



An
Bord
Pleanála

Board Direction
BD-015415-24
ABP-315567-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/02/2024.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed to amend condition 2 as follows;

A development contribution of €67,639 (€106.04x 650 sqm) shall be paid to the Planning Authority as a contribution towards expenditure that was and/or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefiting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contributions Scheme 2020-2023 (in force at the time of lodgment of the application). This contribution is payable on commencement of development.

Phased payment will be considered only with the agreement of the Planning Authority.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefiting development in the administrative area of the planning authority.

Reasons and Considerations

The Board shared the view of its Inspector that a garden centre or external garden centre comprises industrial/commercial development for the purposes of requiring the payment of a contribution in respect of public infrastructure and facilities as per the Dublin City Development Contribution Scheme 2020-2023.

The Board also had regard to the submission received from Dublin City Council that the gross floor area of the proposed garden centre area be reduced by the area of the rear yard (228sq m), which is currently in use as storage (as stated in the application documentation for Reg Ref 3170/22) and that the development contribution should be based on 650sqm (i.e., 878sqm – 228sqm) gross floor area. In disagreeing with its Inspector, the Board was satisfied that the area of this rear yard should not be included in the calculated gross floor area as it functions as an ancillary yard rather than as the primary garden centre.

Board Member:



Joe Boland

Date: 13/02/2024