



An  
Bord  
Pleanála

**Board Direction**  
**BD-004465-19**  
**ABP-301908-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/11/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

**European legislation**, including of particular relevance:

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- Directive 2000/60/EC for establishing a framework for Community action in the field of water policy.
- Directive 91/271/EEC concerning urban wastewater treatment.
- Directive 2006/118/EC concerning groundwater.
- Directive 2006/7/EC concerning bathing water.

- Directive 2006/113/EC concerning shellfish water.
- Directive 2008/56/EC concerning marine environmental policy.
- Directive 86/278/EEC concerning sewage sludge.
- Directive 91/676/EEC concerning nitrates.

**National legislation**, including of particular relevance:

- The European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended
- The Urban Waste Water Treatment Regulations 2001, as amended
- The Waste Water Discharge (Authorisation) Regulations 2007, as amended.
- The Bathing Water Quality Regulations 2008, as amended.
- The European Communities (Quality of Shellfish Waters) Regulations 2006, as amended.
- The European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended.

**National and regional planning and related policy**, including:

- The National Planning Framework – Ireland 2040, which contains objectives to increase wastewater treatment capacity, to develop the Greater Dublin Drainage project, and to provide additional sludge treatment capacity and a standardised approach to managing wastewater sludge.
- The National Development Plan – Ireland 2040, which identifies the Greater Dublin Drainage Project as one of the major infrastructure projects, which is required in the context of the National Planning Framework and accommodating growth and is described as a Strategic Investment Priority.
- Climate Action Plan 2019, which sets the objective to ensure that the selection criteria for Project Ireland 2040 Funds will promote low carbon investments.
- The Water Services Strategic Plan, which identifies the requirement 2025 for the Greater Dublin Drainage project in order to meet obligations under the Urban Wastewater Treatment Directive.

- The National Wastewater Sludge Management Plan 2016 – 2041, which identified a need for a sludge hub centre for Fingal County to be developed as part of the Greater Dublin Drainage project.
- The River Basin Management Plan for Ireland 2018 – 2021.
- The Greater Dublin Strategic Drainage Study (2005) and the Greater Dublin Drainage Strategy: Overview & Future Strategy (2018).
- The Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly (RSES) 2019-2031.
- The Eastern-Midlands Region Waste Management Plan 2015 – 2021.

**The local planning policy** including:

- The provisions of Fingal County Development Plan 2017-2023, including Objective WT03 to facilitate a new Regional Wastewater Treatment Plant and to implement the other recommendations of the Greater Dublin Strategic Drainage Study, to facilitate development and to protect water quality in the county and Objective WM15 to implement the adopted Sludge Management Plan. Regard was also had to the Green Belt zoning objective for the Clonshaugh site and to the other zoning objectives and policies relating to ecological buffer zones.
- The provisions of the Dublin City Development Plan 2016-2022, which describes the progression of the Greater Dublin Regional Wastewater Treatment Plant and associated infrastructure as essential to the future growth of the region and to Policy SI2, which is to support the development and improvement of wastewater systems including the regional wastewater treatment plant and other infrastructure as part of the Greater Dublin Strategic Drainage Study.

**The following matters:**

- (a) The evidence provided that increased wastewater infrastructure capacity is required in the Dublin region in order to meet demands from planned growth and to divert load from the Ringsend Wastewater Treatment Plant.
- (b) The nature, scale and design of the proposed development including the Wastewater Treatment Plant, the Sludge Hub Centre and the Regional Biosolids Storage Facility and the level of water treatment which is proposed to be achieved and the suitability of the proposed land spreading of biosolids.
- (c) The adoption of conservative limits for odour at the site boundaries and the pattern of development in the vicinity of the proposed project components.
- (d) The design, layout, landscaping and architectural treatment of the proposed Wastewater Treatment Plant and Sludge Hub Centre and the architectural treatment of the proposed pumping station at Abbotstown.
- (e) The range of proposed mitigation measures set out in the submitted in the documentation lodged including the Environmental Impact Assessment Report, and Natura Impact Statement incorporating appropriate assessment screening.
- (f) The submissions made in relation to the application including those submitted at the Oral Hearing and the report and recommendation of the Inspector.

### **Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would enable sustainable residential and economic growth through the delivery of increased wastewater treatment capacity and facilities for sludge treatment and biosolids storage, would be acceptable in terms of the quality of effluent discharged to the receiving water environment and would not result in a deterioration in the quality of bathing water or shellfish waters, would assist Ireland in meeting obligations set down under EU Directives, national legislation and planning policy, would be in accordance with the totality of all relevant national, regional and development plan level planning policies and objectives, would not be contrary to the designation of the Dublin Bay Biosphere and would be acceptable in terms of odour, noise, vibration, landscape, cultural heritage impacts and traffic. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1**

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have a significant effect are Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), Rockabill to Dalkey Island SAC (003000), Ireland's Eye SPA (004117), North Dublin Bay SAC (000206), North Bull Island SPA (004006), Malahide Estuary SPA (004025), Malahide Estuary SAC (000205), Howth Head Coast SPA (004113), South Dublin Bay and River Tolka Estuary SPA (004024), Rogerstown Estuary SAC (000208), Rogerstown Estuary SPA (004015), South Dublin Bay SAC (000210), Lambay Island SAC (000204), Lambay Island SPA (004069), Dalkey Islands SPA (004172), Skerries Islands SPA (004122) and Rockabill SPA (004014).

### **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the oral hearing submissions and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development as part of the overall proposed upgrade project for the aforementioned European sites in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the development of the Greater Dublin Drainage Scheme and the Regional Biosolids Facility, both individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans

or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

**Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application.
- (c) The submissions from the planning authorities, the observers and prescribed bodies in the course of the application and the submissions of the applicant, planning authority, observers and prescribed bodies during the oral hearing,
- (e) The Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the EIA, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

**Reasoned Conclusions on the Significant Effects:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation relevant to the project design and delivery for the

construction stage. In addition, plans include those relating to Air Quality and Dust Management, Noise and Vibration Management, Traffic Management, Sediment and Erosion Control, Surface Water Monitoring, Vessel Management and Environmental Incident Responses are also proposed.

The main significant effects, both positive and negative are:

- Positive long-term impacts to **population and human health** from the provision of adequate wastewater and sludge treatment and from the provision of biosolids storage capacity to support planned residential and economic growth in the Dublin region while securing compliance with European Directives and supporting legislation. Positive long-term indirect impacts to human health from the protection of bathing water and commercial shellfish areas.
- Significant negative temporary impacts on **population and human health** as a result of noise and vibration and disturbance. The sensitive receptors which are likely to be impacted include parts of Connolly hospital, St Francis hospice and some individual houses. Potential impacts on Connolly Hospital are minimised through design mitigation measures including the construction of a 1km tunnel to accommodate the orbital pipeline through the campus, by mitigation measures to ensure maintenance of emergency routes and by measures to minimise air and noise effects on the use of wards. Temporary rehousing of residents will be considered in the case of some individual residential properties, in the absence of other mitigation being deemed sufficient. Dust impacts and emissions from vehicles during the construction phase will have a temporary and highly localised impact. Notwithstanding the mitigation measures proposed, the residual impacts could still be significant albeit localised and temporary in duration.
- The adoption of conservative **odour** criteria minimises potential adverse impacts due to odour. The design, implementation and monitoring of odour abatement systems and adherence to the adopted criteria set out in the EIAR and by condition below will ensure that odour emissions do not reach a level that could cause odour nuisance at or beyond the site boundary of any of the facilities.



- Positive **marine water quality** impacts by the provision of wastewater treatment capacity to meet planned growth and to reduce reliance on Ringsend wastewater treatment plant.
- In the operation phase marine water quality impacts on shellfish areas are mitigated by the dispersal characteristics at the location of the diffuser and the design of the wastewater treatment plant including the proposed UV treatment. **Bathing water quality** will not be reduced even in the highly unlikely event of a failure of the plant due to the location of the diffuser in an area of high natural dispersal characteristics, the range of design measures and the control which can be exercised over flows to the plant.
- The construction phase risks to **water quality** are avoided by the geological conditions including the depth of boulder clay separating existing shallow irrigation wells and Baldoyle Bay SAC from the micro tunnelling under the estuary and are mitigated by use of trenchless crossings of streams, by the application of best practice including the measures set out in the CIRIA guidance and the adherence to IFI guidelines. There would be no significant residual impact. As a result of seabed dredging there will be impacts to marine water quality from suspended sediment increases, which would be of short duration. Subject to mitigation measures relating to deposition of dredged material and monitoring there would be no significant residual impact.
- The location of all development and most of the construction in areas of low flood risk minimises potential water quality impacts relating to flooding in the construction phase and avoids downstream **flooding** of other lands. The location of compound 10 within Flood Zone A results in low level risk of adverse effects on the environment due to the proximity to European sites, which is mitigated by the measures in the CEMP including the piling method, bunding and use of best practice in relation to storage of material. The development will not result in any significant residual impacts relating to flooding.
- There is potential for a number of slight or short and very localised negative impacts to **marine biodiversity**. Air surface venting or bentonite breakout associated with tunnelling under Baldoyle Bay SAC would impact saltmarsh



on a very small area for a short duration. Discharged sediment from dredging in the marine environment could impact on reefs, which is mitigated by the controlled discharge of dredge spoil. Noise and vibration from works at the tunnel interface could lead to avoidance of the area by marine mammals, which is mitigated by use of marine mammal observations and passive acoustic monitoring during piling activities.

- There is potential for short-term moderate impacts on **birds** including bird species which are special conservation interests of Natura sites. This could result from visual disturbance impacts at micro tunnelling compounds and the presence of vessels working in the marine environment during dredging and pipe laying. There is potential for disturbance to birds as a result of noise from piling at the interface and at the fibre optic cable. Mitigation measures which are presented will ensure that there are no significant residual impacts.
- Operational **traffic** will result in increased congestion at junctions which are already congested and which will be congested at the time of operation of the wastewater treatment plant and the regional biosolids storage facility. The proposed development will add to delays at those locations.

The Board completed an environmental impact assessment in relation to the proposed development forming part of the overall proposed project and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

## **Overall Conclusion**

The proposed development in the operational phase will give rise to impacts which are positive. It will assist Ireland in meeting obligations set down under EU Directives, national legislation and planning policy which regulate development at a national, regional and local level. The Greater Dublin Drainage project components

would enable sustainable residential and economic growth through the delivery of increased wastewater capacity while protecting the environment. The Regional Biosolids Storage Facility would assist in meeting the aims of the Sewage Sludge Directive, regulating the use of sewage sludge in agricultural to prevent harmful effects. Environmental impact assessment and appropriate assessment have been considered as set out in the sections above. It can therefore be concluded that the proposed development is in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the information contained in the Environmental Impact Assessment Report including the appendices which were submitted to the Board on the 13<sup>th</sup> September 2018, and the information contained in the Natura Impact Statement as amended by the further details submitted at the Oral Hearing except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or in default of agreement, shall be referred to An Bord Pleanála for determination, and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be ten years from the date of this order.

**Reason:** Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) All mitigation and environmental commitments identified in the Environmental Impact Assessment Report (Tables 24.2 – 24.17 of Volume 3 and Table 17.1 of Volume 4) shall be implemented in full as part of the proposed development except as may be otherwise required to comply with the following conditions.

(b) All monitoring measures identified in the Environmental Impact Assessment Report (Tables 24.2 – 24.17 of Volume 3 and Table 17.2 of Volume 4) shall be implemented in full as part of the proposed development except as may be otherwise required to comply with the following conditions.

**Reason:** In the interest of development control, public information and clarity.

4. All mitigation and environmental commitments identified in the Natura Impact Statement (Chapter 7) shall be implemented in full as part of the proposed development except as may be otherwise required to comply with the following conditions.

**Reason:** In the interest of development control, public information and clarity.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authorities, a comprehensive document containing all mitigation and monitoring measures set out in the EIAR, the NIS and other Plans and including the commitments given at the oral hearing. The document shall incorporate the monitoring and implementation proposals, as appropriate.

**Reason:** In the interest of development control, public information and clarity.

6. The proposed Wastewater Treatment Plant shall incorporate UV treatment, which shall be applied to all effluent discharges from the wastewater treatment plant. Full details of the UV treatment facility shall be submitted to and agreed in writing with the planning authority (Fingal County Council), prior to the commencement of development.

**Reason:** To further reduce levels and the variability of Coli in the treated effluent discharge in the interest of protecting shellfish water quality.

7. The proposed development shall be designed and operated to meet the following targets for odour:

At Abbotstown Pumping Station and at Clonsaugh Wastewater Treatment Plant and Sludge Hub Centre the adopted odour annoyance criterion of 1.5  $\text{OU}_E/\text{m}^3$  as the 98<sup>th</sup> percentile of hourly averages shall not be exceeded at the boundaries of the sites.

At the Regional Biosolids Storage Facility the adopted odour annoyance criterion of 3  $\text{OU}_E/\text{m}^3$  as the 98<sup>th</sup> percentile of hourly averages shall not be exceeded at any sensitive receptor location.

**Reason:** In the interest of the amenities of the surrounding area.

8. Prior to the commencement of development, a Noise, Vibration and Dust Management Plan shall be submitted to, and agreed in writing with, the planning authorities in respect of the GDD and the RBSF.

The Plan shall comply with appropriate noise and vibration limits set out in the Environmental Impact Assessment Report in respect of the overall development.

The Plan shall include measures to undertake works during school holidays where necessary to address any potential significant noise impacts on schools.

The Plan shall incorporate detailed method statements to be prepared by the appointed contractor to address the specific noise and vibration impacts relevant to the operation of Connolly hospital and St Francis hospice.

The Plan shall include specific measures relating to the investigation and response to complaints.

Noise monitoring during construction and commissioning and/or operation shall be carried out in accordance with the requirements of the planning authorities.

**Reason:** In the interest of the amenities of the surrounding area.

9. The development shall comply with the requirements of the planning authorities, with respect to surface water management.

**Reason:** In order to protect water quality and to avoid the creation of flood risk.

10. A contract specific Construction and Environmental Management Plan (CEMP) and Surface Water Management Plan (SWMP) shall be submitted to and agreed in writing with the planning authorities in respect of the proposed development. This shall in particular address matters relevant to Abbotstown Pumping Station and the tunnelled section of the Orbital Sewer through Connolly hospital grounds, to Clonshaugh Treatment Plant and Sludge Hub Centre and the Regional Biosolids Facility site. The CEMP and SWMP shall detail and ensure Best Construction Practice and compliance with statutory obligations.

**Reason:** To protect the environment during construction.

11. The existing surface water pipeline traversing the Regional Biosolids Storage Facility site shall be realigned and a wayleave provided in accordance with the requirements of the planning authority (Fingal County Council).

**Reason:** In the interest of providing best practice for surface water management and to provide for future maintenance of the realigned pipe at the Regional Biosolids Storage Facility site.

12. Prior to commencement of development, the design details for the Regional Biosolids Storage Facility shall be submitted to and agreed in writing with the planning authority (Fingal County Council) for the prevention of environmental pollution in the event of a fire occurrence. Such details shall also include an assessment of the risk of environmental pollution due to fire water and any mitigation measures which may be necessary.

**Reason:** In the interest of the protection of the environment and the amenities of the area.

13. (a) Prior to the commencement of development, a Traffic Management Plan for the construction and operational phases shall be submitted to, and agreed in writing with, the planning authorities in respect of the development of the Greater Dublin Drainage project and the Regional Biosolids Storage Facility.
- (b) Prior to the commencement of development full details of any alterations to the public road network including at the entrance to the Clonshaugh site shall be agreed in writing with the planning authorities. All costs to facilitate these works shall be at the expense of the developer. All works in the public road may be carried out only by the local authorities.
- (c) The developer shall increase the width of the culvert at the crossing of the River Mayne as part of the Clonshaugh site entrance, to cater for the full width of the future north south link road.
- (d) The developer shall complete a Road Safety Audit, which shall be submitted to the planning authorities for written agreement. This shall address any measures to be implemented by the applicant as part of the development.
- (e) The developer shall comply with the requirements of the planning authorities in respect of minimising traffic disruption on the local communities and cleaning and repair of any damage to the public road networks during the construction and operation phases.
- (f) Prior to undertaking pre-construction surveys the developer shall liaise with the planning authorities in relation to proposal for pre-construction and post construction visual surveys of the identified haulage routes. Details of these surveys and of the selected haulage routes shall be set out in the CEMP. Prior to completion of construction the applicant shall submit for the written agreement of the planning authorities a review of the identified haulage routes and a programme of remediation works, including timelines for undertaking works. All works shall be carried out to the satisfaction of the planning authorities.
- (g) Prior to the commencement of operation, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling,

walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the operator. It shall provide for a phased roll out of measures appropriate to the changing nature of the area and the levels of available public transport.

**Reason :** To protect the existing road network, to ensure that the development does not impede the delivery of future roads in the area and in the interest of traffic safety and promotion of sustainable transport mode.

14. In relation to the protection of trees and hedgerows the following shall apply:

- (a) The developer shall appoint an arborist who shall oversee the preparation of a detailed tree and hedgerow survey and protection plan which shall incorporate precise measures to protect trees and hedgerows during construction.
- (b) The plan shall be submitted to the planning authorities for written agreement prior to the commencement of development.
- (c) The plan shall minimise tree removal in the vicinity of St Caoimhin's church and graveyard and shall minimise the loss of hedgerows, which are also townland boundaries. The exact boundary of the construction compound at St Caoimhin's shall be agreed with the planning authority.
- (d) The identification in the plan of trees to be removed and reinstatement of hedgerows shall be informed by the recommendation of a bat specialist who shall liaise with the arborist.

**Reason:** In the interest of landscape and visual amenities and to ensure protection of cultural heritage and biodiversity.

15. Prior to the commencement of the development, the developer shall submit to and agree in writing with, the planning authorities, a detailed landscaping plan for each of the development components of the Greater Dublin Drainage project and the Regional Biosolids Storage Facility. The landscape plan shall include *inter alia* , full details of all external finishes and boundary treatment at the Abbotstown Pumping Station, the Regional Biosolids Storage Facility and the Wastewater Treatment Plant site, exact siting, screening, decommissioning and restoration of all construction compounds, general



landscape details including timescales for implementation and the landscaping shall be carried out in accordance with the agreed details thereafter.

The landscape plan shall incorporate proposals for lighting which shall minimise light spillage to the boundaries of Abbotstown Pumping Station and Clonshaugh sites.

**Reason:** In the interest of landscape and visual amenities and to ensure protection of biodiversity.

16. In relation to biodiversity the following shall apply:

All works shall be undertaken under the supervision of a suitably qualified Ecological Clerk of Works.

Prior to the commencement of the relevant phase of development the applicant shall submit for the written agreement of the planning authorities, full details of all measures to protect badgers, bats, smooth newt and common frog, which shall be based on follow-on surveys where necessary and which shall incorporate any requirements from licences obtained from National Parks and Wildlife Service.

Habitat restoration at construction compounds 9 and 10 and at Sillogue Nature Development Area shall be in accordance with the requirements of the planning authority.

**Reason:** In the interest of the amenities of the area and the protection and restoration of biodiversity.

17. Proposals for a name of the Clonshaugh Wastewater Treatment Facility and of the Wastewater Education Zone shall be submitted to, and agreed in writing with, the planning authority (Fingal County Council) prior to commencement of development.

**Reason:** To ensure that the wastewater education zone is suitably identified and to highlight its function as a community resource.

18. Following consultation with the Dublin Airport Authority and the Irish Aviation Authority the development shall submit to and agree in writing with the planning authority (Fingal County Council) proposals for the erection of cranes.

**Reason:** In the interest of aircraft safety.

19. The operation of the proposed Wastewater Education Zone shall be in accordance with a program of measures to be agreed with the planning authority (Fingal County Council) and to include measures to target local schools.

**Reason:** To offset the impacts on the local community in the construction phase and to maximise the long-term benefits of the education facility to local residents.

20. The developer shall pay to the planning authority (Fingal County Council) a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. The developer shall pay to the planning authority (Fingal County Council) a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the upgrade and signalisation of the R135 and the N2 North Bound Slip priority junction. The amount of the contribution 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 for determination. The contribution shall be paid

prior to 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 would benefit the proposed development.

### **Schedule of Costs**

In accordance with the provisions of Section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be paid by the applicant to the Board is **€102,578**.

**Board Member**

**Date:** 07/11/2019

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Chris McGarry