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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D06A/1888**

**WHEREAS** by order dated the 25<sup>th</sup> day of October, 2007 Dún Laoghaire-Rathdown County Council, under planning register reference number D06A/1888, granted subject to conditions permission to PAR Holdings care of Paul Duignan and Associates of 62 Brighton Square, Rathgar, Dublin for development comprising the construction of three number two-storey four-bedroom detached houses accessed from existing roadway and all associated site works above and below ground level, all at Kilgobbin, Sandyford, Dublin:

**AND WHEREAS** condition number 2 attached to the said permission required the developer to submit for the written agreement of the Council, detailed proposals to provide a linear corridor of appropriate width through the southern half of the subject site in order to facilitate the proposed cycle route objective, as defined in the 2004 – 2010 County Development Plan, and condition number 10 attached to the said permission required the developer to pay the Council towards the cost of the extension of Luas Line B from the Sandyford Depot to Cherrywood, namely Luas Line B1. This contribution to be paid prior to the commencement of the development or in such other

manner as may otherwise be agreed with the planning authority. The rate of contribution payable shall be that pertaining to the particular year in which implementation of the planning permission is commenced:

**AND WHEREAS** the developer and the planning authority failed to agree on the terms of the said conditions and the matter was referred by the developer to An Bord Pleanála on the 27<sup>th</sup> day of September, 2021 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 development levy of €120,031.02 (one hundred and twenty thousand, and thirty-one euro and two cents) as stated in condition number 10 of the decision made by the planning authority by order dated 25<sup>th</sup> day of October, 2007, is correct.

## **Reasons and Considerations**

The Board had regard to:

- (a) section 34(5) of the Planning and Development Act 2000, as amended;
- (b) the provisions of the Supplementary Development Contribution Scheme, for the extension of Luas Line B1 – Sandyford to Cherrywood;
- (c) the location of the development within the area identified under Section 49 (LUAS Line B1 Sandyford-Cherrywood Extension) of the Planning and Development Act 2000 (as amended);
- (d) the absence of any exemptions or clauses which would permit deductions from the financial contribution made under Section 49 (LUAS Line B1 Sandyford-Cherrywood Extension); and



(e) the submissions on file and the planning history of the site.

## 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 19<sup>th</sup> day of April, 2022.

