

An
Bord
Pleanála

Board Direction
BD-010261-22
ABP-309808-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/03/2022.

The Board decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Attach condition number 27

Reasons and Considerations

Having regard to-

(a) The Fingal County Council Development Contribution Scheme 2016- 2020 made under Section 48 of the Planning & Development Act, 2000.

(b) Conditions attached to ABP-306074-19, under which planning permission was granted for the provision of 211 number apartments in four number blocks (Block J, K, L and M), comprising of 10 number studio units, 68 number one-bed units and 133 number two-bed units, above an existing basement.

(c) Section 34 (4) of the Planning and Development Act 2000 – 2020 which states: Conditions under subsection (1) may, without prejudice to the generality of that subsection, include all or any of the following:

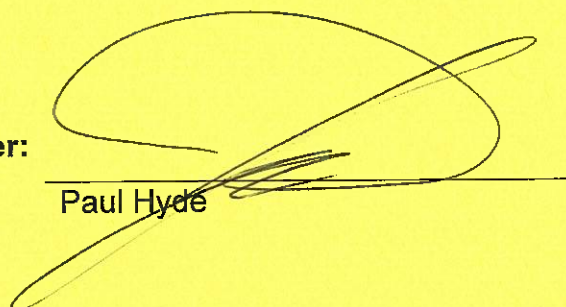
(m) conditions for requiring the provision of roads, including traffic calming measures, open spaces, car parks, sewers, watermains or drains, facilities for the collection or storage of recyclable materials and other public facilities in excess of the immediate needs of the proposed development, subject to the local authority paying for the cost of the additional works and taking them in charge or otherwise entering into an agreement with the applicant with respect to the provision of those public facilities;

(d) Section 34 (5) of the Planning and Development Act 2000 – 2020 which states: The conditions under subsection (1) may provide that points of detail relating to a grant of permission may be agreed between the planning authority and the person to whom the permission is granted and that in default of agreement the matter is to be referred to the Board for determination.

the Board considered that the point of detail in dispute regarding condition number 27 of previously permitted ABP-306074-19 in terms of Section 34 (5) and 34 (4) (m) and have decided that Condition 27 was correctly applied by the planning authority in respect of a contribution towards public infrastructure and facilities benefiting development in the area of the planning authority.

The Board concluded that the application of a financial contribution is applicable in this instance, and can see no evidence of overcharging by reason of class of contribution sought. This application is for the provision of 211 number apartments in four number blocks (Block J, K, L and M), comprising of 10 number studio units, 68 number one-bed units and 133 number two-bed units, above an existing basement.

Board Member:



Paul Hyde

Date: 15/03/2022