

An
Bord
Pleanála

Board Order
ABP-317218-23
(appeal reference number
ABP-310350-21).

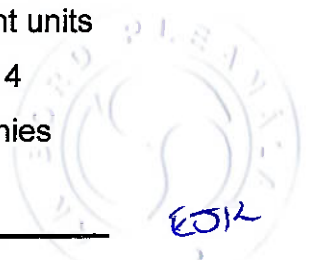
Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: SHDW/007/20

WHEREAS by Order dated the 16th day of September, 2021 An Bord Pleanála, under application reference number ABP-310350-21, granted subject to conditions a permission to Puddenhill Property Limited care of BMA Planning of Taney Hall, Eglinton Terrace, Dundrum, Dublin for development comprising a total of 55,523 square metres gross floor area in four blocks (Blocks 1 to 4) including: 590 number residential units comprising 234 number one-bed units, 316 number two-bed units and 40 number three-bed units (totalling 53,881 square metres), non-residential floorspace including two number retail and commercial units (350 square metres), four number offices suites (224 square metres), a health and medical centre (526 square metres) and a creche (542 square metres) all totalling 1,642 square metres and all associated roads, streets, public spaces and services infrastructure. Blocks 1 and 2 are located above a shared single level basement with Block 4 also above a single level basement. The development is described as follows on a block by block basis:

Block 1 (19,821 square metres gross floor area): 211 number apartment units (comprising 91 number one-bed units, 106 number two-bed units and 14 number three-bed units) with ancillary accommodation, terraces, balconies



and a roof garden in a two to ten storey block. Block 1 ground floor level includes one number retail and commercial unit (170 square metres), three number offices suites (160 square metres) and a creche (542 square metres) with external play area at ground and first floor levels all fronting onto a proposed pedestrian boulevard.

Block 2 (18,209 square metres gross floor area): 184 number apartment units (comprising 57 number one-bed units, 123 number two-bed units and four number three-bed units) with ancillary accommodation, terraces, balconies and a roof garden in a two to seven storey block. Block 2 ground floor level includes one number retail and commercial unit (180 square metres), one number office suite (64 square metres) and a health and medical centre (526 square metres) all at ground floor level fronting onto the proposed pedestrian boulevard.

Block 3 (8,021 square metres gross floor area): 95 number apartment units (comprising 54 number one-bed units, 34 number two-bed units and seven number three-bed units) with ancillary accommodation, terraces and balconies in an eight storey block.

Block 4 (9,472 square metres gross floor area): 100 number apartment units (comprising 32 number one-bed units, 53 number two-bed units and 15 number three-bed units) with ancillary accommodation, terraces, balconies and a roof garden in a two to six storey block.

Vehicular access to serve the proposed development will be provided from Charlestown Place via the southern arm of the existing signalised junction which is proposed to be upgraded. The existing pedestrian access from the Charlestown Shopping Centre across Charlestown Place is proposed to be relocated to the west to align with the proposed internal pedestrian boulevard within the current application site and the existing internal street within the Charlestown Centre. Permission is also sought for associated reconfiguration of the central median on Charlestown Place and the existing footpaths, cycle tracks, bus stops, taxi rank and hard and soft landscaping on the northern and southern edges of Charlestown Place and south of the Charlestown Shopping

Centre. Pedestrian and cycle access is also proposed via a new entrance on Saint Margaret's Road. Provision is also made for vehicular access from Charlestown Place through the site to McKelvey Celtic Athletic Football Club playing pitch at the south eastern corner of the site including relocation of the existing gated entrance to McKelvey Celtic Athletic Football Club playing pitch and a future access to the undeveloped greenfield site to the west.

Permission is also sought for 515 number car parking spaces and 1,068 number cycle parking spaces at basement and surface levels, bin storage areas, Electricity Supply Board substations, plant and public lighting, boundary treatments, surface water drainage infrastructure including connection to the attenuation tank permitted by Fingal County Council Register Reference Number F19A/0146 and located beneath a proposed central landscaped public open space of circa 4,737 square metres, a linear public open space of circa 1,848 square metres and all associated site development and infrastructure works including demolition of the existing temporary surface car park all located at Charlestown Place and Saint Margaret's Road, Charlestown, Dublin 11 (lands generally bounded by McKelvey Avenue and McKelvey Celtic Athletic Football Club playing pitch to the south, Saint Margaret's Road to the east, Charlestown Place to the north and an undeveloped greenfield site to the west):

AND WHEREAS condition number 34 of An Bord Pleanála's decision under application reference number ABP-310350-21 required that prior to the commencement of development the developer shall pay 'a financial contribution to the planning authority in lieu of open space as provided for under Objective DMS57B of the Fingal Development Plan 2017-2023 and in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended', and that the 'manner of payment and amount of payment shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination':

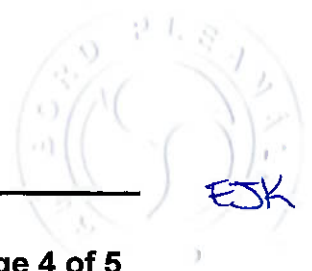
AND WHEREAS the developer and the planning authority failed to agree on the amount of development contribution to be paid in accordance with condition number 34:

AND WHEREAS the matter was referred by the developer to An Bord Pleanála on the 29th day of May, 2023 for determination:

AND WHEREAS the Board is satisfied that the matter at issue is the amount of development contribution to be paid:

AND WHEREAS the Board had particular regard to the provisions of Section 34(5) of the Planning and Development Act 2000, as amended, the Development Contributions Guidelines for Planning Authorities published by the Department of Environment, Community and Local Government in 2013, the Development Management Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government in 2007, the Fingal County Development Plan 2017-2023, the Fingal County Council Development Contribution Scheme 2021-2025 effective from 1st day of January, 2021, and the documentation submitted by the referrer and the planning authority,

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 condition number 34, on foot of this referral, results in a charge of €1,135,250 (one million, one hundred and thirty five thousand, two hundred and fifty euro).



Reasons and Considerations

Having regard to:-

- (a) Section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of the Fingal County Development Plan 2017-2023 and the Fingal County Council Development Contribution Scheme 2021-2025,
- (c) Section 48 of the Planning and Development Act 2000, as amended, and
- (d) the submissions on file, and the planning history of the site,

it is considered that, in the absence of agreement from the planning authority, and having regard to the design, nature, and scale of the proposed open spaces, the inclusion of the entire area of Open Space No. 1 (4,737 square metres) as public open space is reasonable, but that the entire area of Open Space No. 2 (1,848 square metres) should be excluded from the calculable public open space provision. Based on the resulting shortfall of 19,363 square metres, the amount of contribution payable was calculated based on 4.78 acres.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *2nd* day of *October*, 2023.

