



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0593

Appeal by Motocombe Limited care of Downey Planning of 1 Westland Square, Pearse Street, 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 19 of its decision made on the 19th day of March, 2019.

Proposed Development: Construction of a production and distribution warehouse building of 7,939 square metres with loading bays and yard for articulated lorries; an attached two-storey office building of 1,385 square metres with first floor terrace and setback roof plant enclosure of 68 square metres; external single storey plant enclosure at ground level of 622 square metres; separate single storey Electricity Supply Board substation, electrical switch room and transformer room at ground level of 49 square metres; landscaped surface staff and visitor car parking; covered bike parking, smoking shelter, two number vehicular entrances from access road, one of which is also a pedestrian entrance; signage on building and at entrances; boundary fencing and extensive boundary landscaping and all other associated site services and utilities necessary to facilitate the site

development, all at M1 Business Park, Courtlough, Balbriggan, 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 19 and directs the said Council to AMEND condition number 19 so that it shall be as follows for the reason stated.

19. The developer shall pay to the planning authority a financial contribution of €385,203 (three hundred and eighty five thousand, two hundred and 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

In relation to condition number 19, the Board considered that the Fingal County Council Development Contribution Scheme 2016 - 2020 had not been properly applied in respect of condition number 19 and a rate of €35.97 should apply to the warehouse element of the proposed development and a rate of €71.94 to the office element of the proposed development.

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

Dated this day of 2019.