

An
Bord
Pleanála

Board Direction
BD-011508-22
ABP-314441-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/11/2022.

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 conditions 2 and 3

Reasons and Considerations,

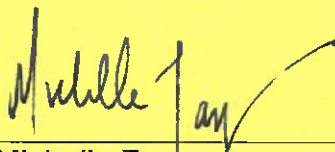
It is considered that the levies imposed under condition numbers 2 and 3 failed to take account of the development already permitted and subject to the Dublin City Council Development Contribution Scheme under reference number ABP-310077-21.

Having regard section 48(12) of the PDA, it is considered that condition 3 fails to specify the particular works carried out, or proposed to be carried out, by the local authority to which the contribution relates, and it is considered that the request from the PA to omit condition number 3 is appropriate.

In not agreeing with the Inspector's recommendation to amend condition number 2 which would allow for the area of the rooftop plant to be accounted for in the Development Contribution Scheme, the Board had regard to the nature of the building as a multi-unit residential building, where under the relevant scheme, "*only the gross floor area of each residential unit will be included*", and where the rooftop

plant which is open to the elements could not be considered to be floor area, it is considered that the permitted area of roof top plant would not be subjected to the Development Contribution Scheme, and that condition 2 shall be omitted.

Board Member:



Michelle Fagan

Date: 29/11/2022