



An
Bord
Pleanála

Board Direction
BD-002756-19
ABP-301370-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/04/2019.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend condition number 27 as follows:

27. The developer shall pay the sum of €33,290 (thirty three thousand, two hundred and ninety euro) (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 special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the provision of an upgraded signalised junction between Old Ballymun Road and Northwood Avenue. This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Reasons and Considerations

The Board is satisfied that

the proposed public infrastructure the subject matter of the appeal (that is, the provision of an upgraded signalised junction between Old Ballymun Road and Northwood Avenue) is justified and that these works constitute specific exceptional costs that are not covered by the Fingal County Council Development Contribution Scheme 2016-2020; that the said proposed public infrastructure would benefit the proposed development; and that the costs of the works and the apportionment of those costs between the application site and other similarly zoned land parcels that would benefit from the works concerned is reasonable and proportionate.

The Board therefore concludes that the imposition of condition no.27, as amended, conforms to the provisions of Section 48(2)(c) of the Planning and Development Act 2000, as amended.

Board Member:

Date: 04/04/2019

Terry Ó Niadh