



An
Bord
Pleanála

Board Order
ABP-318252-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0055

Appeal by Kevin Woods Machinery Limited care of KT Designs of Unit 12, BEAT Centre, Harry Reynolds Road, Stephenstown, Balbriggan, County 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 13 of its decision made on the 18th day of September, 2023.

Proposed Development: Construction of new building for agricultural machinery and repair and associated site works. Revised design to that approved under register reference number F18A/0653 at Inch, Balbriggan, County Dublin. Further public notices were received by the planning authority on the 22nd day of August, 2023.

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 13 and directs the said Council to **AMEND** condition number 13 so that it shall be as follows for the reasons stated.

Reasons and Considerations

Prior to commencement of development, the developer shall pay the sum of €51,307.13 (fifty one thousand, three hundred and seven euro and 13 cents) (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure 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

The development proposed is associated with a business which acts as a support service for the agricultural and horticultural industry in North County Dublin. This business falls within the use class "agricultural machinery sales and/or maintenance", which is specifically listed as a use class permitted in principle in areas with the RB (rural business) Zoning Objective. It is considered, therefore, that the exemption/reduction provided for in the Fingal County Council Development Contribution Scheme 2021-2025, which states that buildings associated with the processing, distribution, supply or sale of fruit, vegetables or other products locally produced are subject to a 50% reduction in the commercial rate, should have been applied.



Joe Boland

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

Dated this 17TH day of

July

2024.