



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council South

Planning Register Reference Number: 3718/19

Appeal by The Provost, Fellows, Foundation Scholars and other Members of the Board of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme and the Supplementary Development Contribution Scheme made for the area in respect of conditions numbers 2 and 3 of its decision made on the 3rd day of October, 2019.

Proposed Development: Permission for development (to be known as the E3 Learning Foundry) consisting substantially of the area of the four-storey Biochemistry building fronting Parade Ground, two storey portacabin single storey Roberts Laboratory, glasshouses and ancillary single storey structures which has permission for the demolition and removal of structures pursuant to planning register reference number 3884/18. The development site will also include the Anatomy Annexe building, parts of the Zoology/Physiology and Anatomy/Chemistry buildings and part of Parade Ground. The development consists of: 1. new university building circa 7,256 square metres, fronting

Parade Ground, ranging from four to six storeys over basement (circa 26 metres above ground level at the central lantern element of the building). The new building will connect to the rear of the Zoology/Physiology building at ground floor level, 2. demolition of two-storey Anatomy Annexe building circa 270 square metres and extensions to that building circa 135 square metres located adjacent to the Zoology and Anatomy/Chemistry buildings, creating a new landscaped plaza and providing a pedestrian connection between Parade Ground and College Park over part basement, 3. demolition of accretions (additions) to rear of Zoology/Physiology building circa 270 square metres and consequent alterations to rear elevations with minor reconfiguration works at the interface between the existing building and proposed new development, 4. creation of an external access to the north elevation of the Anatomy building and alterations to that elevation, 5. all ancillary works, including bicycle provision (circa 360 spaces); attenuation tank; basement and rooftop plant; rooftop pv panels, greenhouse and terrace on roof of four-storey element; landscaping and public realm works; drainage; signage; all related site development and excavation works above and below ground; all at this site circa 0.47 hectares within the campus of Trinity College Dublin, 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 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

Furthermore, the Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, also based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €271,937.10 (two hundred and seventy one thousand, nine hundred and thirty seven euro and ten cent) 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.

3. The developer shall pay to the planning authority a financial contribution of €137,598 (one hundred and thirty seven thousand, five hundred and ninety eight euro) in respect of the Luas Cross City Scheme (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Reasons and Considerations

Having regard to:

- (a) the nature and scale of the proposed development,

- (b) the planning history on the subject site, namely planning register reference number 3884/18,
- (c) the provisions of the Dublin City Council Development Contribution Scheme 2016-2020 made under Section 48 of the Planning and Development Act 2000, as amended, and
- (d) the Supplementary Development Contribution Scheme (under Section 49, Planning & Development Act, 2000, as amended) for Luas Cross City (St. Stephen's Green To Broombridge Line)

The Board considered that the levies imposed under conditions numbers 2 and 3 failed to take account of the demolition permitted under planning register reference number 3884/18, being an integral part of the subject proposed development and, therefore, the floor spaces used in the calculation of the levy were incorrect. It is considered that the Scheme has been incorrectly applied, failing to consider the reduced rate for the net additional floor space as provided for in section 14 of the **Dublin City Council Development Contribution Scheme 2016-2020** made under Section 48 of the Planning and Development Act 2000, as amended, and Section 12 of the Supplementary Development Contribution Scheme **Luas Cross City (St. Stephen's Green to Broombridge Line)** made under Section 49 of the Planning and Development Act 2000, as amended.

