



John Spain Associates attn. P Turley.
39 Fitzwilliam Place
Dublin 2
D02 ND61

NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACTS 2000 - 2015 AND REGULATIONS MADE THEREUNDER

Decision Order No. PB/0178/16	Decision Date 29 April, 2016
Register Ref. FW15A/0145	Registered 5 April, 2016

Applicant **Kimpton Vale Limited**

Bosca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724 f: (01) 890 6779
e: planning@fingal.ie www.fingal.ie

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15
Blanchardstown Office t: (01) 870 8436 f: (01) 890 5832 e: blanch.planning@fingal.ie

Development

The application site is located to the immediate south and west of the Windmill Park and Windmill Terrace apartment development, to the east of Diswellstown Road, south west of Station Court and north of the Royal Canal.

The proposal is for a residential development consisting of 143 no. apartments in four no. apartment blocks, consisting of 2 no. 1 beds, 132 no. 2 beds and 9 no. 3 bed residential units. Block J is a six storey block, including a penthouse level, containing 39 no. apartments, Block K is a 6 storey block, including a penthouse level, containing 34 no. apartments and Block L and M is an interlinked L-shaped part four part five storey block, including a penthouse level, with Block L containing 46 no. apartments and Block M containing 24 no. apartments.

Vehicular access will be via the existing access roads serving the Windmill development. 247 no. car parking spaces are proposed, including 92 no. at surface level and 155 no. at basement level. The development provides for the completion of the existing basement car park and courtyards above. The development proposes the phased completion of c. 2.88 ha of Class 1 Open Space and 0.45 ha of Class 2 Open Space to serve both the proposed and exiting residential units at Windmill. The development includes all associated site and infrastructural works, including foul and surface water drainage, landscaping (see phasing plan), boundary walls and fences, roads, cycle-paths and footpaths all on a site area of approximately 6.37 hectares.

The proposed development amends the scheme permitted under Reg. Ref. F05A/0583.

Location Windmill, Porterstown, Clonsilla, Dublin 15

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received 12-Jan-2016 / 05-Apr-2016

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the (24) conditions on the attached Pages.

Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars, specifications and information lodged with the application received on the 11/11/15 and by further information received on 05/04/16 the same as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. This permission authorises 143 no. residential units.

REASON: In the interest of clarity.

3. The proposed development shall be phased as follows:
 - Phase 1 shall consist of the levelling and seeding of the open space areas indicated in dark blue (1) on the phasing diagram drawing no. 01004.6 submitted on the 05/04/16 and shall be completed within 3 months of commencement. Phase 1 shall also include the construction of the compound and temporary access road.
 - All open space landscaping, playground and Multi Use Games Area (MUGA) shall be fully completed as per the Landscape Masterplan Plan drawing no. 01 received on the 05/04/16 and as per conditions no. 7 & 8 of this permission prior to the occupation of any unit in Blocks M, L, K and J, except open space works identified as part of Phases 3 & 4 as indicated on the phasing diagram drawing no. 01004.6 submitted on the 05/04/16.
 - Phase 3 shall consist of the Block K and associated open space and landscaping. All open space and landscaping shall be fully completed as per the Landscape Masterplan Plan drawing no. 01 received on the 05/04/16 and as per conditions no. 7 & 8 of this permission prior to the occupation of any unit in Blocks K.
 - Phase 4 shall consist of the Block J, all associated open space, landscaping, piece of public art, visitor parking and the removal of the compound and temporary access road. All open space and landscaping and piece of public art shall be fully completed as per the Landscape Masterplan Plan drawing no. 01 received on the 05/04/16 and as per conditions no. 7 & 8 of this permission prior to the occupation of any unit in Blocks J.

REASON: To ensure all works are carried out within a reasonable timeframe.

4. Prior to the commencement of development, the applicant shall submit and agree in writing with the Planning Authority a detailed Part V arrangement which complies with Part V of the Planning and Development Acts 2000- 2015.

REASON: To secure compliance with the requirements of Part V of the Planning

and Development Acts 2000 - 2015.

5. Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority details and samples of all external materials (zinc, rainwater goods, brick types, render, balconies, windows, doors) for the apartment blocks, paving, footpaths, roads, public lighting, boundary walls.

REASON: In the interest of visual amenity.

6.
 - i) Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority:
 - a) A Construction Traffic Management Plan.
 - b) A revised site layout plan with all car parking assigned to individual units (except for visitor spaces) and 2 no. parking spaces assigned to each 3 bedroom apartment unit.
 - c) Visitor parking shall be clearly delineated.
 - d) Details of the transition of the pedestrian/cycleway connection out onto the laneway to the south east corner of the site.
 - ii) The basement car-park shall comply with the current edition of 'Design Recommendations for Multi-Storey and Underground Car-Parks' published by the Institution of Structural Engineers, UK.
 - iii) No parking space shall be used for any purpose not directly related to the development.
 - iv) The car parking space shall not be sold, leased, licensed or sub-let in connection with any other use or purpose.

REASON: In the interest of orderly development.

7.
 - i) Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority a revised landscape plan as follows:
 - a) The northern site boundary between the application site and Saint Mochta's estate shall be delineated by a 1200 millimetre black painted metal railing and 600 millimetre butt wall. The existing pedestrian access points between the two sites shall be maintained. This boundary treatment shall be completed in full within 6 months of the final grant of planning permission.
 - b) The eastern site boundary shall be delineated by a 1200 millimetre black painted metal railing and 600 millimetre butt wall.
 - c) There shall be no mounding above 1m in height around the playground.
 - d) Details of a piece of public art.
 - e) Details of bulb planting.

REASON: In the interest of proper planning and sustainable development of the area and to ensure a high quality, maintainable open space areas delivered in a timely manner.

8. i) Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority a revised playground plan with the following details included:
- a) The playground shall be defined by a 1.2m 2mm diameter solid bar bow top perimeter railing painted black with anti-vandal fixings.
 - b) The playground shall have two entrances (with self-closing gates), metal covered bins at each entrance and 3 no. benches.
 - c) All the proposed playground equipment inclusive of 2 no. bucket swings for toddlers.
 - d) Details of the Multi Use Games Area (MUGA). The perimeter fence of the MUGA shall be rectangular in shape.
- ii) The playground shall be constructed in accordance with European standards EN 1176 and EN 1177.
- iii) The playground shall have an up to date RoSPA certificate prior to it being taken in charge.

REASON: In the interest of the proper planning and sustainable development of the area.

9. Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority details of the Management Agreement for the maintenance and control of the site for areas to be taken in charge by Fingal County Council and those areas which shall be maintained by the management company. The area to be taken in charge by Fingal County Council shall include the 19 no. car parking spaces at the entrance to the application site. These car parking spaces shall be to taking in charge standards.

REASON: In the interest of the proper planning and sustainable development of the area.

10. Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority a project construction and demolition waste management plan. The plan shall be prepared with reference to "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" – Department of the Environment, Heritage & Local Government (2006) and provide information on the management of all construction and demolition waste arising on-site and provide details on the provision for re-use of said material and/or recovery/disposal of this waste using authorised facilities and authorised collectors. The management of asbestos and PCB containing equipment, if found to be present, shall also be detailed in this Plan.
- ii) This plan shall include details of wheel wash facilities and vehicle re-fuelling areas.
 - iii) The applicants shall ensure soil materials excavated and destined for re-use shall be certified by a suitably qualified person as suitable for that choice of use and the destination(s) shall be included in this plan.

REASON: In the interest of the proper planning and sustainable development of

the area.

11. Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority:
 - i) An acceptable bilingual naming and numbering scheme which shall reflect local historical place names.
 - ii) All associated signage for the proposed development.

REASON: In the interest of the residential amenities of the area.

12.
 - i) The applicant shall comply with the Waste Management Act 1996 as amended in relation to waste stored/generated as a result of any activity on site.
 - ii) The applicant shall ensure that hauliers of waste hold a valid Waste Collection Permit for the waste material collected from the site and that the waste material is delivered to authorised waste recovery/disposal facilities.
 - iii) All storage tanks and fuel and/or chemicals shall be surrounded by a bund capable of retaining 110% of the volume of the largest single tank within the bunded area. The intake and outlet for the tanks shall be positioned inside the bund. Provisions shall be made to remove and dispose of the rainwater so as to ensure the specified volume is always available within the bund.

REASON: In the interest of proper planning and sustainable development of the area.

13.
 - i) The applicant shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
 - ii) The archaeologist shall notify the Department of Arts, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations.
 - iii) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Arts, Heritage and the Gaeltacht for consideration.
 - iv) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Arts, Heritage and the Gaeltacht will advise the Applicant/Developer with regard to same.
 - v) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Department of Arts, Heritage and the Gaeltacht.

REASON: To ensure the continued preservation (either in situ or by record) of

places, caves,
sites, features or other objects of archaeological interest.

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded and landscaped in accordance with the landscape masterplan drawing no. 01 submitted on the 05/04/16. These areas shall be maintained as public open space by the developer until taken in charge by the local authority.

REASON: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. Each apartment unit shall be used as a single unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001-2015. The apartments shall not be used for multiple occupancy living units / non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.

REASON: To prevent unauthorised development.

16. All WC's, bathroom and en-suite windows shall be fitted and permanently maintained with obscured glazing.

REASON: In the interest of residential amenity.

17. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

REASON: In the interest of orderly development and the visual amenities of the area.

18. The site works and building works required to implement the development shall only be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No works shall take place outside these hours or on Sundays or Bank or Public Holidays unless otherwise agreed in writing with the Planning Authority

REASON: In the interest of residential amenity.

19. i) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the

works.

- ii) Any damage to the surrounding public road shall be made good to the satisfaction of the Planning Authority.
- iii) All loaded lorries and skips leaving/entering the site shall be covered with sheeting and tied down.

REASON: In the interest of proper planning and sustainable development of the area.

20. The development hereby permitted shall be undertaken and completed at least to the construction standards set out in the Recommendations for Site Development Works for Housing Areas issued by the Department of the Environment, Heritage and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the local authority.

REASON: To ensure that the development is undertaken and completed to an acceptable standard of construction.

21. i) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.
- ii) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' Fingal County Council April 2006.

REASON: In the interest of proper planning and sustainable development.

22. i) Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- ii) In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

REASON: In the interest of proper planning and sustainable development.

23. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks, sewers, watermains and drains has been given by:-

A. Lodgement with the Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €572,000 which shall be kept in force by him until such time as the Roads, Open

Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council.....OR/

B. Lodgement with the Council of a Cash Sum of €357,500 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification....OR/

C. Lodgement with the Planning Authority of a letter of guarantee by any body approved by the Planning Authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the Planning Authority and such lodgement in any case has been acknowledged in writing by the Council.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent dis-amenity in the development.

24. The developer shall pay the sum of €886,803 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments and the provision of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website www.water.ie, Tel. (01) 6021000.

Note to Applicant:

The council will not be in a position to take the development in charge in the future, unless the development is constructed, completed and maintained to taking in charge standards.

Further Note to Applicant:

The applicant is advised that in the event of encroachment or oversailing of the adjoining property the consent of the adjoining property owner is required. It should be noted that Section 34 (13) of the Planning & Development Act 2000 states that 'a person shall not be entitled solely by reason of a permission under

Reg. Ref. FW15A/0145

this section to carry out any development'.

Signed on behalf of the Fingal County Council


for Senior Executive Officer

29 April, 2016

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.



Information Note - Public Water and Waste Water Networks

Connections

On the 1st of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.

INFORMATION for the purposes of Building Control;-

- **IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.**

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011) .

- **IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.**
- **YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.**

(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)

1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

Note: All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

2. Commencement Notice; www.localgov.ie

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from www.localgov.ie, @ BCMS. Please complete same and submit on-line to BCMS.

- (a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 S.I. No 9 of 2014) be to be accompanied by the following;
 - a. General Arrangement Drawings
 - b. A schedule of design documents as are currently prepared or to be prepared
 - c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
 - d. The preliminary inspection plan
 - e. A Certificate of Compliance (Design)
 - f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
 - g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a Chartered Engineer, or Registered Architect or Registered Surveyor
2. A Competent Builder must execute the work

3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(Note: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)

CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsa.ie, and

NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5th September 2011 are as follows:

Case Type

Planning Acts

(a) Appeals against decisions of Planning Authorities

Appeal

(i) 1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 st party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.

