



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0069

WHEREAS by Order dated the 23rd day of October, 2018 An Bord Pleanála, under appeal reference number ABP-301557-18, granted subject to conditions a permission to Millview Farm care of Eddie Gribbin of 3 The Orchard, Oldtown, County Dublin for development comprising planning retention for a 666 square metres agricultural pack house, packing shed and fridge unit for which planning permission has been granted for a 502 square metres pack house and machinery store granted under planning register reference number F13A/0015 within the curtilage of a protected cottage, all at Drishoge, Oldtown, County Dublin:

AND WHEREAS condition number 4 attached to appeal reference number ABP-301557-18 required the developer to pay to the planning authority a financial contribution 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, and the condition required that details of the application of the terms of the Scheme were to be agreed

between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the amount of the contribution to be paid pursuant to condition number 4, and on the application of the terms of the relevant Development Contributions Scheme in compliance with the terms of this condition, and the matter was referred by the developer to An Bord Pleanála on the 28th day of February, 2020 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the amount payable under condition number 4 of ABP-301557-18 (planning register reference number F18A/0069), in respect of public infrastructure benefiting the development 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, shall be based only on the additional floor area to be retained, that is, 164 square metres. The applicable rate shall be the full commercial rate, in accordance with the provisions of section 10(ii)(a) of the Development Contribution Scheme, which provides that exemptions and reductions shall not apply to permissions for retention of development.

Reasons and Considerations

Having regard to:

- (a) sections 34(5) and 48 of the Planning and Development Act 2000, as amended,
- (b) the Fingal County Council Development Contributions Scheme 2016-2020, and
- (c) the submissions on file, and the planning history of the site,

the Board considered it appropriate that the amount of the development contribution be amended so that it be reduced to take into account that area previously granted permission in planning register reference number F13A/0015, as stated by the planning authority in their response to this point of detail referral.

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.

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

Dated this day of 2020.