



An
Bord
Pleanála

Board Order
ABP-315210-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0307

Appeal by Walkinstown Association for People with an Intellectual Disability Limited (WALK) care of Phillip Kerr Project Management of 120 Leinster Road, Rathmines, Dublin in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 6 of its decision made on the 26th day of October, 2022.

Proposed Development: Change of use of the two number existing ground floor retail units to a Day Services Centre. The proposed works include new internal partitions to accommodate meeting rooms, open plan learning spaces and toilet and staff facilities. External works comprise replacement of the existing shopfront at ground floor level incorporating new windows, doors, fascia and signage.

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 6 and directs the said Council to REMOVE condition number 6 and the reason therefor.

Reasons and Considerations

Section 48 of the Planning and Development Act 2000, as amended, requires planning authorities to make development contribution schemes which provide for the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority. The South Dublin County Council Development Contribution Scheme 2021–2025 sets out, under Section 11, categories of development which are exempt from the requirement to pay development contributions or may pay a reduced rate, as stated, under the Scheme. Section 11 (xii) states that development carried out by a registered charity shall be exempt from contributions. The appeal submitted, states that the applicant, WALK is a registered charity and therefore is exempt from contributions. The Development Contribution Scheme, therefore, does not apply and the planning authority has not correctly applied the scheme.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 6th day of September 2023.