



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3538/17.

WHEREAS by Order dated the 8th day of October, 2018 An Bord Pleanála, under appeal reference number ABP-300466-17, granted subject to conditions a permission to Bartra Real Estate Limited care of Coady Architects of Mount Pleasant Avenue, Ranelagh, Dublin for development comprising construction of a seven-storey/four-storey building consisting of a total of 23 number apartments, (six number one bedroom units, 14 number two bedroom units and three number three bedroom units) with balconies (two number) at first floor level, balconies (three number) at second and third floor levels, balconies (two number) at fourth, fifth and sixth floor levels, all on the eastern elevation, ground floor terraces (three number), balconies (three number) at first, second and third floor levels, and balconies (two number) at fourth, fifth and sixth floor levels, all on the western elevation, a total of 24 number bicycle spaces, a bin store, an area of communal open space (175 square metres), including a play space and associated site development works at numbers 40-41 Stoneybatter and numbers 1-3 Blackhall Place, Dublin.

AND WHEREAS conditions numbers 15 and 16 attached to this permission required the developer to pay to the planning authority financial contributions, being the appropriate contribution to be applied to this development in accordance with the Dublin City Council Development Contribution Scheme 2016-2020 as adopted by Dublin City Council on the 7th day of December, 2015 in accordance with section 48 of the Planning and Development Act, 2000, as amended, and the Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (Saint Stephen's Green to Broombridge Line), as adopted by Dublin City Council on the 18th day of April, 2017, in accordance with section 49 of the Planning and Development Act, 2000, as amended, was 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 amount of the contribution to be paid pursuant to conditions numbers 15 and 16, and on the application of the terms of the relevant Development Contribution Scheme in compliance with the terms of this condition and the matter was referred by the developer to An Bord Pleanála on the 20th day of December, 2019 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 residential units under construction at numbers 40-41 Stoneybatter and numbers 1-3 Blackhall Place, Dublin, on foot of planning permission, An Bord Pleanála appeal reference number ABP-300466-17, constitute units for social housing use, by reason of the Agreement for Lease made on the 13th day of June, 2019, signed by the developer and Dublin City Council, and that these units, therefore, fall to be considered as social housing units which are exempt from the requirement to pay development contributions, for the purposes of the applicable Development Contribution Scheme 2016-2020 made under section 48 of the Planning and Development Act, 2000, as amended, and the terms of the Supplementary Development Contribution Scheme Luas Cross City made under section 49 of the Planning and Development Act 2000, as amended:

Reasons and Considerations

Having regard to:

- (a) sections 34(5), 48 and 49 of the Planning and Development Act, 2000, as amended,
- (b) the Dublin City Council Development Contribution Scheme 2016-2020 and the Supplementary Development Contribution Scheme, Luas Cross City,

- (c) the specific provisions of the 'Enhanced Long-Term Social Housing Leasing Scheme' introduced by the Department of Housing, Planning and Local Government, under Pillar 2 of 'Rebuilding Ireland: An Action Plan for Housing and Homelessness' aimed at private investment in order to deliver social housing at scale, and
- (d) the submissions on file, and the planning history of the site,

the Board considered it appropriate that the residential units be deemed social housing units, for the purposes of the respective Development Contributions Schemes described above, and that development contributions under condition numbers 15 and 16 be determined on this basis.

In deciding not to accept the recommendation of the Inspector, the Board noted that the signed agreement for lease between the developer and Dublin City Council, provides these residential properties for social housing use and noted the confirmation from Dublin City Council that this agreement is under the 'Enhanced Long Term Social Housing Scheme'. This Scheme is derived from Government Policy under Rebuilding Ireland. It is the opinion of the Board that the units in question therefore fall to be considered within the description 'social housing units', as set out under Item 12 (Exemptions and Reductions) of the Dublin City Council Development Contribution Scheme 2016-2020 and Item 11 (Exemptions) of the Supplementary Development Contribution Scheme, Luas Cross City.

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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.