

An
Bord
Pleanála

Board Order
ABP-308862-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dun Laoghaire Rathdown County Council.

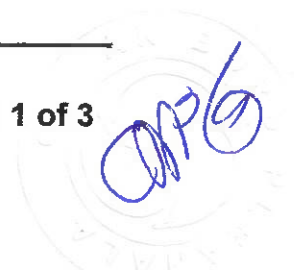
Planning Register Reference Number: D20A/0526.

Appeal by Hookmill Limited care of SBLM Architects Ireland Limited of The Nest, 19-20 York Road, Dun Laoghaire, County Dublin in relation to the application by Dun Laoghaire Rathdown County Council of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 12 of its decision made on the 12th day of July, 2020.

Proposed Development: Permission for development comprising the construction of a new two-storey storage/workshop building to the side of the existing part two-storey, part single storey (double height) warehouse building along with the formation of a new site entrance from Spruce Avenue, all with associated site works and landscaping, all at Unit 60, Holly Avenue, Stillorgan Business Park, Stillorgan, County Dublin.

Decision

The Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, based on the reasons

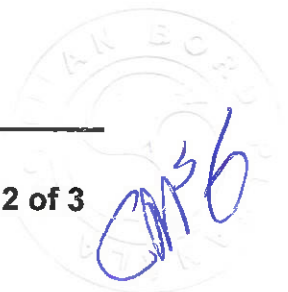


and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 12 and directs the said Council to AMEND condition number 12 so that it shall be as follows for the reason stated.

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.

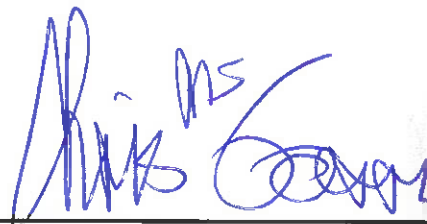
12. The developer shall pay to the planning authority a financial contribution of €36,918.22 (thirty-six thousand, nine hundred and eighteen euro and 22 cent) in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Reasons and Considerations

Having regard to the terms of the Supplementary Development Contribution Scheme for extension of Luas Line B1 – Sandyford to Cherrywood adopted by Dun Laoghaire Rathdown County Council on 13th day of January, 2003, as amended, specifically section 13, it is considered that the terms of the Scheme have been incorrectly applied in this instance by reference to the nature of the proposed development which provides for net additional development in the case of a commercial redevelopment project. The relevant site area (measured in hectares) liable for assessment in accordance with the terms of the said Scheme is deemed to be 0.04603 hectares having regard to the net additional development on site incorporating a new building footprint and associated site revisions, including a new entrance and traffic circulation and parking revisions. Accordingly, it is considered that condition number 12 should be amended.



Chris McGarry

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

Dated this 13th day of May 2021.