



An
Bord
Pleanála

Board Order
ABP-315616-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0344

Appeal by M. Wright and Sons Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, 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 7 of its decision made on the 15th day of December, 2022.

Proposed Development: The proposed development will consist of the change of use of the existing commercial office building to provide for a Howth Harbour Seafood and Fishing Interpretive Centre including a display area, interactive screens, coffee area and ancillary retail sales at ground floor level and seafood restaurant at first floor level. Permission is also sought for the provision of an outdoor roof terrace to the rear of the structure for additional dining area for the first-floor restaurant. The proposed development also provides for internal works to accommodate the proposed use including new bathrooms, stock room, interactive wall, coffee sales area, shelves and kitchen area at ground floor and new kitchen and seating at first floor level. The development also includes all landscaping, drainage and all associated

ancillary works necessary to facilitate the development including new escape stairs to the rear of the existing structure, all at Mariner's Hall, West Pier, Howth, County Dublin (Protected Structure RPS Number 0560).

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 7 and directs the said Council to REMOVE condition number 7 and the reason therefor.

Reasons and Considerations

Having regard to the provisions of the Fingal County Council Development Contribution Scheme 2021 - 2025, to section 48(10) of the Planning and Development Act 2000, as amended, and to the Development Contribution Guidelines, it is considered that the terms of the Scheme have not been properly applied in respect of condition number 7 of the planning authority's decision. In calculating the area liable to development contributions, and in the absence of any justification regarding the purported substantial intensification of use, the planning authority has failed to apply the exemption under section 11(v) of the Development Contribution Scheme (DCS) for the area subject of the change of use (that is 531 square metres).




Mary Henchy

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

Dated this 12th day of February 2024.