



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0437

Appeal by Westpark Investments Limited care of Colm Reid Architects of 4 Newcourt Avenue, Bray, County Wicklow 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 3 of its decision made on the 14th day of February, 2019.

Proposed Development: Change of use from card club to offices at First Floor Block One, Village Green, Tallaght, 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 been properly applied in respect of condition number 3 and directs the said Council to ATTACH condition number 3 and the reasons therefor.

Reasons and Considerations

Section 10 (xxvii) of the South Dublin County Council Development Contribution Scheme 2016-2020 stipulates that an exemption from the payment of a financial levy will be given in circumstances where a planning application is for a change of use and a financial levy has previously been paid in respect of the former use. The section explicitly states that agents/applicants should provide evidence of 'prior payment (of a financial contribution) at application stage... in order to avail of this exemption'. On the basis of the documentation submitted with the application and appeal, the applicant has not demonstrated compliance with the requirements of Section 10 (xxvii). In these circumstances, it is considered that the terms of the Development Contribution Scheme have been properly applied and that there are no other exemptions or discounts available to the applicant.

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.