



An
Bord
Pleanála

Board Direction
06F.RP2144

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 19th 2018.

The Board determined that the amount of the contribution required to be paid under condition 3 of planning permission PL06F.245865 should be €66,952, in accordance with the Inspector's recommendation.

Board Order as follows:-

WHEREAS by Order dated the 31st day of March 2016, An Bord Pleanála, under appeal reference PL06F.245865, granted, subject to conditions, permission to 7 Day Auto Ltd. care of McCutcheon Halley Walsh of 22/23 Pembroke Street Upper, Dublin 2, for the erection of two number proposed surface-mounted non-illuminated flat panel signs, retention of the change of use from light industrial to motor sales outlet, servicing of motor vehicles and ancillary associated uses and for the erection of four number existing surface-mounted non-illuminated flat panel signs to the south and east elevations of an existing building at Unit 8, Block 6, Plato Business Park, Damastown, Dublin 15;

AND WHEREAS condition number 3 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 terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution was to 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 and the condition required that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of such agreement, the matter was to be determined by An Bord Pleanála;

AND WHEREAS the developer and the planning authority failed to agree on the application of the terms of the Scheme in compliance with the terms of this condition and the matter was referred by 7 Day Auto Ltd. to An Bord Pleanála on the 2nd day of March, 2017, for determination;

NOW THEREFORE An Bord Pleanála, 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 amount payable under condition 3 of An Bord Pleanála appeal reference PL06F.245865 is €66,952 (sixty six thousand, nine hundred and fifty two euro), in accordance with the terms of the development contribution scheme applicable at the date of grant of permission.

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 Contribution Scheme 2016-2020,
- (c) An Bord Pleanála appeal reference PL06F.245865 (planning authority register reference number FW15A/0130), including condition 3 of that grant of permission, and
- (d) the submissions on file, and the planning history of the site

the Board noted that the Fingal County Council Development Contribution Scheme 2016-2020 does not allow for exemptions and reductions to apply to permissions for retention of development, and that the planning permission in question was, inter alia, for the retention of the change of use of these premises from light industrial to motor sales outlet, servicing of motor vehicles and ancillary associated uses. The Board therefore considered that the terms of the Scheme had been correctly applied by the planning authority.

Board Member

Date: 19th January 2018

Philip Jones