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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW19A/0019**

**Appeal** by Sorallon Limited care of Jim Brogan Planning and Development Consultant of Unit B1 Laurel Lodge Business Centre, Laurel Lodge, Castleknock, 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 17 and in relation to the inclusion of special contribution condition number 16 of its decision made on the 18<sup>th</sup> day of July, 2019.

**Proposed Development:** Amendment to previous approved planning reference number FW17A/0112 to include: (1) amendment to elevation and layout of single storey annex building to the side of existing house to contain a restaurant on ground floor with the use to prepare hot and cold food for consumption on and off premises, (2) subdivision of separate commercial units in the basement, (3) amendment to layout of ground floor commercial/retail units, (4) revision to the approved internal layouts of nine number apartments on ground, first and second floor at Ongar House, number 1 Ongar Square, Dublin.

## **Decision**

**The Board, 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 17 and directs the said Council under section 48 of the Planning and Development Act, 2000, as amended, to REMOVE the said condition number 17.**

**Furthermore, the Board considered, based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had been properly applied in respect of condition number 16 and directs the said Council under section 49 of the Planning and Development Act, 2000, as amended, to AMEND the said condition number 16.**

16. The developer shall pay the sum of €178,612 (one hundred and seventy eight thousand and six hundred and twelve euro) to the planning authority in respect of the Clonsilla to Dunboyne (Pace) Railway Line. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the planning authority. The rate of contribution payable shall be that pertaining to the particular year in which implementation of the planning permission commences. The Supplementary Development Contribution Scheme provides for an annual increase in the levels of contribution payable, as outlined in the scheme, by a factor of 5% compound interest per annum. The levels of contribution will be reviewed annually on the 1<sup>st</sup> day of January of each year during which the scheme is in force, to take account of the aforementioned increase. This is in lieu of condition number 23 of planning permission reference number FW17A/0112.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

## **Reasons and Considerations**

The Board accepted the case made by the planning authority, which justified the financial contribution concerned, on the basis that the present application was expressed to be an amendment to planning permission reference number FW17A/0112 and accepted the basis of the planning authority's calculation of the amount payable.

The Board noted that condition number 17 related to the Section 48 Development Contribution Scheme and that it had been confirmed by the planning authority that the corresponding condition of planning permission reference number FW17A/0112, condition number 24 had been paid in accordance with this condition and considered, therefore, that the imposition of this condition was unwarranted.

## **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.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**