



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0473

Appeal by Kinsealy Property Unlimited Company care of Hendrik W. van der Kamp of 1 Woodstown Court, Knocklyon, Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 6th day of December, 2018.

Proposed Development: Retention of 17 additional bedspaces in a nursing home permitted under planning register reference number F11A/0230 at Talbot Lodge Nursing Home, Kinsealy Lane, Kinsealy, 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 4 and directs the said Council to **AMEND** condition number 4 so that it shall be as follows for the reason stated.

4. The developer shall pay to the planning authority a financial contribution of €27,553 (twenty seven thousand, five hundred and fifty three euro) 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. The application of any indexation required by this condition 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.

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

Having regard to:

- (a) the Development Contributions Guidelines for Planning Authorities, issued by the Department of Environment, Community and Local Government in January, 2013,
- (b) the Fingal County Council Development Contribution Scheme 2016-2020, including the provisions of section 10(ii)(a) confirming that exemptions and reductions do not apply to permissions for retention of development,

- (c) the fact that the application is for retention of 17 additional bedspaces, within a stated floorspace of 383 square metres, as per the planning application form, and
- (d) the fact that the nature of the use for which retention permission is sought is commercial for the purposes of the calculated contribution under the Fingal County Council Development Contribution Scheme 2016-2020, and that the rate of contribution effective from 1st January 2019 is €71.94 per square metre,

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, that the terms of the Development Contribution Scheme for the area was not properly applied and that condition number 4 of the planning authority's decision should be amended as set out above.

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.

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

Dated this day of 2019.