

An
Bord
Pleanála

Board Direction
BD-013593-23
ABP-311428-21

Re: Amending Board Order
S146A of the Planning and Development Act, 2000, as amended

The submissions on this file were considered at a Board meeting held on 31/08/2023.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of 10/05/2023.

The Board decided that amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision.

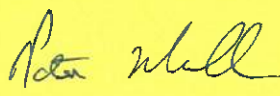
Having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the permission.

Accordingly the Board hereby amends the above-mentioned decision by the amendment of condition number 16 in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

25. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of public open space within the site, as provided for under Sections 12.8.3 and 12.8.8 of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 which benefits the proposed development.

The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

Board Member: 

Date: 06/09/2023

Peter Mullan