



An
Bord
Pleanála

Board Direction
ABP-302691-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/03/2019.

The Board decided, as set out in the following Order, that

Board Order as follows: -

WHEREAS by order made on the 15th of May, 2009, Fingal County Council granted, subject to conditions, permission register reference F08A/1355, to M50 Motors Ltd for renovations to and redevelopment, including extensions, to the existing protected structure and associated outbuildings and gate lodge at Oatlands House to provide residential and part office development and all ancillary works at Oatlands House, Diswellstown, Castlenock, Dublin 15. An Extension of Duration of Permission was subsequently granted, (Register Reference, F08A/1355/E2 refers) on the 12th of September, 2014 to extend the permission until the 8th of August 2019.

AND WHEREAS Condition no.17 of the said permission required the applicant to pay Fingal County Council €276,153 being the appropriate contribution to be applied to this development in accordance with the Fingal County Council Development Contributions Scheme 2003 as adopted by Fingal County Council on the 8th of December 2003 in accordance with Section 48 of the Planning and Development Act 2000 as amended.

AND WHEREAS the developer and the planning authority failed to agree on the amount of the contribution to be paid pursuant to condition 17, and on application of the terms of the relevant Development Contribution Scheme in compliance with the terms of this condition and the matter was referred by Bushnell Investments Limited on the 4th day of October 2018.

NOW THEREFORE An Bord Pleánala, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and for the Reasons and Considerations set out below, hereby determines that the development contribution condition cannot be removed retrospectively. The amount payable under condition no.17 of Register Reference F08A/1355 and extension of duration permission F08A/1355/E2 is as determined and reduced by Fingal County Council to €237,568.75 in respect of public infrastructure benefitting the development 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, as amended.

Reasons and Considerations

Having regard to:

- (a) Sections 34(5) and 48 of the Planning and Development Act 2000, as amended,
- (b) The Fingal County Council Development Contributions Schemes 2003 and 2016-2020,
- (c) Section 29 (3(A) – 3(C)) of Part 4 of the Urban Regeneration and Housing Act 2015,
- (d) The submissions on file, and the planning history of the site,

The Board considered it appropriate that the Development Contribution be amended so that it be reduced in line with the reductions provided by Fingal County Council in their response to this point of detail referral.

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 and observations received by it in accordance with statutory provisions.

Board Member:

Date: 19/03/2019

Terry Ó Niadh