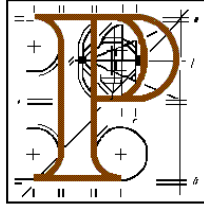


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

An Bord Pleanála Reference Number: 29N.RP.2119 (appeal reference number PL 29N.242757, planning register reference number 3246/13)

WHEREAS by order dated the 25th day of June, 2014 An Bord Pleanála, under appeal reference number PL 29N.242757, granted subject to conditions a permission to Lidl Ireland GmbH care of KMD Architecture of Top Floor, 3 Westland Square, Pearse Street, Dublin for development comprising demolition of an existing warehouse/office building measuring 3,667 square metres and associated and ancillary structures and site development works; the construction of a phased development, Phase 1 comprising a single storey double height Licensed Discount Foodstore measuring 1,831 square metres with a net sales area of 1,287 square metres and a single storey electricity substation measuring 48 square metres; Phase 2 comprising three adjoining single storey double height retail units with a gross floor area of 1,781 square metres and net sales areas measuring approximately 384, 492 and 600 square metres; the provision of a surface car park comprising 65 number spaces and 18 number cycle spaces in association with Phase 1 and the assignment of 47 number existing parking spaces within the existing Omni Park car park dedicated to Phase 2; customer vehicular and pedestrian access to the proposed development is to be via new connections to the existing Omni Park car park and services/delivery access is to be via the existing Santry Hall Industrial Estate access road which will be upgraded; the proposed development also comprises car parking and access modifications/integration to the adjoining previously permitted mixed use scheme (planning register reference number 6584/07) and the provision of signage and totem sign on Swords Road, boundary treatments, hard and soft landscaping, lighting, connections to drainage and water services and all other ancillary and associated works including within the Omni Park car park and other enabling works to form connections to the Omni Park Shopping Centre,

all on a site of 1.2 hectares at Swords Road, Santry, Dublin (north of Omni Park Shopping Centre and to the rear of former Queensway furniture store):

AND WHEREAS condition number 13 attached to the said permission required the developer to pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended in respect of the provision of a pedestrian crossing in Santry Village across the Swords Road and the condition required that the contribution was to be paid prior to commencement of development or in such phased payments as the planning authority may have facilitated and was to be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office. The condition also required that the amount of the contribution 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 and the matter was referred by the developer to An Bord Pleanála on the 12th day of October, 2015 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 amount of the special financial contribution required to be paid under condition number 13 of An Bord Pleanála appeal reference number PL 29N.242757 (planning register reference number 3246/13) is €64,615 (sixty-four thousand, six hundred and fifteen euro).

REASONS AND CONSIDERATIONS

Having regard to the submissions on file, to the documentation attached to An Bord Pleanála appeal reference number PL 29N.242757 including the planning authority's notification of decision to grant and to the wording of condition number 13 as attached by the Board which required the payment of a section 48(2)(c) Development Contribution in respect of 'the provision of a pedestrian crossing in Santry Village across the Swords Road', it is considered that the Dublin City Council costs estimate, exclusive of the ten year maintenance costs, is reasonable and that condition number 13 attached to An Bord Pleanála appeal reference number PL 29N.242757 did not make provision for the apportionment of costs. Accordingly, the Board concluded that the section 48(2)(c) contribution in this instance should be €64,615 (sixty-four thousand, six hundred and fifteen euro) and considered that the phasing of payment over two phases is reasonable.

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.

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

Dated this day of 2016.