



An
Bord
Pleanála

Board Order
PL 06S.248585

Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD16A/0417

Appeal by Lucy McCarthy care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 15 of its decision made on the 2nd day of May, 2017.

Proposed Development: Equestrian facility for the purpose of breeding, breaking and producing horses for own use and sale consisting of: (a) 50 number stables in two adjacent blocks totalling 897 square metres, 3.75 metres high, (b) indoor exercise area, 940 square metres, 7.1 metres high, (c) machinery park/shelter building, 481 square metres, 6.75 metres high, (d) staff welfare building, 107 square metres, 5.1 metres high to include associated canteen/wc/wash area and tack room, (e) outdoor sand arena, 1,800 square metres, (f) ancillary yard 3,320 square metres approximately for vehicle parking-marshalling-loading-unloading including six metres access road with new access/egress gate from Tay Lane, all on a 1.45 hectare site at The Pond Field, Rathcreedan, Rathcoole, County Dublin.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 15 and directs the said Council to REMOVE condition number 15 and the reason therefor.

Reasons and Considerations

The Board considers that the requirement to pay the development contribution is not in accordance with the requirements of Section 48 of the Planning and Development Act, 2000, as amended, and the South Dublin County Development Contribution Scheme 2016-2020. It is considered that the proposed development is, under the definition as set out under Section 2 of the 2000 Act, for agriculture purposes and is primarily required for a person (the applicant) engaged in agriculture. As such, it is exempt under subsection 10(xiv) of the South Dublin County Development Contribution Scheme 2016-2020. Accordingly, the Board considers that condition number 15 was unwarranted and directs that it be removed.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017