



An
Bord
Pleanála

Board Direction
ABP-303085-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/03/2019.

The Board decided, as set out in the following Order, that Condition 14 should be attached to the Planning Permission:

Condition

14. The developer shall pay to the planning authority a financial contribution of €437,917.66 (four hundred and thirty-seven thousand, nine hundred and seventeen euro and 66 cents) in respect of the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any 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 a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49

of the Act be applied to the permission.

Reasons and Considerations

Having regard to:

- a) sections 34(5) and 49 of the Planning and Development Acts 2000 to 2018,
- b) the provisions of the Dun Laoghaire Rathdown County Council Section 49 Supplementary Development Contribution Scheme for Extension of LUAS Line B1 – Sandyford to Cherrywood,
- c) the submissions on file and the planning history of the site,

the Board considered that the planning authority had reasonably concluded that the subject nursing home comprised a commercial form of development for the purposes of applying a development contribution in accordance with the Supplementary Development Contribution Scheme for Extension of LUAS Line B1 – Sandyford to Cherrywood and, therefore that the relevant condition should be as follows for the reason set out.

Board Member:

Date: 26/03/2019

Terry Ó Niadh