

An
Bord
Pleanála

Board Direction
BD-008172-21
ABP-308862-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/05/2021.

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 condition 12 as follows.

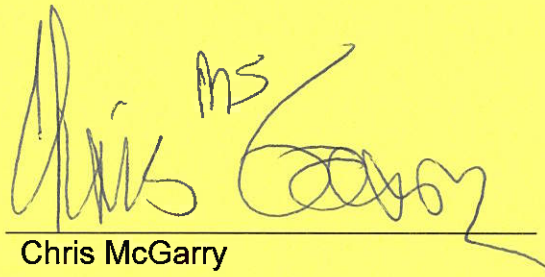
The developer shall pay to the planning authority a financial contribution of €36,918.22. (thirty-six thousand, nine hundred and eighteen euro and 22 cent) in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Reasons and Considerations

Having regard to the terms of Supplementary Development Contribution Scheme for extension of Luas Line B1 – Sandyford to Cherrywood adopted by Dun Laoghaire Rathdown County Council on 13 January 2003, as amended, specifically section 13, it is considered that the terms of the scheme have been incorrectly applied in this instance by reference to the nature of the proposed development which provides for net additional development in the case of a commercial redevelopment project. The relevant site area (measured in hectares) liable for assessment in accordance with the terms of the said scheme is deemed to be 0.04603 hectares having regard to the net additional development on site incorporating a new building footprint and associated site revisions including a new entrance and traffic circulation and parking revisions. Accordingly, it is considered that condition no. 12 should be amended.

Board Member:

 MS
Chris McGarry

Date: 13/05/2021