



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire Rathdown County Council.

Planning Register Reference Number: D15A/0807.

WHEREAS by Order dated the 21st day of September, 2017, An Bord Pleanála, under appeal reference number PL 06D.246624, granted subject to conditions a permission to FWNH Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin for development comprising demolition of Four Winds house and associated structures on the site; construction of a three-storey over basement Nursing Home to accommodate 121 bedrooms and ancillary resident and staff facilities; relocation of the vehicular entrance on Brighton Road to provide the principal vehicular and pedestrian access; modification of the vehicular access on Claremont Road to provide service and pedestrian access; construction of substation and stores building adjacent to service access and all associated site works, car and cycle parking, landscaping and boundary treatments at Four Winds, Brighton Road and Claremont Road, Foxrock, Dublin:

AND WHEREAS condition number 14 attached to the permission required the developer to 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 and the condition required that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the application of the terms of the Scheme in compliance with the terms of the condition and the matter was referred by the developer to An Bord Pleanála on the 23rd day of November, 2018 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the amount of the contribution shall be €437,917.66 (four hundred and thirty seven thousand, nine hundred and seventeen euro and sixty-six cent)

Reasons and Considerations

Having regard to:

- (a) sections 34(5) and 49 of the Planning and Development Acts 2000 to 2018,
- (b) the provisions of the Dún Laoghaire-Rathdown County Council Section 49 Supplementary Development Contribution Scheme for Extension of LUAS Line B1 – Sandyford to Cherrywood, and

(c) the submissions on file and the planning history of the site,

the Board considered that the planning authority had reasonably concluded that the subject nursing home comprised a commercial form of development for the purposes of applying a development contribution in accordance with the Supplementary Development Contribution Scheme for Extension of LUAS Line B1 – Sandyford to Cherrywood.

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.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.