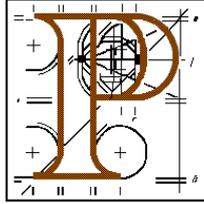


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## South Dublin County

An Bord Pleanála Reference Number: 06S.RP.2120 (appeal reference number PL 06S.243797)

**WHEREAS** by order dated the 7<sup>th</sup> day of May, 2015 An Bord Pleanála, under appeal reference number PL 06S.243797 granted subject to conditions a permission to Frank Kehoe care of RPS of West Pier Business Camp, Dún Laoghaire, County Dublin for development comprising retention of (1) as constructed relocated dwelling and biocycle unit (granted permission under planning register reference number SD08A/0118 and as amended by planning register reference numbers SD08A/0551, SD10A/0021 and SD11A/0101), an increase in overall ridge height of dwelling circa 300 millimetres, increase in length of dwelling from circa 19.6 metres to circa 20.2 metres and increase in width of dwelling from circa 13.6 metres to circa 14 metres (including increase in area from circa 305 square metres to circa 324 square metres) and alterations to elevations opes detail, and (2) revised location for as built entrance (including associated wing walls/gates/works) and internal access/layout; and permission for the provision of appropriate visibility splays (including additional landscaping) along Rathcoole Hill Road as well as additional landscaping for house and associated works, all at Crockshane, Redgap, Rathcoole, County Dublin as amended by the further plans and particulars received by An Bord Pleanála on the 16<sup>th</sup> day of February, 2015:

**AND WHEREAS** condition number 3 attached to the said permission required the developer to pay to the planning authority a financial contribution 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 was to be paid prior to commencement of development or in such phased payments as the planning authority may have facilitated and to be subject to any applicable indexation provisions of the Scheme at the time of payment. The condition required that details of the application of the terms of the Scheme were to be agreed between the planning authority and the developer or, in default of agreement, the matter was to be determined by An Bord Pleanála:

**AND WHEREAS** the developer and the planning authority failed to agree on the details of the terms of the application of the Scheme in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 28<sup>th</sup> day of October, 2015 for determination:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the planning authority correctly applied the terms and conditions of the Development Contribution Scheme 2013-2015 and that the outstanding contribution required to be paid in respect of An Bord Pleanála appeal reference number PL 06S.243797 should be €1,701 (one thousand, seven hundred and one euro).

## REASONS AND CONSIDERATIONS

Having regard to:

- (a) section 48 of the Planning and Development Act 2000, as amended,
- (b) the South Dublin County Council Development Contribution Scheme 2013-2015, which requires payment at the commencement of development, based on the permission under implementation, and which makes no express provision as to how matters of retention should be addressed,
- (c) An Bord Pleanála appeal reference number PL 06S.243797 (planning authority register reference number SD14A/0130), including condition number 3 of that grant of permission, which permission was granted on the 7<sup>th</sup> day of May, 2015,
- (d) the submissions on file including the planning authority correspondence regarding the amount of contribution owing, and
- (e) the planning history of the site,

the Board considered that the scheme had been correctly applied by the planning authority and determined that the sum to be paid under condition number 3 of An Bord Pleanála appeal reference number PL 06S.243797 should be €1,701, that is, 20 square metres by €85.06. The Board considered that a contribution had been paid for a 304 square metre dwelling under planning register reference number SD10A/0021 under an earlier Development Contribution Scheme but that a materially different dwellinghouse of 324 square metres was constructed in an alternative location. Having regard to the planning history of the site, the Board considered it appropriate that a contribution for the 20 square metres of additional floor area should apply.

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

---

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

**Dated this                      day of                      2016.**