



An
Bord
Pleanála

Board Order
ABP-303460-19

Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0380

Appeal by CDS (Superstores International) Limited care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, 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 9 of its decision made on the 11th day of December, 2018.

Proposed Development: Construction of an extension to enclose the garden centre area and new signage on the newly created southern elevation. An ancillary café located within the floor area of Units 5-8 and all associated site development works necessary to complete the development, all at Units 5-8, Liffey Valley Retail Park West, Quarryvale, 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 9 and directs the said Council to AMEND condition number 9 so that it shall be as follows for the reason stated.

9. The developer shall pay to the planning authority, a financial contribution for the proposed 707 square metres extension to units 5-8, in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that it is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the South Dublin County Council Development Contribution Scheme 2016-2020, 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. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced, as outlined in the South Dublin County Council Development Contribution Scheme 2016-2020.

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 provisions of the South Dublin County Council Development Contribution Scheme 2016-2020,
- (b) the submissions made in the appeal, and the correspondence received by An Bord Pleanála on the 20th day of May, 2019,
- (c) the acknowledgement by South Dublin County Council that the café element of the proposed development comprises a change-of-use, within the relevant commercial development class, for which proof of payment has been confirmed, and
- (d) the absence of confirmation that a development contribution was paid on a per square metre basis, for the external garden centre area of units 5-8,

it is considered that condition number 9 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.