



An  
Bord  
Pleanála

**Board Direction**  
**BD-004052-19**  
**ABP-304499-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16<sup>th</sup> September 2019.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Amend condition number 19 as follows:

19. The developer shall pay to the planning authority a financial contribution of €323,732 (Three hundred and twenty three thousand, seven hundred and thirty two euro) 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. This financial contribution amount of €323,732 is inclusive of the appropriate reduction in accordance with paragraph 10(i)(m) of the scheme in respect of existing structures on the site to be demolished. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission

Attach condition number 20 as follows:

20. The noise mitigation measures identified in the Inward Noise Mitigation Impact Assessment report submitted to An Bord Pleanála on 25<sup>th</sup> July 2019 shall be implemented in full. Revised drawings and specifications showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual and residential amenity.

### **Reasons and Considerations**

The Board had regard to the information submitted by the first party appellant on 25<sup>th</sup> July 2019 relating to a measured site survey of existing buildings to be demolished and including dimensioned drawings and schedules. It is considered that adequate information has been provided to allow a determination of the demolition element for the purposes of paragraph 10(i)(m) of Development Contribution Scheme. The Board also had regard to the acceptance of both parties for the inclusion of a condition addressing the DAA's request.

**Board Member:**

**Date:** 17/09/2019

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Stephen Bohan