

An
Bord
Pleanála

Board Order
ABP-308273-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0946

Appeal by Property Rentals Property Management Limited care of OCA Architects of 18 Highfield Road, Dublin in relation to the application by Dún Laoghaire-Rathdown County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 16, 17, 18, 19 and 20 of its decision made on the 31st day of August, 2020.

Proposed Development: Demolition of existing two-storey over basement commercial building of 1,507 square metres and construction of a new six-storey plus roof plant over basement commercial office building with ancillary café and retail use at ground floor; overall new building area proposed is 5,982.51 square metres and basement of 1,370.50 square metres (total is 7,353.01 square metres) with 29 car spaces; new civic plaza accessible to public at junction of Corrig Road and Carmanhall Road, all ancillary landscaping services and bicycle parking at plaza and within building, and all ancillary civil engineering and drainage connections on a site of 0.2 hectares at 17 Corrig Road, junction of Carmanhall Road, Sandyford, Dublin.

AM36

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 conditions numbers 16, 17, 18, 19 and 20 and directs the said Council to REMOVE conditions numbers 17, 18, 19 and 20 and the reasons therefor and to AMEND condition number 16 so that it shall be as follows for the reason stated.

16. The developer shall 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. The contribution shall be paid prior to the 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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

On the basis of the submissions received with the appeal, including the submission from the planning authority received on the 23rd day of October 2020, and having regard to the terms of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020 and adopted by Dún Laoghaire-Rathdown County Council on the 14th day of December, 2015, as amended under Section 48 of the Planning and Development Act, 2000, as amended, it is considered that the terms of the scheme have been incorrectly applied in this instance. The nature of the proposed development is considered to qualify for a reduction in the overall Section 48 contribution due, in accordance with section 10 (g) of the said Scheme and this reduction was not applied to the relevant contributions as set out in the decision of the planning authority to grant permission dated the 31st day of August, 2020. Accordingly, it is considered that conditions numbers 16, 17, 18 19 and 20 shall be replaced by a single condition under the provisions of Section 48 of the Planning and Development Act, 2000, as amended, providing for a reduction in the total contribution, to correct the original oversight by the planning authority.

Matters Considered

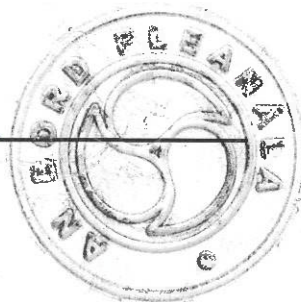
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Chris McGarry

Member of An Bord Pleanála

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



Dated this 14th day of June 2021.