

An
Coimisiún
Pleanála

Direction
BD-019911-25
ABP-321951-25

The submissions on this file and the Inspector's report were considered at a meeting held on 05/06/2025.

The Commission decided as follows:

WHEREAS by Order dated 8th October 2018, An Bord Pleanála under planning register reference number ABP-301458-18, granted permission under section 37E of the Planning and Development Act 2000, as amended, for the permanent continuance of use of the existing 8,840 space long-term car park known as Holiday Blue on a site at Harristown, Silloge and Ballymun Townlands, South Parallel Road, Dublin Airport, County Dublin, that is currently used for the same purpose under and in accordance with temporary planning permission reg.ref. PL06F.PA0022 and the 2,040 space long-term car park known as Express Red Zones Y and Z (Express Red) on a site at Stockhole, Cloghran and Toberbunny Townlands, Dublin Airport, County Dublin that is currently used for the same purpose under and in accordance with temporary planning permission reg.ref: PL06F.PA0030. The proposed development of 10,880 long-term car parking spaces is provided for under condition number 23 of the Terminal 2 planning permission, register reference number PL06F.220670 (F06A/1248). The proposed development includes all ancillary infrastructure and facilities, such as the accesses from the R108 and R132 for the Holiday Blue and Red Express (Y and Z) respectively, existing internal circulation roads, including bus turning circles, bus shelters, car park building (including public toilets and staff break room); two number security huts, car park administrative portacabin, three number substations, lighting, boundary fencing, car park barriers, car charging points, CCTV

cameras, internal car park signage, existing drainage network, including existing surface water attenuation areas, and all landscaping works.

AND WHEREAS condition number 4 attached to this 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 Fingal County Council Development Contribution Scheme made under 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 number 4, and on the application of the terms of the relevant Development Contribution Scheme in compliance with the terms of this condition:

AND WHEREAS the matter was referred by the developer to An Coimisiún Pleanála on the 10th day of February, 2025 for determination on a point of detail in accordance with section 37G(10) of the Planning and Development Act, 2000, as amended:

AND WHEREAS the Commission is satisfied that the matter at issue is the application of the terms of the scheme:


AND WHEREAS the Commission had particular regard to the provisions of Section 34(5) of the Planning and Development Act 2000, as amended; Section 48 of the Planning and Development Act 2000, as amended; the Development Contributions Guidelines for Planning Authorities published by the Department of Environment, Community and Local Government in 2013; the Fingal County Council Development Contribution Scheme 2016-2020; and the documentation submitted by the referrer and the planning authority:

NOW THEREFORE An Coimisiún 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

application of the terms of the Scheme have been applied properly and that the amount payable under condition no. 4 is €8,385,756.35.

Planning

Commissioner:


Marie O'Connor

Date: 29/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to:

- (a) sections 34(5), 37G(10) and 48 of the Planning and Development Act, 2000, as amended,
- (b) the Fingal County Council Development Contributions Scheme 2016-2020
- (c) the submissions on file, and the planning history of the site,

the Commission was satisfied that the change of use of the carparks from temporary to permanent use constituted a material change in use which was the subject of the Strategic Infrastructure Development (SID) application reference number ABP-301458-18 granted by An Bord Pleanála, subject to conditions on 08/10/2018.

The application was considered with reference to the Fingal County Council Development Plan 2016-2020 and the Fingal County Council Development Contributions Scheme 2016-2020. The overall site was subject to two zoning objectives in the County Development Plan - GE-General Employment, where long term carparking was subject to specific planning assessment and DA- Dublin Airport where 'carpark – non ancillary' was 'Permitted in principle'.

The Board, in relation to ABP-301458-18, included Condition 4 as it considered it appropriate under section 48 of the Planning and Development Act 2000, as amended, to apply the provisions of the contribution scheme in place at that time and explicitly noted *'the policy of the planning authority in respect of reductions in the amounts of development contributions payable in the case of temporary permissions'*.

In calculating the fees payable, Fingal County Council has had regard to applicable exemptions and reductions in the Development Contributions Scheme 2016-2020.

The Commission, in considering the referral, was satisfied that the carparks for the purposes of the Development Contribution Scheme are 'stand-alone commercial carparks' and that the applicable exemption in the Scheme which should apply is 10(j) and thus subject to a 50% reduction in the commercial rate.

The Commission agreed with the Inspector that the Table in section 9 of the Development Contribution Scheme was applicable and the levy to be applied related to € per square metre of Industrial/Commercial class of development and agreed with the Inspector's calculation of the amount payable as being €8,385,756.35.

In disagreeing with the inspector, specifically in relation to the exemption provided by the first sentence in section 10(j), the Commission noted that the referrer referenced Condition 23 of the planning permission PL 06F.220670 granted on 29 August 2007 which stated that *'Provision of parking to serve the development hereby permitted shall be the subject of separate planning applications, as required'* and that the total number of long term (26,800) and short term parking places (4,000) were limited *'in the interest of free flow of traffic and proper planning and sustainable development of the area'*.

The Commission considered that the development, which is for permanent long term carparking to be provided on a commercial basis subject to separate planning permission, in this case a Strategic Infrastructure Development application, at this location, was not ancillary in the context of the above planning permission. The car parks were considered to align with the term of 'non-ancillary carpark' in accordance

with the relevant County Development Plan and as such the specific exemption in the Development Contribution Scheme was not applicable.

Note:

The Commission noted in the documentation submitted that the planning authority has applied a policy of reductions in the amount of development contribution payable and agree that these can be taken into consideration in the calculation of the amounts due.