

**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co Dublin

**An Roinn Pleanála, Maoine
agus Forbartha Eacnamaíche**
Bosca 174
Aras an Chontae
Sord
Fíne Gall
Contae Átha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



Fingal County Council
Comhairle Contae Fhine Gall

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACTS, 2000-2002 AND REGULATIONS MADE
THEREUNDER**

Decision Order No. 2813	Decision Date 24 August, 2004
Register Ref. F04A/0143	Registered 29 July, 2004

Applicant Joe Wade Developments Ltd

Development Revised plans on foot of request for additional information 42 no own hall door duplexes dwellings, comprising of 18 no ground floor 1 bed units, 3 no ground floor 2 bed units and 21 no upper floor 2 bed units in 4 no two and a half to three storey blocks, all on and off site development and ancillary works, including revised site layout, all on site of circa 0.88Ha (2.18Ac) adjacent to and accessed from Castleland Court (currently under construction Reg Ref F98A/1195) and bounded to the south by the Balbriggan Inner Relief Road (Currently under construction)

Location Castleland Court, Balbriggan, Co Dublin

Floor Area 2282.3 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received 25-Mar-2004, 07-Jul-2004 / 11-Jun-2004, 29-Jul-2004

In pursuance of its functions under the above mentioned Acts, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal

Subject to the (16) conditions on the attached Pages

Signed on behalf of the Fingal County Council

Terry & O' Flanagan Ltd.
Unit F1, Centrepoint Business Park
Oak Road
Dublin 12

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made, another person can become an observer and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003 ¹	On or after 3 June 2003 ¹
Planning Acts²		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made where the application relates to unauthorised development	€380.00	€1,800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ³	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies ³)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise, fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001) apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal. First party (section 37 appeals) planning appeals not involving commercial or unauthorised development. All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003, the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 858 8100.

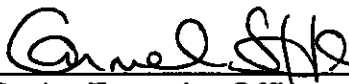
**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co Dublin

**An Roinn Pleanála, Maoine
agus Forbartha Eacnamaíche**
Bosca 174
Aras an Chontae
Sord
Fine Gall
Contae Átha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



Fingal County Council
Comhairle Contae Fhine Gall


for Senior Executive Officer

24 August, 2004

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision [N.B. Not the date on which the decision is sent or received]. A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made, another person can become an observer and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be, after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003 ¹	On or after 3 June 2003 ¹
Planning Acts²		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, where the application relates to unauthorised development	€380.00	€1 800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a) (b) (c) or (f) ³	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies ³)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise fees under the Local Government (Planning and Development) Regulations 2001 [SI 525 of 2001] apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal, First party (section 37 appeals) planning appeals not involving commercial or unauthorised development, All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003 the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters you should contact An Bord Pleanála for clarification at (01) 858 8100.

**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co Dublin

**An Roinn Pleanála, Maoine
agus Forbartha Eacnamaíche**
Bosca 174
Aras an Chontae
Sord
Fine Gall
Contae Átha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



Conditions and Reasons

1. The development to be carried out in its entirety in accordance with the plans, particulars, specifications, and information lodged with the application, as amended by additional information received on 11th June 2004 and clarification of additional information received on 29th July 2004, save as may be required by the other conditions attached hereto

REASON To ensure that the development shall be in accordance with the permission and that effective control be maintained

2. Each apartment shall be occupied as a single dwelling unit

REASON To prevent unauthorised development

3. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works

REASON To protect the amenities of the area

4. That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site

REASON In the interest of amenity

5. That public lighting be provided as each street is occupied in accordance with a scheme to be approved by the County Council so as to provide street lighting to the standard required by the County Council

REASON In the interest of amenity and public safety

6. That no dwellinghouse be occupied until all the services have been connected thereto and are operational

REASON In the interest of the proper planning and sustainable development of the area

7. That the area shown as open space be levelled, soiled, seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision (NB Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F C C must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made, another person can become an 'observer' and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be, after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003 ¹	On or after 3 June 2003 ¹
Planning Acts²		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, where the application relates to unauthorised development	€380.00	€1 800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a) (b) (c) or (f) ³	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies ³)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001) apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal. First party (section 37 appeals) planning appeals not involving commercial or unauthorised development. All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003, the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 858 8100.

**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co. Dublin

**An Roinn Pleanála, Maoiní
agus Forbartha Eacnamaíche**
Bosca 174
Aras an Chontae
Sord
Fine Gall
Contae Átha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



Fingal County Council
Comhairle Contae Fhine Gall

REASON In the interest of the proper planning and sustainable development of the area

8. That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council

REASON In the interest of the proper planning and sustainable development of the area

9. That the areas shown and conditioned as open space be fenced off during construction work and shall not be used for the purpose of site compounds or for the storage of plant, materials or spoil

REASON To protect the amenities of the area

10. That the area shown as open space be levelled, soiled, seeded and landscaped to the satisfaction of the County Council, and to be available for use by residents on completion of their dwellings. A landscape plan with full works specification and bill of quantities etc, shall be submitted to and agreed with the Planning Authority before the commencement of development. Such plan shall include regrading, drainage, topsoiling, seeding, tree and shrub planting, pedestrian paths and details of maintenance

OR /

In lieu of the open space being developed by the applicants, a financial contribution of €381 per house shall be paid to the County Council to enable this work to be carried out. This cost to be paid on a phased basis as agreed with the Planning Authority

REASON In the interest of the proper planning and development of the area

11. The six car parking spaces located in the main area of public open space shall be omitted and replaced with six off-street parking spaces elsewhere on the site

REASON In the interest of the proper planning and development of the area

12. The following requirements of the Water Services Department shall be complied with in this development

FOUL SEWER

1. To ensure the protection of the infrastructure, all manholes must have sufficient cover in accordance with 'Recommendations for Site Development Works for Housing

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision (NB Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F C C must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made, another person can become an observer and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003 ¹	On or after 3 June 2003 ¹
Planning Acts²		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made where the application relates to unauthorised development	€380.00	€1 800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ³	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies ³)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001), apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal. First party (section 37 appeals) planning appeals not involving commercial or unauthorised development, All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003 the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters you should contact An Bord Pleanála for clarification at (01) 858 8100.

**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co Dublin

**An Roinn Pleanála, Maoiné
agus Forbartha Eacnamaíche**
Bosca 174
Aras an Chontae
Sord
Fine Gall
Contae Ailtha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



Fingal County Council
Comhairle Contae Fhine Gall

Areas' and the Building Regulations for Drainage and Wastewater Disposal

2 To ensure the protection of the infrastructure, all drainage in public areas must be in accordance with 'Recommendations for Site Development Works for Housing Areas' and the Building Regulations for Drainage and Wastewater Disposal. No pipes below 225mm diameter are acceptable.

3 To ensure the protection of the infrastructure, all drainage in private areas must comply with the Building Regulations for Drainage and Wastewater Disposal and Dublin City Council Standard Manhole Details. Manhole wall construction details will be examined on an individual basis.

4 No foul drainage is to discharge into the surface water system under any circumstances.

SURFACE WATER

1 Prior to commencement applicant to submit and agree detailed calculations indicating the maximum allowable surface water discharge.

2 No surface water/ rainwater is to discharge into the foul sewer system under any circumstances.

WATER SUPPLY

1 To ensure the acceptable provision and siting of the water supply network, the applicant must receive written approval from the Water Division, Fingal County Council before works commence.

2 To assist in monitoring the level of service, at each stopcock the applicant is to provide a boundary box to a design approved by the Water Division, Fingal County Council.

3 The following works shall be carried out by Fingal County Council Water Division at the applicant's prior expense:

- (a) the connection to the public watermain,
- (b) the testing, cleansing and sterilisation of all new mains,
- (c) the provision of tappings to serve individual properties

4 To ensure a continuation of water supply, the applicant is to provide for 24 hour water storage.

5 All water fittings and installations should incorporate best current practices in

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made, another person can become an observer and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be, after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003'	On or after 3 June 2003'
Planning Acts'		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development , made by the person by whom the planning application was made where the application relates to unauthorised development	€380.00	€1,800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development , made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)'	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies*)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001), apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal. First party (section 37 appeals) planning appeals not involving commercial or unauthorised development, All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003 the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 858 8100.

**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co Dublin

**An Roinn Pleanála, Maoine
agus Forbartha Eacnamaíche**
Bosca 174
Aras an Chontae
Sord
Fine Gall
Contae Átha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



Fingal County Council
Comhairle Contae Fhine Gall

water conservation

REASON In the interest of the proper planning and development of the area

- 13.** This development shall not be carried out without the payment of a development contribution

REASON Investment by Fingal County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same

- 14.** The developer shall pay the sum of €384,484 (updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), Published by the Central Statistics Office) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the council. The phasing of payments and the giving of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development

REASON It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority

- 15.** That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, until taken in charge by the Local Authority for roads, open spaces, car parks, sewers, watermains and drains has been given by -

A Lodgement with the Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €168,000 which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council OR/

B Lodgement with the Council of a Cash Sum of €105,000 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification OR/

C Lodgement with the Planning Authority of a letter of guarantee by any body approved by the Planning Authority for the purpose in respect of the proposed

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made, another person can become an observer and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be, after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003 ¹	On or after 3 June 2003 ¹
Planning Acts²		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development , made by the person by whom the planning application was made where the application relates to unauthorised development	€380.00	€1 800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ³	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies ³)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001) apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal, First party (section 37 appeals) planning appeals not involving commercial or unauthorised development. All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003 the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 858 8100.

**Planning / Property
& Economic Development
Department**
P O Box 174
County Hall
Swords
Fingal Co Dublin

**An Roinn Pleanála, Maoine
agus Forbartha Eacnamaíche**
Bórcra 174
Aras an Chontae
Sord
Fine Gall
Contae Átha Cliath

Telephone
(01) 890 5670
Fax
(01) 890 6779
Email
planning@fingalcoco.ie
www.fingalcoco.ie



development in accordance with the guarantee scheme agreed with the Planning Authority and such lodgement in any case has been acknowledged in writing by the Council

REASON To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development

- 16.** That a financial contribution in the sum of €63,220 be paid by the applicant in lieu of open space provision towards the cost of amenity works in the area of the proposed development

REASON The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services

NOTE: A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

- 1 An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2 Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
- 3 An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
- 4 A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (j) below).
- 5 Where an appeal has already been made another person can become an observer and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6 If the Council makes a decision to grant permission/retention/outline grant of permission consequent on an outline permission and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be, after the expiration of the period for the taking of such an appeal. If all appeals on an application made in accordance with the Acts have been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7 Fees payable to An Bord Pleanála

Case Type	On or before 30 May 2003'	On or after 3 June 2003'
Planning Acts'		
(a) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, where the application relates to unauthorised development	€380.00	€1 800.00
(b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made other than an appeal mentioned in (a)	€380.00	€600.00
(c) Appeal made by the person by whom the planning application was made where the application relates to unauthorised development other than an appeal at (a)	€150.00	€600.00
(d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)*	€150.00	€200.00
(e) Application for leave to appeal	N/A	€100.00
(f) Appeal following a grant of leave to appeal	€150.00	€100.00
(g) Referral	€150.00	€200.00
(h) Reduced fee (payable by specified bodies ¹)	€75.00	€100.00
(i) Submissions or observations (by observer)	€45.00	€50.00
(j) Request from a party for an oral hearing	€75.00	€90.00

1 Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11 March 2002 and the appeal or referral is received in the Board on or after 3 June 2003. Otherwise fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001), apply.

2 Applies to All third party appeals except where the appeal follows a grant of leave to appeal. First party (section 37 appeals) planning appeals not involving commercial or unauthorised development, All other (non section 37) first party appeals.

3 These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3 June 2003 the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994 as amended.

NB This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 858 8100.

P/2813/04

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

€384,484
€63,220
€381,000

Register Reference: F04A/0143

Date of Registration: 29 July, 2004

€168,000
€105,000

Correspondence: Terry & O'Flanagan Ltd Unit F1, Centrepoint Business Park, Oak Road, Dublin 12

Development: Revised plans on foot of request for additional information 42 no own hall door duplexes dwellings, comprising of 18 no ground floor 1 bed units, 3 no ground floor 2 bed units and 21 no upper floor 2 bed units in 4 no two and a half to three storey blocks, all on and off site development and ancillary works, including revised site layout, all on site of circa 0.88Ha (2.18Ac) adjacent to and accessed from Castleland Court (currently under construction Reg Ref F98A/1195) and bounded to the south by the Balbriggan Inner Relief Road (Currently under construction)

Location: Castleland Court, Balbriggan, Co Dublin

Applicant: Joe Wade Developments Ltd

Application Type: Permission

Zoning:

Planning Officers Report:

EB/MmcG

Report of the Planning Officer dated 19th March 2004

This is an application for **PERMISSION** to construct 21 no two storey dwellings consisting of 1 no 4 bed detached, 12 no 3 bed semi-detached and 8 no 3 three bed terraced dwellings, relocation of access road (approved under F98A/1195) by circa 16.6 metres to the north and associated site works adjacent to development under construction F98A/1195 and bounded to the south by the Balbriggan inner relief road at Castleland Court, Balbriggan, Co Dublin by Joe Wade Development Ltd

Zoning

In the 1999 Fingal County Council Development Plan, The subject site is located within an area with the zoning objective A 'To protect and improve residential amenity in established residential areas'

Planning History

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg Ref.. F04A/0143

F98A/1195 Permission was granted for the construction of 136 no units and for construction of part of a district distributor road from its junction with Dublin street eastwards to provide access to the site lands and for all ancillary services, landscaping and site works for J Keeling

F99A/0112 Permission was granted for outline permission for the residential development of 70 dwellings and 16 duplex units over 16 apartments with lands adjoining Wavin premises reserved for possible future post primary school Vehicle and pedestrian access to be provided by construction of part of inner relief road from the subject site eastwards to link with the Skerries Road via proposed new bridge and access roads for J Keeling

Departmental Reports

Transportation Dept Additional Information is requested regarding a set back of 9 metres from the reservation of the Inner Relief Road, speed control curve at entrance, separation distance between existing car parking and proposed road and gradients

Parks Dept No objections subject to conditions, however the turning bays as per lodged will have a negative impact on the usage of open spaces and should be redesigned

Water and Drainage Dept Insufficient information has been provided regarding the disposal of foul and surface water There are no objections, subject to conditions, in regard to the connection to water supply

Objections

No objections have been received by me to date

Description of Existing and Proposed Development.

The subject site has a stated area of 2.18 acres and is located adjacent to a previously approved housing scheme which is currently under construction Reg Ref F98A/1195 for 136 no units The subject site shall be accessed from an access point from a roundabout on the Balbriggan Inner Relief road, which is also currently under construction

The proposed development consists of 21 no two storey dwellings, one of which is detached, 12 are semi-detached and 8 terraced, one block of 5 units and a block of three units

House type A is a four bed detached dwelling with a stated ridge height of 8.5 metres and a stated floor area of 118.3 sq metres

House type B is a 3 bed semi-detached dwelling with a stated ridge height of 8.5 metres and a stated floor area of 108.32sq metres

House type C is a 3 bed terraced dwelling with a stated ridge height of 8.5 metres and a stated floor area of 108.32sq metres These dwellings are arranged in two blocks, a block of five and a block of three All proposed dwellings have a quarter hipped roof and external finishes include selected blue/black concrete roof tiles, external render in neutral colour and texture and selected brick finish

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref.: F04A/0143

Appraisal

In assessing the proposed development there are a number of key issues which require consideration, the proposed dwellings are located at a critical location, as they shall form the visual entrance of the previously approved housing development Reg Ref F98A/1195 and shall bound the new inner relief road, currently under construction

In this regard it is considered that the proposed layout is unsatisfactory, as blank side gables shall be orientated onto the new road, this is considered inappropriate. It shall be necessary to modify the proposed housing layout in order that the housing addresses the new road

Furthermore the proposed finished floor levels of the dwellings give rise to concern in that the levels of units 1-5 and units 5-10 show a differential of approx 3.4 to 3.8 metres in levels, whereby creating undue overlooking at the rear of the properties

In relation to private open space the proposed development meets the requirements of section 4.7.4 of the County Development plan in that all the dwellings have a minimum of 60 sq metres of private open space

In regard to the provision of public open space, 2515 sq metres of has been provided, Section 4.7.2 of the County Development Plan outlines the Council's standards, the policy states that a minimum of 25 sq metres of open space be provided for every bedspace. In the proposed development there are 86 bedspaces, hence the open space provided meets the minimum standard. However the proposed turning bays will have a negative impact on the usage of the open spaces and should be re-designed accordingly

The entrance to the housing estate was previously approved under Reg Ref F98A/1195, however this has been modified slightly in that it has been relocated approx 16.5 metres northwards. The Transportation Department has no objections to the relocation in principle however additional information has been requested

The applicant has submitted insufficient information in relation to the disposal of foul and surface water, there are no objections to the provision of water supply

In conclusion in assessing the application there are a number of issues that require further information, particularly in relation to the proposed access road and the disposal of foul and surface water. In addition there are a number of concerns in relation to the proposed housing layout which shall require modifications. Hence it is recommended that additional information be sought on the following issues

Additional Information was requested from the Applicant on 25th March 2004 with regard to the following:

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref.. F04A/0143

- 1 The applicant is requested to submit a revised housing layout providing for the following
 - i) The proposed dwellings should be relocated in order to address the inner relief road
 - ii) The finished floor levels of the proposed dwellings shall not exceed +/- 2 metres from adjoining properties
 - iii) A set back of 9 metres from the reservation of the Balbriggan Inner Relief Road shall be provided
 - iv) The turning bays should be re-designed in order to lessen the impact on the public open space
- 2 The applicant is requested to submit the following, these details shall be agreed in consultation with the Transportation Department of Fingal County Council prior to submission to the Planning Department
 - i) Details of a speed control curve at the entrance with a minimum internal radius of 10 metres
 - ii) The continuation of the verge, footpath and cyclepath to the northeast of the roundabout and to the north of the proposed road This layout is to include for a separation between the existing car parking and the proposed road
 - iii) Gradients of entrance drives and off street car parking not to exceed 5% and to be in line with Part M of the Building Regulations
- 3 The applicant is requested to submit the following, all details shall be agreed in consultation with the Water and Drainage Department of Fingal County Council prior to submission to the Planning Department
 - i) Acceptable details of the proposed foul and surface water drainage, including the connection to the public sewer, pipe size and gradient, invert level and cover levels and details of existing connections to the drain
 - ii) A storm water management system following the principle of sustainable urban drainage and in compliance with the Dublin City Council Storm water Management Policy
The proposed development may cause flooding downstream of the outfall due to not implementing measures to minimise storm water runoff

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref · F04A/0143

- 4 The applicant is requested to submit a revised landscape plan, to be agreed in consultation with the Parks Department of Fingal County Council. The submitted landscape drawing 025 is considered acceptable in principle however modifications are required
- 5 The applicant is requested to submit detail of proposals to comply with Part V of the Planning and Development Act 2000 or details of any agreement/ discussion with the Council's Housing Department

NH/FM

Subsequent Report of the Planning Officer dated 6th July 2004.

Additional Information was received on 11th June 2004

The applicants submitted a revised site notice drawing the public's attention to the fact that they have submitted significant further information/revised plans and that these may be inspected in Fingal County Council offices

In regard to the specific matters in the request for Additional Information the response was as follows

Item 1

The layout has been redesigned in response to the request for additional information. The houses have been replaced by duplex units and the number of units increased to 42. As a result of these major changes a revised public notice was submitted.

The applicants proposed 42 duplex units comprising -

- 18 no ground floor, 1 bed units,
- 3 no ground floor, 2 bed units,
- 21 no upper floor, 2 bed units

These units are accommodated in 4 no blocks. Three blocks face the new Balbriggan Inner Relief Road

The design and layout of the proposed units is acceptable and will provide a good streetscape to the inner relief road. The finished floor levels do not exceed +/- 2 metres from adjoining properties. The units are all set back 9 metres from the inner relief road

These proposed changes in overall layout are acceptable

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref.. F04A/0143

Item 2

- (i) The access roads have been redesigned as requested
- (ii) The grass verge, footpath and cycle path to the north-east of the roundabout has been connected and crossed over and connected to the opposite side of the access road. The layout has also been amended to include for a separation between the approved car parking and estate road
- (iii) All gradients of off-street parking do not exceed %5

The applicant is providing 57 car parking spaces to serve the proposed development

The Transportation Department has no objection to the proposed development subject to condition

Item 3

- (i) The applicants have submitted details of the proposed foul and surface water drainage. These including connection to the existing private foul (450mm) and surface water sewer (900mm) including pipe size and gradient invert level and cover levels. The above foul and surface water sewers are connected to existing Council foul and surface water sewers
- (ii) The applicants have submitted details for the storm water management system following the principle of sustainable urban drainage

The Water Services Department reports that insufficient information has been submitted on drainage arrangements

Additional Information should be requested on these matters

Item 5

The applicants have discussed the provision of social housing with the Housing Department. No agreement has however been reached. Any permission should carry a condition that detailed proposals be agreed

ASSESSMENT

The revisions in the layout proposed as part of the Additional Information submission result in the area of public open space becoming a backland area, which is overlooked by no residential property. This is unacceptable. The Parks Department emphasises the above point and state that the area could become a focus for anti-social behaviour. The Parks Department also requires a satisfactory landscape plan and details of boundary treatment

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg Ref.. F04A/0143

The applicants have not shown any private open space for the ground floor apartments. The applicants should be requested as additional information to provide a private patio area for each ground floor apartment.

I recommend that clarification of additional information be requested on the following matters:

Clarification of Additional Information was requested from the applicant on 7th July 2004 with regard to the following:

- 1) The applicants are requested to provide the following additional information on the drainage arrangements:

Foul Sewer

- i) Details and calculations of the downstream connection to the foul and surface water security

Surface Water

- i) Details of the proposed attenuation system indicating how it will perform in a storm situation
- ii) To indicate the location of restriction to the surface water discharges

- 2) The revisions in the layout result in the area of public open space becoming a backland area with no overlooking. This is unacceptable. The applicants are requested to revise the layout to ensure that the public open space is accessible and overlooked.
- 3) The applicants are requested to submit a detailed landscape plan for the site including details of planting, maintenance and boundary treatment for the open space.
- 4) The applicants are requested to submit proposals for the provision of a private patio area for each of the ground floor apartments in the proposed development.

NH/FM

Subsequent Report of the Planning Officer dated 20th August 2004.

Clarification of Additional Information was submitted on 29th July 2004

Item 1

The applicant has submitted further details of foul and surface water drainage arrangements. The Water Services Department report that they have no objections, subject to conditions.

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref. F04A/0143

Item 2

The applicants have submitted proposals to relocate "Block type A" westwards to the place previously shown as open space. This frees up the area previously occupied by this block to provide the open space. The new area of open space is overlooked by some of the proposed duplex units and by existing houses in Castleland Court. The revised layout is generally acceptable.

The Parks Department reports that only the large area of open space is acceptable as public open space. They state that there is a shortfall of 1000 sq metres of public open space. They recommend a contribution of €250,000 in lieu of this. They also recommend a contribution of €25,000 to develop the open space. They also recommend that the six car parking spaces be moved from the large area of public open space.

Item 3

The applicants have submitted a landscape plan. The Parks Department are dissatisfied with this plan and recommend that a revised landscape plan be required as a compliance.

Item 4

The applicant has shown private patio areas for all the ground floor units. This is acceptable.

I recommend that permission be granted subject to the following conditions

RECOMMENDATION

I recommend that a decision to **GRANT PERMISSION** be made under the Planning and Development Acts 2000-2002, for the following ⁽¹⁵⁾ condition(s) -

Conditions and Reasons

1. The development to be carried out in its entirety in accordance with the plans, particulars, specifications, and information lodged with the application, as amended by additional information received on 11th June 2004 and clarification of additional information received on 29th July 2004, save as may be required by the other conditions attached hereto.

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg Ref.: F04A/0143

REASON To ensure that the development shall be in accordance with the permission and that effective control be maintained

- 2.** Each apartment shall be occupied as a single dwelling unit

REASON To prevent unauthorised development

- 3.** That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works

REASON To protect the amenities of the area

- 4.** That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site

REASON In the interest of amenity

- 5.** That public lighting be provided as each street is occupied in accordance with a scheme to be approved by the County Council so as to provide street lighting to the standard required by the County Council

REASON In the interest of amenity and public safety

- 6.** That no dwellinghouse be occupied until all the services have been connected thereto and are operational

REASON In the interest of the proper planning and sustainable development of the area

- 7.** That the area shown as open space be levelled, soiled, seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings

REASON In the interest of the proper planning and sustainable development of the area

- 8.** That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council

REASON In the interest of the proper planning and sustainable development of the area

- 9.** That the areas shown and conditioned as open space be fenced off during construction work and shall not be used for the purpose of site compounds or for the storage of plant,

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg Ref.. F04A/0143

materials or spoil

REASON To protect the amenities of the area

10. That the area shown as open space be levelled, soiled, seeded and landscaped to the satisfaction of the County Council, and to be available for use by residents on completion of their dwellings. A landscape plan with full works specification and bill of quantities etc, shall be submitted to and agreed with the Planning Authority before the commencement of development. Such plan shall include regrading, drainage, topsoiling, seeding, tree and shrub planting, pedestrian paths and details of maintenance

OR /

Q E381 In lieu of the open space being developed by the applicants, a financial contribution of ~~€300.00~~ per house shall be paid to the County Council to enable this work to be carried out. This cost to be paid on a phased basis as agreed with the Planning Authority. *er*

REASON In the interest of the proper planning and development of the area

11. The six car parking spaces located in the main area of public open space shall be omitted and replaced with six off-street parking spaces elsewhere on the site

REASON In the interest of the proper planning and development of the area

12. The following requirements of the Water Services Department shall be complied with in this development

FOUL SEWER

1 To ensure the protection of the infrastructure, all manholes must have sufficient cover in accordance with 'Recommendations for Site Development Works for Housing Areas' and the Building Regulations for Drainage and Wastewater Disposal

2 To ensure the protection of the infrastructure, all drainage in public areas must be in accordance with 'Recommendations for Site Development Works for Housing Areas' and the Building Regulations for Drainage and Wastewater Disposal. No pipes below 225mm diameter are acceptable

3 To ensure the protection of the infrastructure, all drainage in private areas must comply with the Building Regulations for Drainage and Wastewater Disposal and Dublin City Council Standard Manhole Details. Manhole wall construction details will be examined on an individual basis

4 No foul drainage is to discharge into the surface water system under any

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref.. F04A/0143

circumstances

SURFACE WATER

1 Prior to commencement applicant to submit and agree detailed calculations indicating the maximum allowable surface water discharge

2 No surface water/rainwater is to discharge into the foul sewer system under any circumstances

WATER SUPPLY

1 To ensure the acceptable provision and siting of the water supply network, the applicant must receive written approval from the Water Division, Fingal County Council before works commence

2 To assist in monitoring the level of service, at each stopcock the applicant is to provide a boundary box to a design approved by the Water Division, Fingal County Council

3 The following works shall be carried out by Fingal County Council Water Division at the applicant's prior expense

- (a) the connection to the public watermain,
- (b) the testing, cleansing and sterilisation of all new mains,
- (c) the provision of tappings to serve individual properties

4 To ensure a continuation of water supply, the applicant is to provide for 24 hour water storage

5 All water fittings and installations should incorporate best current practices in water conservation

REASON In the interest of the proper planning and development of the area

~~13.~~ There is a shortfall in the provision of public open space to serve the proposed development. The applicant is to pay to Fingal Co. Co. a financial contribution in the sum of €250,000 in lieu of the required amount of public open space. omit
B

~~REASON~~ In the interest of the proper planning and development of the area

~~13.14.~~ This development shall not be carried out without the payment of a development contribution A

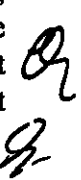
REASON Investment by Fingal County Council in Local Authority works has facilitated

COMHAIRLE CONTAE FHINE GALL

Record of Executive Business and Manager's Orders

Reg Ref F04A/0143

Location Castleland Court, Balbriggan, Co Dublin

- 14 The developer shall pay the sum of €384,484(updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), Published by the Central Statistics Office) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the council. The phasing of payments and the giving of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development. 

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority

- 15 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, until taken in charge by the Local Authority for roads, open spaces, car parks, sewers, watermains and drains has been given by -

A Lodgement with the Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €168,000 which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council OR/ 

B Lodgement with the Council of a Cash Sum of €105,000 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification OR/

C Lodgement with the Planning Authority of a letter of guarantee by any body approved by the Planning Authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the Planning Authority and such lodgement in any case has been acknowledged in writing by the Council

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development

COMHAIRLE CONTAE FHINE GALL

Record of Executive Business and Manager's Orders

Reg Ref F04A/0143

Location Castleland Court, Balbriggan, Co Dublin

- 16 That a financial contribution in the sum of €63,220 be paid by the applicant in lieu of open space provision towards the cost of amenity works in the area of the proposed development

REASON; The provision of such services in the area by the Council will facilitate the proposed development It is considered reasonable that the developer should contribute towards the cost of providing the services



COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg Ref . F04A/0143

Ned Humphreys
Senior Executive Planner

Endorsed:

[Signature]
Administrative Officer

Order: A decision pursuant to Section 34 of the Planning and Development Act 2000 to **GRANT PERMISSION** for the above proposal subject to the ¹⁵ condition(s) set out above is hereby made

Dated 24th August, 2004

[Signature]
Senior Planner/~~Senior Executive Officer~~

To whom the appropriate powers have been delegated by Order of the County Manager, dated

24th August 2004