



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0220

Appeal by Creative Technology (Audio Visual) Ireland Limited care of IMG Planning of 75 Fitzwilliam Lane, 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 6 of its decision made on the 15th day of December, 2022.

Proposed Development: The development will consist of partial change of use of Unit A5A, as constructed under register reference FW21A/0049, from warehouse to office use (622 square metres) to include for internal alterations and extension of current office floor areas on ground and first floor level at Unit A5A, North City Business Park, Finglas, 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 condition number 6 and directs the said Council to **AMEND** condition number 6 so that it shall be as follows for the reasons stated.

6. The developer shall pay to the planning authority the sum of €22,740 (twenty two thousand, seven hundred and forty euro) as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilitates 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 provisions of the Fingal County Council Development Contribution Scheme 2021-2025, section 48(10) of the Planning and Development Act 2000, as amended, and relevant Guidelines, the Board considered that the terms of the Scheme have not been properly applied in respect of condition number 6 for the following reasons:

- In calculating the area liable to development contributions, the Planning Authority 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, 382 square metres.
- In calculating the area liable to development contributions, the planning authority failed to consider the works carried out by virtue of planning authority reference FW21A/0049 which would amount to “double charging” for the area subject of the change of use.



- In calculating the area liable to development contributions, the planning authority failed to specifically consider the mezzanine extension, that is, 240 square metres.



Stephen Bohan

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

Dated this *24th* day of *January* 2024.