



An
Bord
Pleanála

Board Order
ABP-310883-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D21A/0364

Appeal by Sandyford Meats Limited care of HRA Planning of 3 Hartstonge Street, Limerick in relation to the application by Dun Laoghaire Rathdown County Council of the terms of the Development Contribution Scheme and the Supplementary Development Contribution Scheme made for the area in respect of conditions numbers 3, 4, 5, 6, 7 and 8 of its decision made on the 21st day of June, 2021.

Proposed Development: Permission to retain the provision of an extension to the existing industrial building to include an extension to the north eastern side elevation; an increase in internal floor area through extension of the first floor; removal of an internal wall to facilitate amalgamation of two number industrial units (unit 1 and 4) into one larger unit; provision of rooftop ventilation equipment and access ladder; alteration to north east rear facade to include new plant room door; and associated site works. The activity currently operates under a waste licence:- reference number.WPS/DR/084; all at Sandyford Meats Limited, Units 32/1 and 32/4, Ravens Rock Road, Sandyford Business Park, 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 conditions numbers 4, 5, 6, 7 and 8 and directs the said Council to AMEND conditions numbers 4, 5, 6, 7 and 8 so that they shall be as follows for the reasons stated.

Furthermore, 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 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reason stated

- 3 The developer shall pay to the planning authority a financial contribution of €3,368.60 (three thousand, three hundred and sixty eight euro and sixty cents) 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 within three months from the date of this order 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.

- 4 The developer shall pay to the planning authority a financial contribution of €1,023.12 (one thousand and twenty-three euro and twelve cents) in respect of roads infrastructure 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 (Sandyford Urban Framework Plan Area) made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months from the date of this order 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.

- 5 The developer shall pay to the planning authority a financial contribution of €267.12 (two hundred and sixty-seven euro and 12 cents) in respect of community and parks infrastructure 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 Development Contribution Scheme (Sandyford Urban Framework Plan Area) made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months from the date of this order 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.

- 6 The developer shall pay to the planning authority a financial contribution of €99.12 (ninety-nine euro and 12 cents) in respect of surface water infrastructure 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 within three months from the date of this order 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.

- 7 The developer shall pay to the planning authority a financial contribution of €2,269.26 (two thousand, two hundred and sixty-nine euro and 26 cents) in respect of roads infrastructure 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 within three months from the date of this order 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.

- 8 The developer shall pay to the planning authority a financial contribution of €1,472.10 (one thousand four hundred and seventy-two euro and ten cents) in respect of community and parks infrastructure 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 within three months from the date of this order 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.

Reasons and Considerations

Having regard to:

- (a) the total additional floor area of 42 square metres proposed in this application (a waste bone room with a proposed floor area of 14.6 square metres and an office/canteen area with a proposed floor area 27.4 square metres shown on drawing number 2040/01) and to which this grant of planning permission applies,

- (b) the provisions of the Section 49 Supplementary Development Contribution Scheme for the extension of Luas line B1 – Sandyford to Cherrywood which provides (paragraph 13) that only net additional development (in hectares) in the case of commercial redevelopment projects will be levied and that ancillary plant rooms will be exempt,
- (c) the provisions of the current Dun Laoghaire-Rathdown Section 48 Development Contribution Scheme which provides [paragraph 10(s)] that ancillary plant room (where plant is not core activity/operation) shall be exempt,
- (d) the provisions of the Development Contribution Scheme (Sandyford Urban Framework Plan Area) which provides [paragraph 10(s)] that ancillary plant room (where plant is not core activity/operation) shall be exempt, and
- (e) the level of contributions applicable on the 21st day of June, 2021,

it is considered that the areas of development proposed to be retained to which the Development Contribution Schemes apply were not correctly interpreted and applied by the planning authority in respect of a contribution towards public infrastructure and facilities benefiting development in the area of the planning authority.

The Board, therefore, directs the planning authority to amend conditions number 3, 4, 5, 6, 7 and 8 of the decision made under planning register reference number D21A/0364 on the basis of the terms of the Development Contribution Schemes being incorrectly applied.

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.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 8th day of March 2022.

