

An
Bord
Pleanála

Board Direction
BD-019899-25
ABP-321864-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/06/2025.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 13 and had not been properly applied in respect of conditions numbers 20, 21 and 22 and directs the said Council to ATTACH condition number 13 and the reasons therefor and to AMEND conditions numbers 20, 21 and 22 so that they shall be as follows for the reasons stated.

Conditions 20, 21 and 22 to read as follows:

20. The developer shall pay to the planning authority a financial contribution of €2,088.32 (two thousand and eighty eight euro and 32 cents) in respect of surface water infrastructure 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, as amended. The contribution shall be paid prior to 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. The developer shall pay to the planning authority a financial contribution of €31,325.66 (thirty one thousand, three hundred and twenty five euro and 66 cents) in respect of transport infrastructure 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, as amended. The contribution shall be paid prior to 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

22. The developer shall pay to the planning authority a financial contribution of €175,423.58 (one hundred, seventy five thousand and four hundred and twenty three euro and 58 cents) in respect of community and parks facilities and recreational amenities 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, as amended. The contribution shall be paid prior to 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

In relation to condition number 13:

Having regard to Section 6 (Contribution in Lieu of Public Open Space) of the current Dún Laoghaire Rathdown Contribution Scheme 2023-2028, including Section 6.2 that sets out that 'where the standards for public open space referred to in the County Development Plan are not met and/or that open space cannot be facilitated within the development, an additional financial contribution of €7,500,000 per hectare shall be calculated on a pro rata basis on the quantum of the shortfall in public open space and monies paid in accordance with such condition shall be applied to the provision of and/or improvements to a park and/or enhancement of amenities in the area', the Board was satisfied that the planning authority has correctly applied the terms of the Development Contribution Scheme with respect to requiring a financial contribution in lieu of open space.

In relation to condition numbers 20, 21 and 22:

Having regard to Section 7 (Exemptions and Reductions) including of particular relevance,

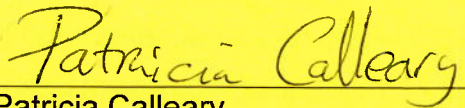
- (a) Section 7.1 (xiv) of the current Dún Laoghaire Rathdown Contribution Scheme 2023-2028 which lists 'changes of use of an existing premises' as being

exempt from the requirement to pay development contributions under the Scheme and which the Board was satisfied applies in this instance to the change of use of nos. 46 (a and b), 48 (a and b) and 1-6 Rogan's Court, i.e. 10 no. offices to 10 no. residential units, and

- (b) Section 7.2(i) which lists that 'where existing residential development is demolished and replaced by new residential development, contributions payable in respect of the replacement development shall be reduced by an amount equivalent to 50% of the contribution that would have been levied in respect of the original existing development had it been subject to the Scheme' and which the Board was satisfied applies to the demolition and replacement of 1no. dwelling at no. 49 Patrick Street, equating to 0.5 unit (50%),

it is considered that the planning authority has incorrectly applied the terms of the Development Contribution Scheme with respect to the available exemptions and reductions in respect of these three conditions.

Board Member:


Patricia Calleary

Date: 10/06/2025