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**Planning and Development Acts 2000 to 2022**

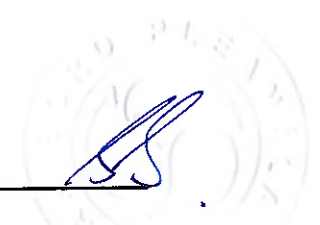
**Planning Authority: Fingal County Council**

**Associated Reference Number: ABP-309126-21**

**WHEREAS** by Order dated the 15<sup>th</sup> day of March 2021 An Bord Pleanála, under application Reference Number ABP-309126-21, granted subject to conditions a permission to Glenveagh Homes Limited care of John Spain Associates, of 39 Fitzwilliam Place, Dublin 2 for development comprising:

Demolition of the existing two-storey dwelling and ancillary buildings (circa 1,287 square metres) and the construction of a residential development of 192 number apartments and ancillary facilities in five number five-storey apartment buildings, comprising 67 number one-bedroom apartments, 104 number two-bedroom apartments and 21 number three-bedroom apartments (all apartments with balconies or terraces) as follows:

- Block A (five storeys) comprises 38 number apartments consisting of 16 number one-bedroom, 19 number two-bedroom and three number three-bedroom apartments,
- Block B (five storeys) comprises 41 number apartments consisting of 16 number one-bedroom, 22 number two-bedroom and three number three-bedroom apartments,



- Block C (five storeys over basement) comprises 46 number apartments consisting of 12 number one-bedroom, 31 number two-bedroom and three number three-bedroom apartments,
- Block D (5 storeys over basement) comprises 31 number apartments consisting of seven number one-bedroom, 20 number two-bedroom and four number three-bedroom apartments,
- Block E (5 storeys over basement) comprises 36 number apartments consisting of 16 number one-bedroom, 12 number two-bedroom and eight number three-bedroom apartments,

The facilities at ground floor of Block A will comprise a creche (circa 174 square metres), gym (circa 114 square metres), residential amenity room (circa 40 square metres) and security office (circa 22 square metres),

Vehicular access to the development will be from two number junctions onto the Carpenterstown Road including secondary access [exit only] at western corner of lands in reconfigured arrangement to existing access – existing access to be closed and planted and relocated to eastern corner of lands on Carpenterstown Road (layout to facilitate future cycle route at northern boundary),

240 number car parking spaces (82 number surface car parking and 158 number basement car parking);

180 number basement bicycle spaces (as well as bin storage, plant and stores at basement level) and 172 number surface bicycle spaces;

Provision of landscaped areas, circulation, paths, attenuation and all ancillary site development works, single storey Electricity Supply Board substation, single storey bicycle and bin stores all located at a site of circa 1.77 hectares at 'Balroy House' Carpenterstown Road, Dublin.

**AND WHEREAS** Condition Number 30 of An Bord Pleanála Reference Number ABP-309126-21 required that prior to the commencement of development the developer shall pay to the planning authority 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 in the area, and that '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:

**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 30:

**AND WHEREAS** the matter was referred by the developer to An Bord Pleanála on the 13<sup>th</sup> day of June 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 Development Plan 2017-2023; the Fingal County Council Development Contribution Scheme 2021-2025 in place from 1<sup>st</sup> 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 30 on foot of this referral results in a nil charge.

### **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 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.

The Board considered that, in the absence of evidence of specific exceptional costs not covered by a development contribution scheme which would benefit the proposed development in accordance with section 48(2)(c) of the Planning and Development Act, 2000, as amended, that the appropriate quantum of monies due under Condition Number 30 of An Bord Pleanála Reference Number ABP-309126-21 is, therefore, nil.

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



Dated this 12<sup>th</sup> day of October 2023