



An
Bord
Pleanála

Inspector's Report

ABP-321744-25

Development

Alterations to a previously approved development under Reg. Ref. D24A/0260 which related to the construction of 8 no. residential units and all associated site works necessary to facilitate the proposed development. No other amendments to the permitted scheme are proposed as part of this application.

Location

Mount Auburn House, Killiney Hill Road, Killiney, Co. Dublin, A96 H728

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D24A/0858/WEB

Applicant(s)

Killiney Later Living Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

Killiney Later Living Ltd.

Observer(s)

none

Date of Site Inspection

Not required

Inspector

Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is situated on lands at Mount Auburn, Killiney, County Dublin. The area of the site is 0.308ha and contains an existing dwelling (Mount Auburn House) accessed via an entrance from Killiney Hill Road. Mount Auburn House is a large detached period dwelling located on a large site with mature vegetation. The eastern site boundary abuts the Killiney Hill Road and the northwestern boundary adjoins Mount Auburn residential estate. The site also adjoins the Church of St. Stephen on Killiney Hill Road which is a protected structure.
- 1.2. Permission has recently been granted for a small residential development on the eastern part of the grounds of Mount Auburn House with access from Killiney Hill Road and this subject appeal relates to an amendment to this permitted development.

2.0 Proposed Development

- 2.1. Permission is sought to alter the approved development D24A/0260 which is for the construction of 8 no. residential units. The proposed alterations are summarised as follows:
- A reduction in the overall number of units from 8 no. to 7 no. units (replacing one of the three storey duplex blocks comprising a one bed unit at ground floor and a three bed unit at first and second floor with 1 no. three storey 4 bed dwelling – unit 5).
 - Alterations to the fenestration details at second floor level on the front elevation of the remaining duplex block (units 6 and 7) to match the fenestration arrangement of the proposed 4 bed 3 storey unit.
 - Reconfiguration and reduction in the size of the communal open space area provided to serve the approved duplex block.
 - Reallocation of car parking

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided by order dated 16th December 2024 to grant permission subject to 7 conditions. This appeal relates specifically to conditions 3, 4, 5 and 6.

The following conditions are of relevance:

Condition 2 states the following:

Save for amendments granted on foot of this permission, the development shall otherwise be carried out in strict accordance with the terms and conditions of Planning Permission Reg Ref. D24A/0260, save as may be required by the other conditions attached hereto. For avoidance of any doubt this amendment permission shall expire at the same time as Reg. Ref. D24A/0260.

REASON: In the interest of the proper planning and sustainable development of the area.

Condition 3 relates to countywide surface water and is as follows:

The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €1,338.88 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Local Authority in respect of the provision of Surface Water Infrastructure benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dun Laoghaire-Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Infrastructure benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Note on the above Condition:

Please note that with effect from 1st January 2014 Uisce Eireann area now the statutory body responsible for both water and wastewater services. Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. Further details/ clarification can be obtained from Uisce Eireann at Tel.1800 278 278.

Condition 4 relates to countywide transport infrastructure and is as follows:

The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €20,083.79 to the Planning Authority as a contribution towards expenditure that was / or is proposed to be incurred by the Local Authority in respect of the provision of the Transport Infrastructure benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dun Laoghaire – Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Transport Infrastructure benefiting development in the area of the Planning authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Condition 5 relates to countywide community and parks facilities and recreational amenities and is as follows:

The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €112,465.28 to the Planning Authority as a contribution towards expenditure that was / or is proposed to be incurred by the Local Authority in respect of the provision of the Community & Parks facilities & Recreational amenities benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dun Laoghaire – Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Schem. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks facilities & Recreational amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provide, by or on behalf of the Local Authority.

Condition 6 relates to a bond / cash deposit for the satisfactory completion of the development and is as follows:

No development on foot of this permission shall commence until security for the provision and satisfactory completion of services (including roads, footpaths, open spaces, public lighting, sewers, watermains and drains) in accordance with the plans and particulars lodged with the application, has been given by: -

- a) Lodgement with the Council of an approved Insurance Company Bond in the sum of €56,200.00 which shall be renewed by the developer from time to time as required during the course of the development and kept in force by him until such time as Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are completed to the satisfaction of the Council OR/...*
- b) Lodgement with the Council of a Cash Sum of €34,600.00 to be applied by the Council at its absolute discretion if such services are not duly provided to*

its satisfaction on the provision and completion of such services to standard specification. OR/...

- c) *Lodgement with the Planning Authority of a Letter of Guarantee by any body approved by the Planning Authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the Planning Authority and such lodgement in any case has been acknowledged in writing by the Council.*

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

Condition 7 states the following:

This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions.

REASON: Investment by Dun Laoghaire- Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner includes an assessment and recommendation to grant permission.

The Case Planner has applied development contributions on the basis of the detail in the submitted application form, stating the proposed new floor area comprises 1365.3sqm floorspace and proposed demolition of 0sqm.

The report states that D24A/0260 is permission for 8 no. additional new units comprising:

- 4 x three storey, five bed semi detached house each with 234.6sqm floorspace,
- 2 x ground floor apartment each with 56.9sqm floorspace,

- 2 x two storey, three bed apartment each with 126.4sqm floorspace,

The subject proposal will result in a reduction in the number of proposed units to 7 new units comprising total proposed floor area of:

- 4 x three storey, five bed, semi detached house with 234.6sqm floorspace,
- 1 x three storey, four bed, semi detached house with 186sqm floorspace,
- 1 x ground floor apartment each with 56.9sqm floorspace,
- 1 x two storey, three bed apartment each with 126.4sqm floorspace.

3.2.2. Other Technical Reports

- Drainage – no objection
- Transportation – no objection
- Parks – welcome the revised boundary fence realignment between no. 4 and 5, the tree protection plan and landscape plans. Condition should be applied with respect to implementation of landscape plans, arboricultural drawings, retention of landscape architect and retention of arborist for the works.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

The most relevant application to the subject appeal is as follows:

D24A/0260 – grant July 2024 – permission for 8 no. units, alterations to the site access including ancillary works

Other applications on the site are as follows:

D24A/0833 – grant Dec 2024 – permission for extension to Mount Auburn House and ancillary works

D22A/0199, PL313781-22 – refuse Oct 2023 – permission for (i) Construction of a specialised 'later living' development comprising the construction of a 4-storey apartment block and the provision of a total of 29 no. build-to-rent residential apartments. The proposed works will comprise the change of use and internal reconfiguration and modification of the existing Mount Auburn House and all associated site works.

D20A/0148 – grant Aug 2020 – permission for amendments to permitted D19A/0054

D19A/0054 – grant July 2019 – permission for the construction of 14 apartments in a single block of 4 storeys

D18A/0732 – refuse Sept 2018 – permission for construction of 12 apartments in a single block of 4 storeys

5.0 Policy Context

5.1. Development Plan

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 applies.

The site is zoned objective A 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

St. Stephen's Church is protected structure RPS1636.

Trees on the site are the subject of objective to protect and preserve trees and woodlands.

Section 12.3.4.6 Bonds states the following:

To ensure the satisfactory completion of development works, such as roads, surface water drainage, public lighting and open space, including the protection of trees, on a site which has been the subject of a grant of permission, a bond or cash lodgement may be required until the development has been satisfactorily completed. The bond or cash lodgement may be sequestered in part or in its entirety at the discretion of the Planning Authority where the development has not been satisfactorily completed. The amount of such bond or cash lodgement will be determined by the Planning Authority.

5.2. Dun Laoghaire – Rathdown County Council Development Contribution Scheme 2023-2028

Dun Laoghaire- Rathdown County Council adopted a new Section 48 Development Contribution Scheme on 9th October 2023 in accordance with the provision of the Planning and Development Act 2000 (as amended).

Section 4 sets out the level of contribution. It states that the level of contributions to be levied and paid (except where and insofar as an exemption or reduction applies in accordance with Article 7 of the Scheme) in respect of the different classes of public infrastructure and facilities benefitting development throughout the County are set out in Table A which is as follows:

Classes of Public Infrastructure	€ per unit of Residential Development	€ per square metre of Domestic Extensions in excess of 40 sq.m	€ per square metre of Commercial class of Development
Class 1: Community & Parks facilities & Recreational amenities	€10,990.14	€94.91	€94.91
Class 2: Transport Infrastructure	€1,962.53	€16.95	€16.95
Class 3: Surface Water Infrastructure	€130.83	€1.13	€1.13
Total of Contributions Payable	€13,083.50	€112.99	€112.99

Section 4.6 states that individual housing units, whether multi unit development or one off site housing, will be subject to an additional charge of €112.99 (domestic extension rate, Table A) per square meter on all areas greater than 150sqm within a unit. This does not apply to apartments or duplexes.

Section 5.7 states the following: *“Any decision to modify or amend planning permission where there is no additional liable area or unit as per the Scheme, no*

further contributions will be applied. Any additional floor area or unit will have contributions applied in accordance with the Scheme.”

5.3. National policy

- Development Contributions - Guidelines for Planning Authorities (2013)
These guidelines set out guidance on the drawing up of development contributions.

The Guidelines state the following with respect to double charging: *“The practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution.”*

- Circular PL02-24, dated 30 April 2024 Extensions of the Temporary Development Contribution waiver and Uisce Eireann Water Connection Charge refund arrangements.

This is a temporary levy waiver and water charge refund arrangement.

The waiver applies to development works on qualifying housing units that commence not later than 31st December 2024.

Claims for waiver shall be submitted by developers not later than 28th February 2025.

The date for completion of development works on qualifying houses under the scheme is 31st December 2026.

5.4. Natural Heritage Designations

There are no designations on the site. The Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area is on lands to the east of Killiney Hill Road.

5.5. EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal is made regarding conditions 3, 4, 5 and 6 of decision to grant permission under D24A/0858/WEB. This appeal has been submitted on the following grounds:

- The application submitted under D24A/0858/WEB sought a limited number of amendments including a net reduction of 1 no. residential unit, to an already permitted parent permission under D24A/0260. The parent permission was already levied accordingly. New development contributions have been attached to the amendment permission.
- The Dun Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 stipulates that where a decision is taken to amend a planning permission, where there is no additional unit, no further contributions will be applied. As the alterations application provided for a reduction in the number of units to be delivered on site from 8 no. as approved under D24A/0260 to 7 no. under the subject D24A/0858, this provision applies and the Council has erred in their decision to apply a new suite of contribution conditions to the alterations application decision notice.
- A copy of a letter from DunLaoghaire - Rathdown County Council dated 17th January 2025 is submitted that relates to D24A/0260. The letter states that Commencement Notice has been submitted in relation to this permission and that development contributions of €142,903.81 can be waived under the Governments Temporary Time- Limited Waiver with respect to Development Contributions. The letter states that build works must be completed by 31st December 2026. The appeal submission states that double charging of development levies under the alterations permission undermines the intent and spirit of the waiver scheme. This waiver ensures the financial viability of

the scheme and its quick delivery. The applicant requests the Board provide clarity in relation to the application of the waiver.

- The Development Contributions- Guidelines for Planning Authority's document confirms that the practice of double charging is inconsistent with the primary objective of levying development contributions and with the spirit of capturing 'planning gain'. The planning authority have proceeded to recharge for a development that has already been levied. This contravenes the provisions of the Guidelines.
- Request the removal of conditions 3, 4, 5 and 6 and in lieu of this attach a new condition to provide clarity on this matter which confirms that the developer shall only be liable for the financial contributions and bond under parent permission D24A/0260 and as may be amended downwards to account for the reduction in unit numbers approved under D24A/0858.

6.2. Planning Authority Response

The planning authority responded on 4th February 2025 to the grounds of appeal stating that the Board is referred to the previous planner's report and that it is considered that the grounds of appeal do not raise any new matter which, in the opinion of the planning authority, would justify a change of attitude to the proposed amendment.

The Board issued a letter on 27th February 2025 stating that additional information is required to determine the appeal and that the application should supply details of the calculation involved, the basis on which the calculation was made and the specific provisions in the Scheme on which the calculation was based.

The planning authority responded on 14th March 2025 again stating that no new matters are raised that would justify a change in attitude.

7.0 Assessment

7.1. Background

- 7.1.1. Permission was granted on 25th July 2024 by Dun Laoghaire - Rathdown County Council under D24A/0260 for the construction of 8 new units on site of 0.3080ha at

Mount Auburn House, Killiney, County Dublin. A commencement notice has been submitted with respect to this permission. The applicant has applied for permission under D24A/0858 (which is the subject of this appeal) for alterations to the permission D24A/0260 comprising works including a reduction in the number of units to be constructed from 8 to 7. The Council made the decision to grant permission for the alterations subject to conditions.

- 7.1.2. In this subject appeal, the applicant is appealing conditions 3, 4, 5 and 6 of D24A/0858 which relate to development contributions and bond requirement. The applicant has not raised appeal issues in relation to any other aspect of the permission. In summary, the applicant contends that the planning authority has 'double charged' the development contrary to the provisions of the Development Contribution Scheme and the Guidelines on Development Contributions, and that these conditions should be removed.

7.2. **Conditions 3,4 and 5 – Development Contributions**

- 7.2.1. Conditions 3, 4 and 5 of D24A/0858 relate to contributions applied under the Dun Laoghaire - Rathdown Development Contribution Scheme 2023-2028. The applicant states that the Scheme has not been appropriately applied.
- 7.2.2. Section 48(10)(b) of the Planning and Development Act provides that an appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the Scheme have not been properly applied in respect of any condition laid down by the planning authority.
- 7.2.3. The planning authority has applied section 48 contributions to both the parent permission D24A/0260 (8 units) and the amendment permission D24A/0858 (7 units). In both permissions, the contributions have been levied under the same Development Contribution Scheme 2023-2028. For ease, I have compared the contributions charged under the Councils permissions as follows:

7.2.4.

	Parent permission D24A/0260 (8 units)	Amendment permission D24A/0858 (7 units)
countywide surface water	Condition 21	Condition 3

	€ 1,429.03	€ 1,338.88
countywide transport infrastructure	Condition 22 € 21,436.12	Condition 4 € 20,083.79
countywide community & parks facilities and recreational amenities	Condition 23 € 120,038.66	Condition 5 € 112,465.28

- 7.2.5. Conditions 21, 22 and 23 of D24A/0260 require the developer to pay the contributions prior to commencement of development, unless otherwise agreed in writing with the Council. The planning authority has confirmed that a commencement notice has been received for D24A/0260. Should the applicant carry out the amendment permission, conditions 3, 4 and 5 of D24A/0858 also require the developer to pay the contributions.
- 7.2.6. Section 5.7 of the Development Contribution Scheme states the following: “Any decision to modify or amend planning permission where there is no additional liable area or unit as per the Scheme, no further contributions will be applied. Any additional floor area or unit will have contributions applied in accordance with the Scheme.” This amendment permission reduces the number of units on the site. There is no additional liable area or unit under the amendment permission and therefore no further contributions are to be applied. I therefore consider that the terms of the Scheme have not been properly applied.
- 7.2.7. I recommend that conditions 3, 4 and 5 be amended so that the revised reduced contribution be applied for the amended development. The calculation of the contributions is not disputed by the applicant. I have reviewed the amounts calculated and I am satisfied that the amounts are correct and are in accordance with the provisions of the Scheme. I consider that the application of revised downward contributions in place of the former contributions charged under the parent permission would be in accordance with section 5.7. Ultimately, the developer would not be charged a further or additional contribution. This would also accord with the Guidelines which caution against ‘double charging’.

7.2.8. I note that the planning authority have accepted that contributions owed under the commencement of the parent permission D24A/0260 qualify under the temporary waiver scheme. The applicant states that this waiver secures the viability of the development. I would be of the opinion that the application of the waiver scheme is an administrative matter and that the substantial consideration is whether or not the contributions have been applied in accordance with the Council's Development Contribution Scheme.

7.2.9. Finally, I note conditions 1, 2 and 7 of the subject amendment permission D24A/0858 which ties this amendment permission to the parent permission D24A/0260 and specifically condition 7 which requires that the development not be carried out until an agreement is made in writing between the developer and planning authority in relation to the payment of the required development contributions.

7.3. **Condition 6 – Security for completion of works / bond**

7.3.1. Condition 6 of D24A/0858 is to secure the satisfactory completion of works. Whilst the applicant states that condition 6 is not in accordance with the Development Contribution Scheme or the Development Contribution Guidelines, I would note that this condition is not applied under the Contribution Scheme.

7.3.2. Where an appeal is made against a condition, section 139 of the Planning and Development Act 2000 (as amended) allows the Board to restrict its determination to the condition only and to not carry out a de novo assessment of the proposed development. I am satisfied that, having regard to the nature of condition 6, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I recommend that the Board use its discretion and give directions relating to the attachment, amendment or removal by the planning authority of the condition.

7.3.3. I have compared the Councils permissions as follows:

	Parent permission D24A/0260 (8 units)	Amendment permission D24A/0858 (7 units)
Security for the provision of services and to prevent	Condition 19	Condition 6

disamenity in the development	€ 65,600 bond, or € 40,400 cash, or Letter of Guarantee	€ 56,200 bond or, €34,600 cash or, Letter of Guarantee
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7.3.4. I note that Section 12.3.4.6 of the development plan states that a bond or cash lodgement may be required to ensure the satisfactory completion of works that is the subject of a grant of permission and that the amount will be determined by the planning authority. Again, both conditions 19 of D24A/0260 and condition 6 of D24A/0858 require the developer to provide security for the completion of services before development commences. This is double charging for security. Permission D24A/0260 has commenced. I am unclear as to how the bond is calculated however the planning authority have attached a new bond condition to reflect the security needs for the amended works. I consider that it is reasonable to amend condition 6 so that the new bond requirements are applied to the amended development.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to any European site. The closest European sites are the Dalkey Islands Special Protection Area and the Rockabill to Dalkey Island Special Area of Conservation located c 1.8km from the site. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- The nature of the development proposal,
- The location of the development in a serviced urban area, the distance to the Natura 2000 site network and the absence of pathways to any European site.

I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend the following:

(i) AMEND Condition Number 3 to the following:

The Developer shall pay the sum of €1,338.88 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Local Authority in respect of the provision of Surface Water Infrastructure benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dun Laoghaire-Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).

This contribution is in respect of the subject development. This contribution supersedes the contribution applied under condition 21 of PRR 24A/0260.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Infrastructure benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

(ii) AMEND Condition Number 4 to the following:

The Developer shall pay the sum of €20,083.79 to the Planning Authority as a contribution towards expenditure that was / or is proposed to be incurred by the Local Authority in respect of the provision of the Transport Infrastructure benefiting

development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dun Laoghaire – Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Scheme. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).

This contribution is in respect of the subject development. This contribution supersedes the contribution applied under condition 22 of PRRD24A/0260.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Transport Infrastructure benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

(iii) AMEND Condition Number 5 as follows:

The Developer shall pay the sum of €112,465.28 to the Planning Authority as a contribution towards expenditure that was / or is proposed to be incurred by the Local Authority in respect of the provision of the Community & Parks facilities & Recreational amenities benefiting development in the area of the Planning Authority, as provided for in the Development Contribution Scheme 2023-2028 made by Dun Laoghaire – Rathdown County Council on the 9th of October 2023. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index commencing from 1st January 2025. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Article 4.7 of the Schem. Outstanding balances as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full. (See Article 8.3 of the Scheme).

This contribution is in respect of the subject development. This contribution supersedes the contribution applied under condition 23 of PRR24A/0260.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks facilities & Recreational amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provide, by or on behalf of the Local Authority.

(iv) AMEND Condition Number 6 to the following:

No development on foot of this permission shall commence until security for the provision and satisfactory completion of services (including roads, footpaths, open spaces, public lighting, sewers, watermains and drains) in accordance with the plans and particulars lodged with the application, has been given by: -

a) Lodgement with the Council of an approved Insurance Company Bond in the sum of €56,200.00 which shall be renewed by the developer from time to time as required during the course of the development and kept in force by him until such time as Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are completed to the satisfaction of the Council OR/...

b) Lodgement with the Council of a Cash Sum of €34,600.00 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specification. OR/...

c) Lodgement with the Planning Authority of a Letter of Guarantee by any body approved by the Planning Authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the Planning Authority and such lodgement in any case has been acknowledged in writing by the Council.

These requirements supersede those of condition 19 of PRR24A/0260.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development

10.0 Reasons and Considerations

Having regard to:

- a) Planning reference numbers DA24A/0858 and DA24A/0260,
- b) the Dun Laoghaire - Rathdown County Council Development Contribution Scheme 2023-2028,
- c) Development Contributions Guidelines for Planning Authorities, 2013,
- d) the Dun Laoghaire - Rathdown County Development Plan 2022-2028,

The proposed amendment revises the development and reduces the number of units from 8 units to 7 units. The application of conditions 3,4 and 5 would result in the 'double charging' of development levies under both DA24A/0858 and D24A/0260.

Section 5.7 of the Scheme states that no further contributions will be applied where a decision is made to amend a planning permission where there is no additional liable area or unit. It is considered that the terms of the Development Contribution Scheme have not been properly applied.

It is considered that only one security agreement is required for the satisfactory completion of the works associated with the development. The developer is required to provide security under condition 19 of DA24A/0260 and under condition 6 of D24A/0858 and this is not considered to be necessary.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Aisling Mac Namara
Planning Inspector

31st March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321744		
Proposed Development Summary	Alterations to a previously approved development under Reg. Ref. D24A/0260 which related to the construction of 8 no. residential units and all associated site works necessary to facilitate the proposed development. No other amendments to the permitted scheme are proposed as part of this application.		
Development Address	Mount Auburn House, Killiney Hill Road, Killiney, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Proceed to Q2.
		No x	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	x	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____