



An  
Bord  
Pleanála

**Board Direction**  
**BD-004792-19**  
**ABP-305215-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/12/2019.

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**

Having regard to the zoning objective for the area, the pattern of existing and permitted development in the area, the site's inner city location, the range of services already on offer at the subject facility, the monitoring and evaluation proposed and the pilot scheme nature of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not adversely impact on the residential amenity or character of the area and would be acceptable in terms of public safety and convenience. The proposed development would therefore be 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, as amended by the further information submitted to the Planning Authority on the 28<sup>th</sup> June 2019, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

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

2 The use of the premises as a Medically Safe Injecting Facility shall cease on or before 3 years from the date of first operation, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

**Reason:** To allow for a review of the development having regard to the circumstances then pertaining and in the interest of residential amenity and public safety.

3 Prior to the commencement of development, the applicant shall submit for the written approval of the Planning Authority, confirmation that the existing Night Café operated in Riverbank, by Merchants Quay Ireland shall be relocated.

**Reason:** To reduce the scale and extent of services provided on the subject site.

4 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed basement level of the development shall be restricted to a Medically Safe Injecting Facility (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of clarity

5 The development shall be managed and operated in accordance with the measures outlined in the Public Realm and Engagement Plan (October 2018 and June 2019) and the Operations Plan (October 2018 and June 2019).

**Reason:** In the interest of amenities, public health and safety.

6 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

7 Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

8 The developer shall pay to the planning authority 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.

9 The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephens Green to Broombridge Line) 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

**Board Member**

**Date:** 17/12/2019

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Paul Hyde