



An  
Bord  
Pleanála

**Board Direction**  
**BD-006986-20**  
**ABP-307994-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/11/2020.

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:

Remove condition number 19

Amend condition numbers 15, 16 & 17 as follows.

Reasons and Considerations, as per Inspector's recommendation as follows.

The Board considered that in calculating the amount to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2016-2020, as adopted, had been improperly applied in respect of condition numbers 15, 16 and 17 in that the proposed development does come within a specified category of development subject to an exemption or reduction in the amount payable pursuant to the Scheme.

The Board further considered that in calculating the amount to be paid with respect to the extension of the Luas Line B1 from Sandyford to Cherrywood in the area of the planning authority, the relevant terms of the Section 49 – Supplementary Development Contribution Scheme for Extension of Luas Line B, – Sandyford to

Cherrywood, as adopted, had been improperly applied in respect of condition number 19 in that the proposed development does come within a specified category of development subject to an exemption in the amount payable pursuant to the Scheme.

## Conditions

15. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €5,823.59 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of Surface Water Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14<sup>th</sup> December, 2015. These rates of contribution shall be updated effective from 1<sup>st</sup> January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1<sup>st</sup> January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

**Reason:** It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

16. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €133,485.22 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the

area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14<sup>th</sup> December, 2015. These rates of contribution shall be updated effective from 1<sup>st</sup> January each year during the life of the Scheme in accordance with the SCSI Tender Price Index (See Article 12 of the Scheme) commencing from 1<sup>st</sup> January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

**Reason:** It is considered reasonable that the payment of a contribution be required in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

17. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €86,622.09 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14<sup>th</sup> December, 2015. These rates of contribution shall be updated effective from 1<sup>st</sup> January each year during the life of the Scheme in accordance with the SCSI Tender Price Index (See Article 12 of the Scheme) commencing from 1<sup>st</sup> January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

**Reason:** It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks Public

Infrastructure, Facilities and Amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**Board Member:**

**Date:** 19/11/2020

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Michelle Fagan

**Note:** The Board considered that the proposed development of a primary health care centre by the applicant, is not a public utility and is a commercial redevelopment for the purposes of the Section 49 - Supplementary Development Contribution Scheme, so that only the net additional development (in hectares) would be levied.

(Please attach a copy of the Board Direction with the Board Order)