



An
Bord
Pleanála

Board Order
ABP-321253-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0825

Appeal by Mount Venus Nursery Limited care of RML Planning of 3 David Road, Drumcondra, Dublin in relation to the application by Dún Laoghaire-Rathdown County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 11, 12 and 13 of its decision made on the 21st day of October, 2024.

Proposed Development: The relocation of existing Mount Venus Nursery from Mutton Lane to the site bounded by Tibbradden Lane and Mutton Lane including the construction of a potting shed, three number polytunnels, a greenhouse and composting WC, a growing area, outdoor sales area, the widening of an existing vehicle access, signage, a parking area, a wastewater treatment plant and percolation area, rainwater harvesting tanks, a well, and all ancillary site works above and below ground including landscaping and swales on site bounded by Tibbradden Lane and Mutton Lane, Rathfarnham, Dublin, as amended by the further public notices received by the planning authority on the 4th day of June, 2024.

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 numbers 11, 12 and 13 and directs the said Council to REMOVE condition number 12 and 13 and to AMEND condition number 11 so that it shall be as follows for the reasons stated.

11. The developer shall pay to the planning authority a financial contribution of €4,067 (four thousand and sixty-seven euro) 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 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

Having regard to the current Dún Laoghaire-Rathdown Contribtuion Scheme 2023-2028 which lists agricultural buildings as being exempt from the requirement to pay development contributions under the scheme, and having regard to the nature and use of the buildings involved (polytunnels, a greenhouse and a potting/store shed), it is considered that the planning authority have incorrectly applied the terms of the Development Contribution Scheme by exacting contributions for these buildings, which are of an agricultural nature. The outdoor sales area is an open area, with no built element and does not attract contributions. Contributions are payable on the car parking only.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this *26th* day of *March*, 2025.