin:

AND WHEREAS this dispute was referred to An Bord Pleanála by Athwood Limited care of MKN Property Group of The Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin on the 9th day of August, 2018:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) section 96 of the 2000 Act, as amended,

- (b) the Ministerial Guidelines on implementation of Part V that accompanied Circulars Housing 5/2017, Housing 41/2016, Housing 20/2016 (PL4/2016), Housing 36/2015 and Housing 33/2015, and that were issued under section 28 of the Planning and Development Act, 2000, as amended,
- (c) the provisions of the Dublin City Development 2016-2022 and the accompanying Housing Strategy,
- (d) the planning history of the site,
- (e) the Inspector's report, including observations on site, and
- (f) correspondence and submissions made in connection with the case:

AND WHEREAS An Bord Pleanála has concluded that the transfer to the ownership of the planning authority, of a house on the referral site, would be consistent with the criteria listed under section 96(3)(c) and section 96 (3)(h) of the 2000 Act, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 96(5) of the Planning and Development Act 2000, as amended, hereby determines that the developer shall enter into an agreement with the planning authority under section 96 of the said Act, within eight weeks of the date of this order and the developer shall provide transfer to the ownership of the planning authority, of a house on the referral site, as facilitated by section 96 (3)(b)(i) of the Act.

