

An  
Bord  
Pleanála

**Board Direction**  
**BD-017895-24**  
**ABP-319803-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/10/2024.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below and broadly in agreement with the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Remove condition numbers 3 and 5 (c).

**Reasons and Considerations (to omit Condition 3):**

The Board is of the view that there is insufficient justification for a condition requiring the appellant to enter into a water / waste water connection agreements given the nature of the development when pre-existing connections for water and foul drainage currently exist.

**Reasons and Considerations (to omit Condition 5 (c)):**

The Board is of the view that the amended condition 2 is sufficient to ensure surface water and water connection requirements.

**Amend condition number 2 as follows:**

**2. Amendments - Surface Water:**

(a) The applicant / owner shall submit the following for the written agreement of the Planning Authority:

- (i) The water supply and drainage infrastructure for the proposed development and development to be retained, shall comply with the requirements of Uisce Éireann.
- (ii) All drainage works for this proposed development and development to be retained shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
- (b) Revised plans that incorporate and display the ceasing of the use of the neighbouring site to the east (no.132) for the outfall/overflow of surface water resulting from the subject site. The existing opening/hole in the boundary wall shall be made good and returned to original condition with the surface water from the subject site flowing within the bounds of the property. The applicant shall note that if the original surface water connection or drain is lost, or compromised within the subject site, the applicant can apply to South Dublin County Council for a new surface water connection for the property.
- (c) Photographic evidence demonstrating the existing opening/hole in the boundary wall in the front curtilage area of the subject site as being made good and returned to its original built condition.

**Reason:** To protect the amenities of the area and in the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

**Reasons and Considerations (Amended Condition 2):**

Condition 2 requires the applicant to retain and carry out the subject development in a manner that is consistent with surface water drainage requirements and to ensure that outflow of surface water is restricted from the site in the interests of public health.

**Amend condition number 6 as follows:**

6. The developer shall pay to the Planning Authority a financial contribution of €2,631.63 (two thousand, six hundred and thirty one euro and sixty-three cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of

the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

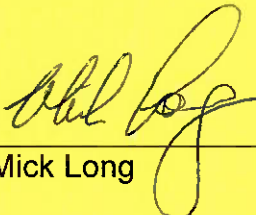
**Reason:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**Reasons and Considerations (Condition 6):**

The Board considered the South Dublin County Council Development Contribution Scheme 2021-2025 is the applicable contribution scheme in this case and that development contributions had not been properly applied by the Planning Authority. The Board considered that the appropriate rate of payment to be applied in this case relates only to the 'assessable area' of the subject development which is assessed to be 20.81sq.m as referred to in the subject application. Accordingly, it is concluded that contributions for the subject development be amended.

The Board agreed to **RETAIN** all other conditions as per the Planning Authority decision.

**Board Member:**

  
Mick Long

**Date:** 17/10/2024