



An
Bord
Pleanála

Board Order
ABP-311428-21M

Planning and Development Acts 2000 to 2022

Amendment of Board Order

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0884

DEVELOPMENT CONCERNED: Demolition of all existing buildings on site (circa 979.2 square metres in total). The construction of a mixed use development comprising one number block (up to five storeys in height) consisting of two number retail units (circa 558 square metres in total) and 20 number residential units (five number one-bedroom, 14 number two-bedroom and one number three-bedroom), all with balconies facing north/south/east/west. Provision of new vehicular access to the development from Mart Lane and closure of existing access. Provision of car parking (including revision to existing parking and public realm to the front (east) of the development along Old Bray Road), cycle parking, open spaces, bin stores and all associated site development works, landscaping, boundary treatments and other servicing works on a site of circa 0.246 hectares at 'The Mart', Old Bray Road and Mart Lane, Cornelscourt, Dublin as revised by the further public notices received by the planning authority on the 28th day of July, 2021.

WHEREAS the Board made a decision to grant permission, subject to conditions, in relation to the above-mentioned development by Order dated the 14th day of April, 2023:

AND WHEREAS it has come to the attention of the Board that the reference in condition number 25 to the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office, should be amended,

AND WHEREAS the Board considered that the amendment of condition number 25 would not result in a material alteration of the terms of the decision,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the appeal the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as inserted by section 30 of the Planning and Development (Strategic Infrastructure) Act 2006, the Board hereby amends the above-mentioned decision so that condition number 25 of its Order and the reason therefor shall be as follows:

PM

25. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of public open space within the site, as provided for under Sections 12.8.3 and 12.8.8 of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.



Peter Mullan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board**



Dated this *6th* day of *September*, 2023