



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4161/16

Appeal by De La Salle Brothers care of Auveen Byrne Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin in relation to the inclusion of special contribution condition number 14 by Dublin City Council in its decision made on the 17th day of November, 2017.

Proposed Development: (a) Relocation and improvement of existing Gaelic Athletic Association football pitch on the lands, to include provision of drainage, 12 metres high by 30 metres wide ball stop netting at its eastern and western ends, supported on posts set in foundations, with stay wires set in foundations, (b) construction of four-storey residential care home, with ancillary kitchen, dining-room, common room, recreational, treatment and staff facilities and oratory, served by 88 number surface car parking spaces and bicycle spaces, (c) construction of 18 number apartments in a three and four-storey block, comprising three number one bedroom units, 11 number two bedroom units and four number three bedroom units, with balconies on west, south and east facing elevations and roof garden at third floor level on north part of the building, served by 18 number surface car parking spaces and bicycle parking, with new vehicle and pedestrian access to residential care and apartment developments from School Road (linking Glasanaon Road and

Ferndale Road) on the east site boundary, landscaped public open space and ancillary site development works, all at this 2.12 hectare site adjoining Gaelscoil Ui Earcain, at Glasanaon Road and School Road, Finglas East, Dublin.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48(13) of the 2000 Act, to remove condition number 14 and the reason therefor.

Reasons and Considerations

The Dublin City Development Contribution Scheme 2016-2020 provides for a Community Parks Improvement Programme as part of the general contribution scheme and provides for a contribution in lieu of open space. Condition number 2 requires a financial contribution towards parks and open space facilities. Section 48(2)(c) financial contribution conditions may be applied only to exceptional costs not covered by such a scheme. The Board, in accordance with Section 48 of the Planning and Development Act, 2000, as amended, considered that the terms of condition number 14 does not fall within the scope of Section 48(2)(c) of the Planning and Development Act 2000, as amended, and condition number 14 should, therefore, be removed.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.