

An
Bord
Pleanála

Board Direction
BD-015520-24
ABP-315103-22

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 22/02/2024.

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 15th day of November 2023 by the insertion of two new conditions as follows.

The Board decided that;

- (1) it is appropriate to amend its Order dated 15th day of November 2023 in order to facilitate the permission where the amendment may reasonably be regarded as having been contemplated by either a particular provision of the permission or the terms of the permission which were not expressly provided, or
- (2) the amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission.

It is considered 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/other matter.



Accordingly the Board hereby amends the above-mentioned decision by insertion of two new conditions in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

- 1) The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

2) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Board Member:   **Date:** 22/02/2024
Martina Hennessy