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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D18A/0206.**

**Appeal** by Dun Laoghaire Harbour Company DAC care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 1<sup>st</sup> day of May, 2018 by Dun Laoghaire Rathdown County Council to refuse permission.

**Proposed Development:** Retention of a steel mesh fence and associated structural posts erected along the western edge of Berth 1, East Pier and measuring approximately 2.4 metres in height and 73 metres in length Site (circa 0.03 hectares) at Berth 1, East Pier (Protected Structure), Dun Laoghaire Harbour, Co Dublin.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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.

## **Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the established character and pattern of development in the harbour area and the nature, scale and design of the steel mesh fence and associated structural posts erected along the western edge of Berth 1 to be retained it is considered that, subject to compliance with the conditions set out below, that the development proposed for retention would not materially or adversely affect East Pier, a Protected Structure (Record of Protected Structures Reference Number 307), or the wider Harbour Candidate Architectural Conservation Area and would not seriously injure the amenities of the area or of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 This permission shall be for a period of two years from the date of this order. The steel mesh fence and associated structural posts erected along the western edge of Berth 1 shall then be removed unless, prior to the end of the period, permission for its retention shall have been obtained.

**Reason:** To allow for a review of the development having regard to the circumstances then pertaining and in the interest of architectural heritage and visual amenity.

- 3 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 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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

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

**Dated this            day of            2018.**