



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council.

Planning Register Reference Number: F08A/1355.

WHEREAS by Order dated the 15th day of May, 2009, Fingal County Council, under planning register reference number F08A/1355, granted subject to conditions a permission to M50 Motors Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin for development comprising renovations to and redevelopment, including extensions, of the existing protected structure and associated outbuildings and gate lodge at Oatlands House. Oatlands House is a protected structure. The protected structure includes the main house, gate lodge, out offices and gates. The development will consist of (A): the renovation of Oatlands House to accommodate one number apartment unit at lower ground level and office accommodation at ground and first floor levels, (B) the redevelopment of existing south-west wing of Oatlands House including two-storey extension to side and rear, to accommodate five number courtyard houses, (C) renovations to and redevelopment, including extensions to rear, of existing stables and barns to accommodate the provision of seven number courtyard houses, (D) refurbishment of and addition of a single storey extension to rear of existing Gate Lodge, (E) upgrading of the existing secondary vehicular access to Luttrellstown Road to road junction with associated boundary treatment and carriageway and (F) provision of Electricity Supply Board substation and all

associated landscaping, parking and site development works at Oatlands House, Diswellstown, Castleknock, Dublin. An Extension of Duration of Permission was subsequently granted, planning register reference number F08A/1355/E2, on the 12th day of September, 2014 to extend the permission until the 8th day of August, 2019:

AND WHEREAS condition number 17 attached to this permission required the developer to pay to the planning authority a financial contribution in the sum of €276,153, being the appropriate contribution to be applied to this development in accordance with the Fingal County Council Development Contribution Scheme 2003 as adopted by Fingal County Council on the 8th day of December, 2003 in accordance with 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 17, and on the application of the terms of the relevant Development Contribution Scheme in compliance with the terms of this condition and the matter was referred by the developer to An Bord Pleanála on the 4th day of October, 2018 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 based on the Reasons and Considerations set out below, hereby determines that the development contribution condition cannot be removed retrospectively. The amount payable under condition number 17 of planning register reference number F08A/1355 and the Extension of Duration of Permission, planning register reference number F08A/1355/E2 is as determined and reduced by Fingal County Council to €237,568.75 (two hundred and thirty-seven thousand, five hundred and sixty-eight euro and seventy-five cent) in respect of public infrastructure benefiting the development 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.

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 Contributions Schemes 2003 and 2016-2020,
- (c) sections 29 (3(A) – 3(C)) of Part 4 of the Urban Regeneration and Housing Act 2015, and
- (d) the submissions on file, and the planning history of the site,

the Board considered it appropriate that the development contribution be amended so that it be reduced in line with the reductions provided by Fingal County Council in their response to this point of detail referral.

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.

Terry Ó Niadh

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

Dated this day of 2019.