



An
Bord
Pleanála

Board Direction
BD-005100-20
ABP-305816-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/02/2020.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend conditions 2 and 3 as follows.

2. The developer shall pay the sum of €271,937.10 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council. The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. The developer shall pay the sum of €137,598.00 to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority. The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).

Reasons and Considerations

Having regard to:

- The nature and scale of the proposed development,
- The planning history on the subject site, namely Planning Authority reg. ref. 3884/18,
- The provisions of the Dublin City Council Development Contribution Scheme 2016-2020 made under Section 48 of the Planning and Development Act 2000, as amended, and the
- Supplementary Development Contribution Scheme (under Section 49, Planning & Development Act, 2000 as amended) for Luas Cross City (St. Stephen's Green To Broombridge Line)

The Board considered that the levies imposed under condition no.s 2 and 3 failed to take account of the demolition permitted under Planning Authority reg. ref. 3884/18, being an integral part of the subject proposed development and therefore the

floorspaces used in the calculation of the levy were incorrect. It is considered, that the Scheme has been incorrectly applied, failing to consider the reduced floor space as per section 14 of the made under Section 48 of the Planning and Development Act 2000 Dublin City Council Development Contribution Scheme 2016-2020 and Section 12 of the Supplementary Development Contributions Scheme Luas Cross City (St. Stephen's Green to Broombridge Line).

Board Member:

Date: 06/02/2020

Paul Hyde