



An  
Bord  
Pleanála

**Board Order  
27.RP.2127  
(appeal reference number  
PL 27.224289)**

**Planning and Development Acts 2000 to 2016**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 07/112**

**WHEREAS** by order dated the 28<sup>th</sup> day of April, 2008, An Bord Pleanála, under appeal reference number PL 27.224289, granted subject to conditions a permission to Broomhall Estates care of Rowe McGill Architects of 28-30 Rathmines Park, Rathmines, Dublin for development comprising construction of a revised three-storey neighbourhood centre as previously permitted by planning register reference number 06/5286. The proposal includes an additional 370 square metre of retail, 241 square metre of storage space, additional 32 number car-parking spaces, revision of the internal arrangements to include seven number two bedroom apartments of 66 square metres and one number one bedroom apartment of 48 square metres, hair and beauty salon 134 square metres, dentist's surgery 165 square metres, pharmacy 67 square metres, total retail units 810 square metres, bicycle store 13.5 square metres, doctor's surgery 164 square metres, crèche 296 square metres, bin store 17.8 square metres and access, associated landscaping and siteworks all on lands at Merrymeeting Road, Broomhall, Rathnew, County Wicklow:

**AND WHEREAS** condition number 18 attached to the said permission required the developer to pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000 and the condition required that the contribution be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme were 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 application of the terms of the Scheme in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 30<sup>th</sup> day of March, 2016 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 contribution payable under the terms of condition number 18 of appeal reference number PL 27.224289 in respect of the eight number apartments within the Neighbourhood Centre is €117,600 (one hundred and seventeen thousand, six hundred euro).

## Reasons and Considerations

Having regard to:-

- the specific wording of condition number 18 of the permission granted by the Board under appeal reference number PL 27.224289 which required the payment of a financial contribution under the terms of the Development Contribution Scheme prior to the commencement of development or in such phased payments as the planning authority would facilitate, and in default of agreement that the matter be referred to the Board;
- the date that the planning permission was granted, the 16<sup>th</sup> day of April, 2008;
- the Terms of the Development Contribution Scheme (2005) that was operative at the time of the grant of permission,
- the agreements reached between the developer and the planning authority in respect of the payment of contributions,
- the provisions of Section 29 of the Urban Regeneration and Housing Act, 2015, and
- the report and recommendation of the Planning Inspector

it is considered that the terms of the Wicklow County Development Contribution Scheme adopted in 2005 have been properly applied in this instance, and that the appropriate amount of contribution remaining to be paid for the eight number apartments within the Neighbourhood Centre is €117,600.00 (one hundred and seventeen thousand, six hundred euro).

