

**An
Bord
Pleanála**

**Board Order
ABP-313991-22**

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0198

Appeal by Sean Reilly care of McCutcheon Halley Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 7th day of June, 2022.

Proposed Development: The retention and continued use of the unit (40.6 square metres) approved as an Estate Management Office to serve the Malahide Marina Village Development under Register Reference: F95A/0248 as a General Estate Management Office at Unit 2, Malahide Marina Village, Malahide, County Dublin (Site Area 0.004 hectare).



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 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reasons stated.

3. The developer shall pay to the planning authority a financial contribution of €4,500 (four thousand and five hundred euro) in respect of public infrastructure and facilities benefiting the development in the area of the planning 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 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.

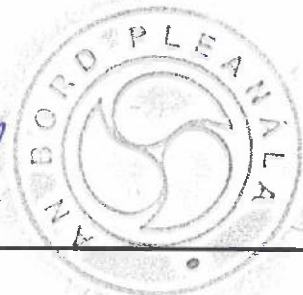
Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.



Reasons and Considerations

Having regard to the nature of the development proposed, the planning history of the site, namely Fingal County Council Reference: F95A/0248 and the conditions attached to said grant of permission, the Board considered, that prior to the grant of permission under Fingal County Council Reference: F22A/0198, the 'authorised use' of the premises was as ancillary accommodation associated with Block Number 15 and that the change of use from the ancillary accommodation to the current commercial use as a General Estate Management Office, would constitute a substantial intensification of use of the building (Unit 2). As such, the exemption provided under Section 11(i)(v) of the Fingal County Council Development Contribution Scheme 2021-2025, is not applicable. Therefore, the Board is satisfied that provisions of the Fingal County Council Development Contribution Scheme 2021-2025, have been applied correctly in this instance.

The increase Development Contribution reflects the increased Development Contribution Rates payable for commercial retention under the Fingal County Council Development Contribution Scheme 2021-2025, which came into effect on the 1st of January 2023.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *10th* day of *August*, 2023.