



An  
Bord  
Pleanála

**Board Direction**  
**BD-005036-20**  
**ABP-304843-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/01/2020.

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:

**Attach condition number 3,**

**Amend condition number 2 as follows:**

*A fully accessible public greenway for both pedestrians and cyclists, from the existing greenway at the sites southwestern boundary along the full western boundary of the sit, as shown on drawings submitted to the Planning Authority on 19/05 2019, shall be constructed, to the Planning Authority's taking in charge standards, prior to the opening of the school for use. Revised drawings and details shall be submitted to and agreed in writing with the Planning Authority prior to the opening of the school for use. This section of the greenway shall be constructed to the Planning Authority's "Taking in Charge" standard. If agreement cannot be between the developer and the planning authority the matter shall be referred to the Board for determination.*

**Reason:**

*As per planning authority's reason for condition number 2.*

And add a new condition number 19 as follows:

*The developer shall pay to the planning authority 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 proposed greenway from the northern end of the Greenway referred to in Condition 2 to Leopardstown Valley, as set out in Section 4.3.5 Proposed Linkages (Link No 12) and Figure 4.11 Movement Strategy – Planned Linkages of the Ballyogan & Environs Local Area Plan 2019 – 2025. 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 and shall take into account the actual cost of provision by the developer of the section of the greenway referred to in condition 2. The contribution shall be paid prior to the first opening of the school for use or in such phased payments as the planning authority may facilitate and shall be 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.*

**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**

Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2016 – 2022, the Ballyogan and Environs Local Area Plan 2019 - 2025 and Section 48, Planning & Development Act, 2000, (as amended) Dún Laoghaire-Rathdown

County Council Development Contribution Scheme 2016-2020 (adopted by Dún Laoghaire-Rathdown County Council on 14th December, 2015), it is considered that, subject to compliance with the condition set out the proposed development would accord with local policy and objectives, ensure maximum permeability, 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 and would therefore be generally in accordance with the proper planning and sustainable development of the area.

**Board Member:**

**Date:** 24/01/2020

---

Terry Ó Niadh