

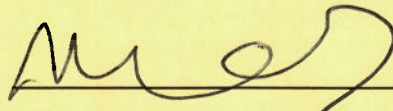
An
Coimisiún
Pleanála

Commission Direction
CD-000377
PL-500531-DR-25

The submissions on this file and the Inspector's report were considered at meetings held on 25 March 2026 and 01 April 2026.

The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Commission also decided that the planning authority be directed, as set out below:

Planning Commissioner:



MaryRose McGovern

Date:

2nd day of April 2026

DRAFT WORDING FOR ORDER

Remove Condition 9, Condition 10 and Condition 11

Attach a new Condition as follows:

The developer shall 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 the amount of €27,664.45, 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

The Commission had regard to the contents of the appeal submission, the copy planning authority file, the submissions of the planning authority dated the 19th day of January 2026 and the 5th day of February 2026, and the appellants' response of the 25th day of February 2026 to the planning authority's submission.

Having regard to the totality of the information submitted with the appeal, the Commission was satisfied that the development which is the subject of the application submitted to the planning authority (ref. D25A/0752) constituted a demolition and replacement development, for the purposes of the Dún Laoghaire Rathdown Development Contribution Scheme 2023-2028 ("the Scheme"), and

that the amounts payable at the time of the grant of permission by the public authority, on the 29th day of November 2025, should be calculated on this basis. The Commission noted that the Scheme makes no allowances for a demolition and rebuild which is enforced on a developer for reasons of safety.

In considering the calculation of the development contribution, the Commission was satisfied that the calculation should have regard to the rates of contribution effective on permissions granted by the planning authority on or after the 1st day of November 2023, and should incorporate:

- (a) the basic rate per residential unit set out in Table A of the Scheme,
- (b) the additional contribution, per square metre (m²), set out at para. 4.6 of the Scheme, for dwellings with an area exceeding 150 m², and
- (c) the reduction amount set out at para. 7.2i of the Scheme.

The Commission agreed with the Inspector that in calculating the contribution payable for this development, the application of the provisions of the Scheme require that (a) the full standard contribution per unit of residential development (€13,876.24) should be added to (b) the contribution rate of €119.84 per m², in respect of the floor area of the replacement dwelling in excess of 150m², and that para. 7.2i of the Scheme provides for a reduction to be applied to the combined total of these two elements at (a) and (b) above.

The Commission accepted the appellants' submissions that the total floor area of the dwelling prior to demolition and replacement, stood at 416.9m² and that the

floor area of the replacement dwelling is “identical” to the development commented under D24A/0306, having an area of 456.4m².

Having regard to the total contribution rate, per unit of residential development, set out at Table A of the Scheme, which represents the combined contribution for Class 1, Class 2 and Class 3 Infrastructure, the Commission considered it appropriate to combine the development contributions set out at conditions 9, 10 and 11 of planning permission reference D25A/0752, and to omit those conditions in their entirety, and instead attach a new condition for the payment of one combined development contribution.

Having regard to the value of (a) above at €13,876.24, and the value of (b) above at €36,718.98, (to reflect a contribution of €119.84 per m², in respect of 306.4m², given the area of the replacement structure totalling 456.4m²) the Commission was satisfied that the combined contribution amount, before applying a reduction, amounts to €50,595.22.

Having regard to the relevant reduction of €22,930.77 to be applied in accordance with para. 7.2i of the Scheme (to reflect 50% of the amount that would have been levied in respect of the original existing development had it been subject to the scheme, having an area of 416.9m²) the Commission was satisfied that the contribution payable by the appellants, is €50,595.22, reduced by €22,930.77, and amounts to a total of €27,664.45.