



An
Bord
Pleanála

Inspector's Report ABP310883-21

Development	Retain extension to industrial building.
Location	Ravens Rock Road, Sandyford Business Park, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D21A/0364
Applicant(s)	Sandyford Meats Limited
Type of Application	Retention Permission
Planning Authority Decision	Grant with Conditions.
Type of Appeal	First Party V Financial Contributions.
Appellant(s)	Sandyford Meats Limited
Observer(s)	None.
Date of Site Inspection	None.
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The industrial building the subject of this application is on a site of 0.1453ha at Ravens Rock Road, Sandyford Business Park, Dublin 18.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of:
1. an extension to an existing industrial building to include an extension to the northeastern side elevation,
 2. an increased internal floor area through extension of the first floor,
 3. removal of an internal wall to facilitate amalgamation of 2 industrial units (unit 1 and Unit 4) into one larger unit,
 4. provision of rooftop ventilation equipment and access ladder,
 5. alteration to northeast rear facade to include new plant room door and associated site works,

at Sandyford Meats Limited units 32/1 and 32/4 Ravens Rock Road, Sandyford Business Park, Dublin 18.

3.0 Planning Authority Decision

3.1. Decision

The planning authority attached conditions 3, 4, 6, 6, 7 and 8 as follows.

3. Pay a supplementary financial contribution towards the Luas Line B1 Sandyford depot to Cherrywood in the sum of €125,199.54.

Reason: To part finance the Luas line extension in accordance with the Supplementary Development Contribution Scheme made on 13th January 2003.

4. The applicant to pay €1,766.10 towards roads public infrastructure and facilities in accordance with the Sandyford Urban Area Framework Plan development contribution scheme, made on the 14th of December 2015.

Reason: To contribute to roads public infrastructure and facilities in accordance with the scheme.

5. The applicant to pay €1,766.10 towards Community and Parks public infrastructure and facilities in accordance with the Sandyford Urban Area Framework Plan development contribution scheme, made on the 14th December 2015.

Reason: To contribute to Community and Parks public infrastructure and facilities in accordance with the scheme.

6. The applicant to pay €171.10 towards surface water public infrastructure and facilities in accordance with the development contribution scheme, made on the 14th December 2015.

Reason: To contribute to surface water public infrastructure and facilities in accordance with the scheme.

7. The applicant to pay €3,917.18 towards public roads in accordance with the development contribution scheme, made on the 14th December 2015.

Reason: To contribute to public roads in accordance with the scheme.

8. The applicant to pay €2,541.13 towards community and parks public infrastructure and facilities in accordance with the development contribution scheme, made on the 14th December 2015.

Reason: To contribute to community and parks public infrastructure and facilities in accordance with the scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission with the conditions as set out in the manager's order.

3.2.2. Other Technical Reports

3.3. Surface Water Drainage Section reported no objection.

3.4. Transport Planning reported no objection.

4.0 Planning History

4.1. No relevant planning history.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire Rathdown County Development Plan 2016-2022 is the relevant development plan for the area.

The relevant contribution schemes are the Section 49 Supplementary Development Contribution Scheme (January 2003) and the Section 48 Development Contribution Scheme (December 2015).

5.2. Natural Heritage Designations

Not relevant.

5.3. EIA Screening

Not relevant.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal relates to the supplementary development contribution set out in conditions 3 and the development contributions required under conditions 4,5,6,7, and 8.
- The existing permitted building has a floor area of 663.4m². The proposed floor area is 55.98m². The total contribution being sought is €134,056.15. The applicant requests the removal or amendment of all these conditions.
- Condition 3 should be amended/removed as the new floor area (excluding the plant room which is exempt under the Supplementary Scheme) totals 12.58m² and would attract a payment of €1,008.97.

- The conditions 4 and 5 refer to payments under Sandyford Urban Framework Plan area only. While conditions 6,7, and 8 relate to the standard Development Contribution Scheme. A floor area of 58m² was used in calculating the contributions when the figure is 55.98m². Additionally, the exemptions for substations/switch rooms and for plant rooms were not applied by the planning authority (in this case 16m²) so that the applicable figure should be 39.98m².

6.2. Planning Authority Response

- The grounds of appeal do not raise new matters requiring comment.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. There is provision for indexation within the schemes and an additional 1.25% charge on retention permission. The rates of contributions have varied since the adoption of the three schemes referred to in this case. The rates applied by the planning authority are those applicable in June 2021 and notified to the applicant by the Board for comment on 21st December 2021. The applicant has not queried the rates for the charges.

7.2. Condition 3.

7.3. This condition requires the payment of a contribution under the planning authority's Section 49 Supplementary Development Contribution Scheme for the extension of Luas line B1 – Sandyford to Cherrywood. The supplementary scheme provides, *inter alia*, that net additional development (in hectares) the case of commercial redevelopment should be subject to the levy, changes of use from commercial to an

alternative commercial use shall be exempt, and changes of use from commercial to residential and vice versa are exempt.

- 7.4. The planning authority (in the document Assessment Detail received by the Board on the 24th November 2021) used a figure of 0.1561ha to calculate the amount payable under the supplementary development contribution scheme. The site area given in the application form is 0.1453ha.
- 7.5. The applicant in the grounds of appeal makes the case that the net proposed additional floor area is 12.58m². The application drawings which were the basis for the grant of permission in this case provide for two new elements of floor area; one ground floor 'waste bone room' with a stated floor area of 14.6m² and an extended first floor area (office and canteen area) of 27.4m².
- 7.6. The net additional floor area shown on the drawings and therefore notified to the public and determined by the grant of permission 42m².
- 7.7. The basis of the planning authority's figure of 0.1561ha on which the contribution in condition 3 is calculated is not clear but I consider that it is a significant over statement of the net additional development in hectares as required by the section 49 supplementary scheme. Having regard to the drawings submitted with the application the extended area (noting that plant room is exempt under the scheme) to which the scheme applies is 40m² which equates to a figure of €3,208.19 (0.004ha by €802,047).
- 7.8. **Condition 4**
- 7.9. This condition requires the payment of a contribution under the Sandyford Urban Framework Plan towards the provision of roads at a rate of €24.36 per m². The scheme provides, *inter alia*, that substations/switch rooms will be exempt from a charge and ancillary plant rooms (where plant is not core to the operation/activity shall be exempt) shall also be exempt. The planning authority calculated the contribution on the basis of an additional 72m² of floor area. The applicant in the grounds of appeal states that the applicable floor area is 58m². The submitted drawings provide for an additional floor area of 42m² (the waste bone room at ground floor and the amended office canteen area at first floor).
- 7.10. I conclude that the scheme applies to 42m² of additional floor area at a rate of €24.36 per m² for a figure of €1,023.12.

7.11. Condition 5.

7.12. This condition requires the payment of a contribution under the Sandyford Urban Framework Plan towards the provision of community and parks at a rate of €6.36 per m². The scheme provides, *inter alia*, that substations/switch rooms will be exempt from a charge and ancillary plant rooms (where plant is not core to the operation/activity shall be exempt) shall also be exempt. The planning authority calculated the contribution on the basis of an additional 72m² of floor area. The applicant in the grounds of appeal states that the applicable floor area is 58m². The submitted drawings provide for an additional floor area of 42m² (the waste bone room at ground floor and the amended office canteen area at first floor).

7.13. I conclude that the scheme applies to 42m² of additional floor area at a rate of €6.36 for a figure of €267.12.

7.14. Condition 6.

7.15. This condition requires the payment of a contribution under the planning authority's ordinary Development Contribution Scheme towards the provision of surface water management. The scheme provides, *inter alia*, that substations/switch rooms will be exempt from a charge and ancillary plant rooms (where plant is not core to the operation/activity shall be exempt) shall also be exempt. The planning authority calculated the contribution on the basis of an additional 72m² of floor area. The applicant in the grounds of appeal states that the applicable floor area is 58m². The submitted drawings provide for an additional floor area of 42m² (the waste bone room at ground floor and the amended office canteen area at first floor).

7.16. I conclude that the scheme applies to 42m² of additional floor area at a rate of €2.36 for a figure of €99.12.

7.17. Condition 7.

7.18. This condition requires the payment of a contribution under the planning authority's ordinary Development Contribution Scheme towards the provision of roads infrastructure. The scheme provides, *inter alia*, that substations/switch rooms will be exempt from a charge and ancillary plant rooms (where plant is not core to the operation/activity shall be exempt) shall also be exempt. The planning authority calculated the contribution on the basis of an additional 72.5m² of floor area. The

applicant in the grounds of appeal states that the applicable floor area is 58m². The submitted drawings provide for an additional floor area of 40m².

7.19. I conclude that the scheme applies to 42m² of additional floor area at a rate of €54.03 per m² for a figure of €2,269.26.

7.20. **Condition 8.**

7.21. This condition requires the payment of a contribution under the planning authority's ordinary Development Contribution Scheme towards the provision of community and parks infrastructure. The scheme provides, *inter alia*, that substations/switch rooms will be exempt from a charge and ancillary plant rooms (where plant is not core to the operation/activity shall be exempt) shall also be exempt. The planning authority calculated the contribution on the basis of an additional 72.5m² of floor area. The applicant in the grounds of appeal states that the applicable floor area is 58m². The submitted drawings provide for an additional floor area of 42m².

7.22. I conclude that the scheme applies to 42m² of additional floor area at a rate of €35.05 per m² for a figure of €1,472.10

8.0 Recommendation

8.1. I recommend attaching amended conditions as set out below.

9.0 Reasons and Considerations

9.1. Having regard to:

- The total additional floor area of 42m² proposed in this application (a waste bone room with a proposed floor area of 14.6m² and an office/canteen area with a proposed floor area 27.4m² shown on drawing number 2040/01) and to which this grant of planning permission applies.
- To the provisions of the Section 49 Supplementary Development Contribution Scheme for the extension of Luas line B1 – Sandyford to Cherrywood which provides (paragraph 13) that only net additional development in hectares in the case of commercial redevelopment projects will be levied and that ancillary plant rooms will be exempt.

- To the provisions of the Section 48 Development Contribution Scheme 2015 which provides (paragraph 10(s) that ancillary plant room (where plant is not core activity/operation)) shall be exempt,
- To the provisions of the Sandyford Urban Framework Plan Development Contribution scheme which provides (paragraph 10(s) that ancillary plant room (where plant is not core activity/operation)) shall be exempt,
- The level of contributions applicable on the 21st June 2021,

The Board concludes that conditions 3, 4, 5, 6, 7, and 8, and the reasons therefor shall be as set out below.

10.0 Conditions

3	<p>The developer shall pay to the planning authority a financial contribution of €3,208.19 (three thousand, two hundred and eight euro and nineteen cents) in respect of the extension of Luas Line B1 – Sandyford to Cherrywood 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. 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 provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
4	<p>The developer shall pay to the planning authority a financial contribution of €1,023.12 (one thousand and twenty-three euro and twelve cents) in</p>

	<p>respect of roads infrastructure 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 Sandyford Urban Framework Plan made under section 48 of the Planning and Development Act 2000. 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 provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
5	<p>The developer shall pay to the planning authority a financial contribution of €267.12 (two hundred and sixty-seven euro and 12 cents) in respect of community and parks infrastructure 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 Sandyford Urban Area Framework Plan made under section 48 of the Planning and Development Act 2000. 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 provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in</p>

	<p>default of such agreement, the matter shall be referred to the Board to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
6	<p>The developer shall pay to the planning authority a financial contribution of €99.12 (ninety-nine euro and 12 cents) in respect of surface water infrastructure 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. 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 provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
7	<p>The developer shall pay to the planning authority a financial contribution of €2,269.26 (two thousand, two hundred and sixty-nine euro and 26</p>

	<p>cents) in respect of roads infrastructure 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. 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 provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
8	<p>The developer shall pay to the planning authority a financial contribution of €1,472.10 (one thousand four hundred and seventy-two euro and ten cents) in respect of community and parks infrastructure 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. 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 provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the</p>

	<p>developer or, in default of such agreement, the matter shall be referred to the Board to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
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Hugh Mannion
Senior Planning Inspector

21st January 2022