



An
Bord
Pleanála

Board Order

17.RP.2146

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council

Planning Register Reference Number: LB/161121

WHEREAS by order dated the 23rd day of January, 2017, Meath County Council, under planning register reference number LB/161121, granted subject to conditions a permission to Urban Life (Seabury) Limited care of Van Dijk Architects of Mill House, Mill Street, Dundalk, County Louth for development comprising alterations to previously granted planning register reference number SA/50515 (as extended under planning register reference number SA/110436), planning register reference number SA/60549 (as extended under planning register reference number SA/110598) and planning register reference number LB/160452 to provide for replacement of permitted four number two-storey semi-detached dwellings and one number two-storey detached dwelling with two number two-storey semi-detached dwellings and a single terrace of dwellings comprising four number two-storey dwellings, together with landscaping, boundary treatment and all associated site development works with access off the existing Seabury Housing Estate Road, at Seabury Lawns, Mornington, Drogheda, County Meath.

AND WHEREAS condition number 24 attached to this permission required the developer to lodge with the planning authority a cash deposit of €42,000, as a security for satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, watermains, sewers, drains, public lighting, open space, landscaping and any other services required with the development and the condition stated that in the event of the non-completion or maintenance of the services, the planning authority shall be empowered to apply the said funds or part thereof to the satisfactory completion of and maintenance as aforesaid of any part of the development:

AND WHEREAS the developer and the planning authority failed to agree on the form of the security in compliance with the terms of this condition and the matter was referred by the developer to An Bord Pleanála on the 15th day of March, 2017 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that condition number 24 of planning register reference number LB/161121 shall be as follows:-

The developer to lodge with the planning authority a cash deposit of €42,000 (forty two thousand euro), as a security for satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, watermains, sewers, drains, public lighting, open space, landscaping and any other services required with the development In the event of the non-completion or maintenance of the services, the planning authority shall be empowered to apply the funds or part thereof to the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard:

Reasons and Considerations

Having regard to:

- (a) section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of Meath County Council Development Plan 2013-2019 and specifically Section 12.4.4 of the Development Plan,
- (c) Section 7.13 of the Development Management Guidelines issued by the Department of the Environment, Heritage and Local Government, in June 2007, and
- (d) the planning history of the site and the overall development of which it forms a part,

the Board considered that the planning authority had acted within its discretion in relation to the form of security it required in relation to the proposed development and did not consider that the provision of a bond, in lieu of a cash deposit, was appropriate, in this instance.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2018