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The submissions on this file and the Inspector's report were considered at a meeting held on 23 July 2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, to amend

Condition 21.

### **Reasons and Considerations**

Having regard to:

- (a) the Fingal County Council Development Contribution Scheme 2026-2030, in particular Paragraphs 22-25; and
- (b) the submissions made in the first party appeal and planning authority response,

and to the facts of the case as set out in the appeal documentation and associated submissions, which confirm the following:-

The applicable square metreage forming the basis for the levy calculation is a total of 23,053 sq.m., *of which*,

22,296 sq.m. of applicable buildings,

757 sq.m. of applicable space for parking (surface car-parking development description at page 7 of the Fingal County Council Development Contribution Scheme 2026-2030 refers).

There is 9.960 sq.m. of applicable 'demolition' floorspace for which a credit remains due to the applicant. The deduction of 9,960 sq.m. from 23,053 sq.m. results in 13,093 sq.m. of remaining increase in new build floor area over the old, in respect of which a development contribution falls to be paid. This equates to a figure of €1,376,859.88 (13,093 sq.m. x €105.16).

It is considered that the terms of the Development Contribution Scheme were not correctly applied in respect of condition number 21 of Fingal County Council planning register reference number FW26A/0021 and the planning authority is directed to amend condition number 21 as set out below:

21.

The developer shall pay to the planning authority a financial contribution of €1,376,859.88 (one million, three hundred and seventy six thousand, eight hundred and fifty nine euro and eighty eight cents) 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.

In reaching the determination the Commission generally agreed with the inspector that the decision should be to amend condition 21 and agreed, as per the recommendation of the inspector, that the applicable square metreage forming the basis for the levy calculation is 23,053 sq.m. determined from the detail contained within the current application and by reference to the relevant provisions of the Fingal County Council Development Contribution Scheme 2026-2030.

On the issue of 'allocating' the remaining applicable demolition floorspace credit due, the Commission considered the totality of the documentation on file including the submission of the planning authority dated 07/05/2026 which states that, *'Fingal County Council agrees to apply the full demolition exemption to the contributions assessed under FW18A/0114 and apply any credit adjustment to the FW26A/0021 invoice'*. In effect this confirms that the ultimate payment will be for the floorspace as correctly assessed by the inspector above, with an agreed credit for the demolition floorspace remaining (9,960 sq.m.).

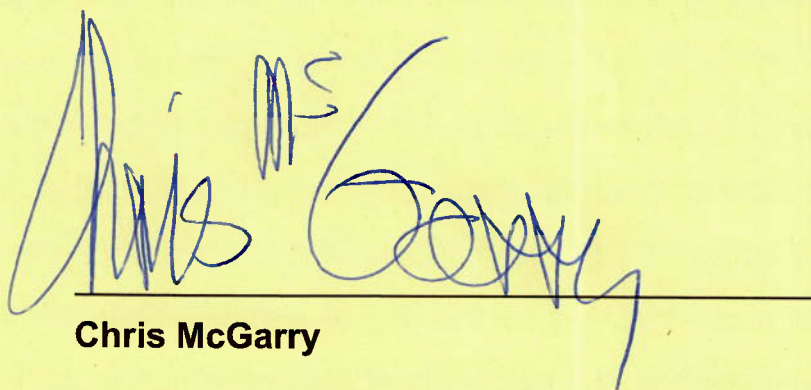
While the inspector did not take this 'demolition credit' off within the confines of condition 21 of the current permission, and in this regard noted that *'the current grant of permission does not include any demolition proposals'*, the Commission considered that the wording of the statutory planning notices provides clear and sufficiently linked reference to the substance (including demolition) of the parent permissions for the overall site (FW17A/0167 and FW18A/0114). As a consequence, the necessity of the demolition to facilitate the current development under this application is established, and the spirit and intent of item 23 (t) of the Fingal County Council Development Contribution Scheme 2026-2030 is met

by embedding this 'demolition credit' within the final calculation set out in the amended condition 21.

In this regard the Commission has determined that the calculated demolition area of 9,960 sq.m. is capable of being deducted from the figure of 23,053 sq.m., which the inspector records as the applicable square metreage forming the basis for the levy calculation. In reaching this determination, the Commission notes that the planning authority has accepted that the 'demolition credit' is due and will in effect reduce the actual payment under condition 21 by that due amount.

The Commission also noted and agreed with the inspector, that an allocation of financial contribution was due for parking proposed in the current application, by reference to the relevant provisions on non-residential surface car parking contained within the Fingal County Council Development Contribution Scheme 2026-2030.

**Planning Commissioner:**



**Chris McGarry**

**Date:**

**23<sup>rd</sup> day of July 2026**