

An  
Bord  
Pleanála

**Board Order**  
**ABP-319742-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4585\23**

**Appeal** by Dublin Port Company care of RPS Group Limited of West Pier Business Campus, Dun Laoghaire, County Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 and the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 18<sup>th</sup> day of April, 2024.

**Proposed Development:** PROTECTED STRUCTURE: The development will consist of: (a) demolition and removal of existing quayside overhead bulk material conveyor system (two number North/South and one number East/West), two number associated elevator/weighing towers, redundant transformer building and weighbridge and associated infrastructure to include site clearance of redundant walls, plinths and fences; (b) reinstatement of window opening to the R and H Hall Silo Building, a protected structure, following removal of the elevated conveyor system (within its curtilage) together with internal and external repair works to the remainder of the building; (c) relocation of existing rail line northwards to a safe zone set further back from the quayside, existing crane rails along the quayside and existing

30 metres high mast lighting (HML) tower; (d) relocation of existing reefer gantries and 30 metres HML towers located at McCairn's Yard and provision of two number new reefer gantries; (e) quayside and yard pavement upgrades and reinforcement works and installation of new 30 metres HML towers; (f) construction of a new bulk product silo facility at McCairn's Yard, to include intake/outtake of bulk product from vessels to quayside storage and onward transport. The facility will consist of six number bulk product storage silo bins circa 30 metres in height (circa 1,701 square metres), below ground conveyor system from intake pit to silo bins (circa 7.5 metres), above ground conveyor system up to circa 32.8 metres in height, bulk material out-loading building circa 9.1 metres in height (circa 234 square metres), weighbridge control office circa four metres in height (circa 59 square metres), motor control centre and switch room circa 5.080 metres in height (circa 70 square metres), intake elevator tower and weighting tower circa 41.11 metres in height (circa 97 square metres), bulk material intake building circa 11.66 metres in height (circa 2,326 square metres), administration office and welfare building circa 6.8 metres in height (circa 164 square metres), workshop and covered external area circa 6.9 metres in height (circa 592 square metres), weighbridges, associated infrastructure, skip area, chemical storage area, diesel tank bunded area, ancillary lighting, and automated gate entry; (g) provision of a new substation circa 2.97 metres in height (circa 196 square metres); and (h) new access and egress onto Alexandra Road, provision of International Ship and Port Security (ISPS) fencing and gates to matching existing fencing, internal roads, ancillary car and bicycle parking, ancillary lighting, waste management facilities and all associated site development works including revised utilities/drainage arrangements and construction compound all on site, generally bounded by Alexandra Road to the north, Branch Road Number one and rail line to the west, Branch Road Number three to the east and Alexandra Basin to the south, at Dublin Port, Dublin, which includes reinstatement of window opening to the R and H Hall Silo Building (a protected structure reference 8785) and flat stores, McCairn's Yard and land alongside Alexandra Quay West.

## **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 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.**

**Furthermore, the Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, also based on the reasons and considerations set out below, that the terms of the Supplementary 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 reason stated.**

2. The developer shall pay to the planning authority a financial contribution of €417,178.26 (four hundred and seventeen thousand one hundred and seventy eight euro and twenty six cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority 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 prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provision of the scheme at the time of payment.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. The developer shall pay to the planning authority a financial contribution in the amount of €196,781.26 (one hundred and ninety six thousand seven hundred and eighty one euro and twenty six cent) in respect of the LUAS Red Line Docklands Extension (LUAS C1) Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or 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 a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

## Reasons and Considerations

### In relation to Condition number 2

Amended calculations to accord with the Dublin City Council Development Contribution Scheme 2023-2026 shall be as follows:

- (a) Total net floor area subject to development contribution = 3,796 square metres.
- (b) 3405.12 square metres of commercial floor space charged at €118.00 per square metre = €401,805.34 (four hundred one thousand eight hundred and five euro and thirty-four cent).
- (c) 390.87 square metres (the external covered yard charged at one third the commercial rate of €39.33 per square metre in accordance with Section 11 of the Development Contribution Scheme where 'open storage/hard surface commercial space, other than car parking, shall be liable for development contributions at one third of the commercial rate = €15,372.92 (fifteen thousand three hundred and seventy-two euro and ninety two cent).

### **In relation to Condition number 3**

Amended calculations to accord with the Dublin City Council LUAS Red Line Docklands Extension (LUAS C1) Supplementary Development Contribution Scheme shall be as follows:

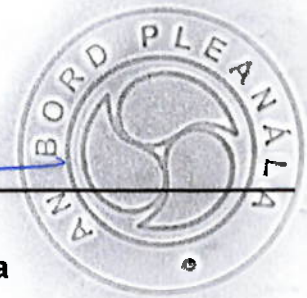
- (a) Total net floor area subject to development contribution = 5,439 square metres.
- (b) 5,048.13 square metres of commercial floor space charged at €38.00 per square metre = €191,828.94 (one hundred and ninety-one thousand eight hundred and twenty-eight euro and ninety-four cent).
- (c) 390.87 square metres (the external covered yard charged at one third the commercial rate of €12.67 per square metre in accordance with Section 12 of the supplementary Development Contribution Scheme where 'open storage/hard surface commercial space, other than car parking, shall be liable for development contributions at one third of the commercial rate = €4,952.32 (four thousand nine hundred and fifty-two euro and thirty-two cent).



**Paul Caprani**

**Member of An Bord Pleanála**

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



**Dated this 15<sup>th</sup> day of October 2024.**