



An
Coimisiún
Pleanála

Inspector's Report ACP-323421-25

Development	Bicycle storage unit for 75 bicycles. The unit will be enclosed and covered. Floor area 101 sqm.
Location	Technological University Dublin Tallaght, Blessington Road,, Tallaght, D24 FKT9
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25A/0127W
Applicant(s)	Technological University Dublin Tallaght
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	First Party v. Condition No. 6 – Development Contribution.
Appellant(s)	Technological University Dublin Tallaght
Observer(s)	None.
Inspector	F O'Donnell

1.0 Site Location and Description

1.1. The subject Appeal site is located within the grounds of the Technological University Dublin campus in Tallaght, to the north of the village centre. The bicycle storage unit is proposed to be located to the immediate east of the main campus building on an area of hardstanding.

2.0 Proposed Development

2.1. The proposed development comprises a single storey bike storage unit. The development includes the following:

- A bicycle storage unit to accommodate 75 no. bicycles located on an existing hardstanding area to the east of the Main Campus Building and to the west of the Quad.
- The bicycle storage shed is a single storey unit and is an enclosed/ covered structure.
- The structure has a rectangular shape and measures 16.2 metres in length, 6.2 metres in width and 2.65 metres in height and has a stated floor area of 101 sqm.
- The structure is shown to have full length glazing to the exterior and the main access controlled door is shown to be along the end (east) elevation.
- The flat roof is shown to comprise painted cladding.
- All associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A Notification of Decision to Grant planning permission was issued by the Local Authority on 22nd July 2025 subject to 8 no. relatively standard conditions. Condition no. 6 reads as follows:

6. *Financial Contribution. The developer shall pay to the Planning Authority a financial contribution of €12,071.52 (twelve thousand, and seventy-one euro and fifty-two cent), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.*

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities 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 RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The **Local Authority Planner** considered that the submitted documentation did not demonstrate that the proposed development (proposed bicycle storage unit) qualifies for any of the exemptions outlined in the Local Authority Development Contribution Scheme (DCS), 2021 to 2025. The Local Authority

Planner further considered that where the Applicant is of the opinion that the proposed development qualifies for an exemption on development contributions, they are advised to submit supporting evidence or documentation to the Local Authority Planning Department in order to substantiate such a claim. As the DCS does not identify any exemption for a bicycle storage, the Local Authority Planner considers development contributions are applicable based on an assessable floor area of 101 sqm.

3.2.2. Other Technical Reports

- The **Roads Department** raise no objection to the proposed development.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. Planning History

- **SD19A/0152: Applicant: TU Dublin.** Permission to construct a 4 storey general teaching building, class kitchens, labs, lecture theatres, 28 no. cycle stands. (Tallaght North PPP Building). Permission was GRANTED in June 2019 subject to 17 no. conditions. **No development contribution conditions are attached.**
- **SD18A/0435. Applicant: The Institute of Technology Tallaght:** Permission for (1) A Sport Science, Health and Recreation Building containing a single storey sports hall and teaching accommodation and associated facilities. Permission was GRANTED in March 2019 subject to 20 no. conditions. **No development contribution conditions are attached.**
- **SD16A/0099: (Contribution Only Appeal Ref. No. PL06S.247535).**
Applicant: Institute of Technology Tallaght: 10 year permission for

construction of 2 third level educational buildings and outdoor playing pitch to the east of the main building.

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 number 16 and directs the said Council to REMOVE condition number 16 and the reason therefor.

- **SD09A/0343: Applicant: Institute of Technology Tallaght: Outline Permission** for the construction of 3 no. third level educational buildings and outdoor playing pitches. Permission was GRANTED in December 2009 subject to 10 no. conditions. Condition no. 10 relates to a development contribution to be determined by the Planning Authority on submission of detailed plans for approval to be paid before the commencement of development on the site.
- **SD09A/0327. Applicant: Institute of Technology Tallaght:** Permission for new vehicular entrance, retention of existing entrance, road realignment, upgraded & new internal roads incorporating cycleways, footpaths & verges within the campus, removal of existing car parking spaces, reconfiguration & extension of existing car parks & provision of new parking areas throughout the campus, maintenance of existing cycle parking provision, upgrading of site services including surface water drainage works, signage, landscaping, boundary treatments, lighting and associated site works. Permission was GRANTED in November 2009 subject to 15 no. conditions. **No development contribution conditions are attached.**
- **SD09A/0439 and SD09A/0439/EP. Applicant: Institute of Technology Tallaght:** Permission for the demolition of existing ball alley and construction of an extension to the existing synergy building of 2851 sqm in area over 3 floors inclusive of roof level plant room. Permission was GRANTED in February 2010 subject to 10 no. conditions. Condition no. 8 relates to a Section 48 Development Contribution of €317,304.60. Condition no. 9 relates

to a Supplementary Development Contribution (Metro West Light Rail Project) of €142,930.00. Condition no. 10 relates to a bond in the form of a Cash Deposit of €14,007.14 or an Insurance Bond of €23,326.18.

5.0 Legislative Context

5.1. Planning and Development Act, 2000, as amended

(Section 48 Development Contributions)

- 5.1.1. (1) A Planning Authority may, when granting a permission under Section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).
- 5.1.2. (2)(a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.
- 5.1.3. (10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.
- 5.1.4. (10)(b) 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.
- 5.1.5. (13) (a) Notwithstanding sections 37 and 139, where an appeal received by the Board after the commencement of this section relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under section 37 of the decision of the planning authority under that section, the Board shall not determine the relevant application as if it had been made to it in the first instance, but shall determine only the matters under appeal.
- 5.1.6. (13)(b) Notwithstanding section 34(11), where an appeal referred to in paragraph (a) is received by the Board, and no appeal is brought by any other person under

section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal furnishes to the planning authority, pending the decision of the Board, security for payment of the full amount of the special contribution as specified in the condition referred to in paragraph (a).

5.2. Planning and Development Regulations, 2001, as amended

(Article 157 Exemptions)

- 157 (1) *Where a planning application consists of or comprises development which, in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—*
- (a) *is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,*
 - (b) *is designed or intended to be used as a work-shop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or*
 - (c) *is ancillary to development referred to in paragraph (a) or (b),*
a fee shall not be payable when making any such application.
- (2) *Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not*

to be used mainly for profit or gain, a fee shall not be payable in respect of any such development.

6.0 Policy Context

6.1. South Dublin County Development Plan, 2022 to 2028

- 6.1.1. The subject site is zoned Town Centre (TC), the relevant zoning objective for which is *'To protect, improve and provide for the future development of Town Centres'*. The site is located within the Tallaght Local Area Plan boundary, within the 'Technological University Dublin/ Tallaght Campus' neighbourhood.

6.2. South Dublin County Council Development Contribution Scheme 2021-2025

- 6.2.1. The South Dublin County Council Development Contribution Scheme (DCS) 2021-2025 (under Section 48 of the Planning and Development Act, 2000, as amended) came into effect on 1st January 2021.

- 6.2.2. As per Section 9 of the Scheme, the level of contribution for square metre for **Industrial/ Commercial Class of Development is €91.11.**

- 6.2.3. Section 11 relates to **circumstances where no contribution or a reduced contribution apply.** The following exemption is set out under point no. xii:

(xii) Development by a registered charity for non-profitable development shall be exempt from the requirement to pay a planning application fee, in accordance with Article 157 of the Planning and Development Regulations 2000 (as amended), shall be exempt. The exemption is stated below; Development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—

- *is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,*

- *is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain.*

6.2.4. Section 12 reads as follows:

‘For clarification purposes, the following development will not be exempt from the requirement to pay development contributions.

- *Third level educational institutions.¹*
- *Student accommodation.*
- *Fee paying Schools; and*
- *Private medical facilities including private hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings.’*

6.3. **Natural Heritage Designations**

- Not relevant.

6.4. **EIA Screening**

6.4.1. 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 in Appendix 1 of report.

¹ Section 12 of the South Dublin County Council Development Contribution Scheme, 2021 to 2026, makes express reference to certain types of development which will not be exempt from the requirement to pay development contributions, including Third Level Educational Institutions. This express reference to Third Level Educational Institutions is not included in the previous South Dublin Development Contribution Scheme 2016 to 2020.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The Grounds of Appeal can be summarised as follows:

- The terms of the Development Contribution Scheme (2021 to 2025) has not been properly applied, see Condition no. 6.
- Approved Development: The approved development is proposed to cater for existing staff and student population. It does not cater to or facilitate an increase in staff numbers or student numbers. The approved development does not create any new or additional demand on existing public infrastructure and facilities. The approved development instead provides new 'public infrastructure and facilities' as defined in Section 48 of the Planning and Development Act, 2000, as amended, (cycle and pedestrian facilities), which is acknowledged on page 5 of the Development Contribution Scheme. No financial gain or profit will be derived from the installation. The Applicant submits this is the type of development which should not be subject to a development contribution.
- Charitable Status: As per Section 11 (xii) of the Development Contribution Scheme it is stated that: *'development by a registered charity for non-profitable development shall be exempt'*. The Applicant submits that it (TU Dublin Tallaght) is a Registered Charity (Ref. No. RCN 2024754). The Applicant submits that the approved cycle hub will not generate any financial gain or profit for the Applicant and therefore clearly falls within the meaning of Section 11 (xii) of the scheme.
- The Applicant makes a distinction between its status as a Registered Charity which is exempt in accordance within the meaning of Section 11 (xii) and a commercial, profit driven development which would be liable for development contributions under the scheme and would include third level institutions, student accommodation, fee paying schools and private medical facilities. The Applicant requests that the Commission apply a common sense approach to the interpretation of the Development Contribution Scheme and remove Condition no. 6 from the Grant of planning permission.

- Precedent Decisions: The Applicant refers to 2 no. similar precedent decisions within the functional areas of Fingal County Council (Planning Reg. Ref. No. FW25A/0196E) and South Dublin County Council (Planning Reg. Ref. No. SD16A/0099 (Appeal Ref. No. 247535), on the same overall site, where development contributions were omitted.

7.2. Planning Authority Response

7.2.1. The Local Authority submitted 2 no. Responses to the Appeal, received on 18th September 2025 and 26th September 2025 respectively.

7.2.2. The main points of the Local Authority Appeal Response submission received on 18th September 2025 can be summarised as follows:

- There is a list of developments set out in Article 11 of the South Dublin County Council Development Contribution Scheme (DCS), 2021 – 2025 which are deemed to be exempt from development contributions.
- Article 12 of the same DCS then identifies a list of developments to which Article 11 exemptions do not apply. Third Level Institutions are included in this list. The Local Authority quote directly from Article 12 of the DCS.

7.2.3. The main points of the Local Authority Appeal Response submission received on 26th September 2025 can be summarised, as follows:

- As per the South Dublin County Council Development Contribution Scheme, the rate for development which creates new 'Industrial/ Commercial' floorspace is €119.52 per square metre.
- Reference is made to the calculation set out in the Planning Officers Report which is based on the stated floor area of 101 sqm by the applicable rate per sqm (€119.52) and which equates to €12,071.52.
- The Local Authority acknowledge the exemptions set out in Section 11 of the Development Contribution Scheme but also point out the provisions of Section 12 where a list of developments to which the exemptions do not apply is set out. Included on this list is 'Third Level Educational Institutions'.
- The closing statement of the Local Authority reads as follows:

‘As the current proposal relates to a development that forms part of a ‘Third level educational institution’, and Section 12 of the Scheme clarifies that Third level educational institutions do not benefit from an exemption under the terms of the current South Dublin County Council, Development Contribution Scheme (DCS) 2021-2025, the Planning Authority is satisfied that the terms of the South Dublin County Council, Development Contribution Scheme (DCS) 2021-2025 have been correctly applied in this instance and no change to the figure quoted under condition 6 of the permission is required in this instance.’

7.3. Further Responses

7.3.1. The First Party (Applicant) submitted a Response to the Local Authority submission which was received on 21st October 2025. The main issues raised in the Applicants’ Response can be summarised as follows:

- The Applicants again wish to emphasise the Charitable Status of TU Dublin and the non-profitable nature of proposed cycle parking facility, which they consider constitutes public infrastructure/ public facility.
- The Applicant disputes the stated opinion of the Local Authority that the development contribution is applied on the basis of the development representing new industrial/ commercial floorspace and, in their opinion, the facility is being developed by a charitable status body for non-profitable use.
- The Applicant refers to Section 11 (xi) of the Development Contribution Scheme (DCS) in relation to the issue of exemptions for registered charities and submits the cycle hub will not create any financial gain for the Applicant, is intended for the use of staff and students only and is therefore exempt, as per Section 11 (xi) of the DCS.
- The Applicant accepts the wording of the DCS (Section 12) identifies certain facilities, including third level institutions, which are not exempt from development contributions but notes the provision does not refer to registered charities and seems to instead be aimed at profit orientated commercial developments. The Applicant further submits this does not override or nullify the exemption provided for registered charities in Section 11 (xii) of the DCS.

- The Applicant refers to High Court Case ref. no. 2013, IEHC 3 'Cork Institute of Technology vs An Bord Pleanála', Appeal Case Ref. No. 242065. The High Court in that case acknowledged the voluntary/ not for profit educational facility was correctly exempt from the contribution. The Applicant submits the same exemption applies in the subject case.
- The Applicant refers to 2 no. other planning applications (Reg. Ref. no. SD21A/0104 and SD21A/0014), within the functional area of the same Local Authority where 'equivalent infrastructure and facilities' were deemed exempt from Development Contributions. The Applicant submits the same logic should apply in the subject case.
- In addition to the precedent cases referred to in the appeal, the Applicant refers to 3 no. other precedent Appeal cases where development contributions applied to development on behalf not for profit/ voluntary/ charitable bodies have been subsequently removed by An Bord Pleanála.
- The Applicant refers and quotes from Article 157 of the Planning and Development Regulations, regarding exemptions from planning fees for voluntary organisations. The Applicant submits the precedent cases presented demonstrate that not for profit developments which are undertaken by voluntary/ charitable educational institutions are consistently being deemed exempt from development contributions in line with referenced Article 157.

8.0 Assessment

8.1. I consider the main issues in this appeal are as follows:

- Nature of the Approved Development
- Charitable Status
- Precedent Cases
- Assessment and Conclusion

8.2. Nature of the Approved Development

8.2.1. The development permitted under planning application, reg. ref. no. SD25A/0127W solely relates to a 101 sqm Bicycle Storage Unit and all associated site works and services. The Bicycle Storage unit is stated to provide for a total of 75 no. Bicycles. The stated use of the approved facility is to *'deliver enhanced cycle provision for the existing staff and student population of the TU Dublin Tallaght.'*

8.3. Charitable Status

8.3.1. The Applicant, as per the submitted public notices is *'Technological University Dublin, Tallaght ('TU Dublin, Tallaght')*. As per the submitted Application form, the Applicant is stated in Question 5 to be *'Technological University Dublin Tallaght'*. The Applicant states in the Appeal that *'TU Dublin, is a registered charity (RCN 2024754)'*. The Local Authority, as per the Appeal Response submission received on 26th September 2025, do not question this Charitable Status of the Applicant.

8.3.2. I note, as per the Charities Regulator website, that the Applicant (Technological University Dublin) is listed as a Registered Charity, Ref. no. RCN - 20204754. I am satisfied that the Applicant *'Technological University Dublin, Tallaght ('TU Dublin, Tallaght')* is a Registered Charity.

8.4. Precedent Cases

8.4.1. The Applicant initially referred to 2 no. specific cases, namely planning reg. ref. no. FW25A/0196E in Fingal County Council and planning reg. ref. no. SD16A/0099 (Appeal Ref. No. 247535) located on the same overall campus as the subject case.

8.4.2. I note in former case in Fingal, which relates to the provision of similar cycle parking infrastructure, that no development contribution was applied. As per the Local Authority Planners Report and recommendation attached to the online planning file for planning reg. ref. no. FW25A/0196E, a recommendation to include a bond (Condition no. 7) and Development Contributions (Conditions no. 8 and 9) were expressly omitted from the final decision issued. This is despite the fact that as per Class 11 (ii) c) of the Fingal County Council Development Contribution Scheme (DCS), 2021 to 2025, it is stated that *'Third level educational institutions and student accommodation are not exempt'*. This referenced case, although for a similar form of

development, is located within a separate functional area to that of the subject case where a separate Development Contribution Scheme applies. A counter argument could be that, in that said case, the Development Contribution Scheme was not correctly applied.

8.4.3. Under the latter case, planning reg. ref. no. SD16A/0099 (Financial Contribution Only Appeal Ref. No. 247535), which is located on the same campus as the subject case, the previous DCS (South Dublin County Council Development Contribution Scheme, 2016 to 2020) was in force at the time of the Boards Decision (issued on 4th January 2017). The requirement for a development contribution was omitted in that case (planning reg. ref. no. SD16A/0099 (Financial Contribution Only Appeal Ref. No. 247535), owing to the exemptions set out in paragraph 10 of the contribution scheme, as the Applicant was deemed, at that time, to be a Registered Charity and a Voluntary Organisation and was carrying out 'not for profit' development. The Applicant under planning reg. ref. no. SD16A/0099 was the 'Institute of Technology Tallaght'. The Reasons and Considerations of the Order issued under Appeal Ref. No. 247535 (planning reg. ref. no. SD16A/0099), read as follows:

- *Having regard to the contents of the planning appeal, the terms of the adopted South Dublin Council Development Contribution Scheme 2016-2020 and the response received from the planning authority, it is considered that the proposed development qualifies for an exemption from the requirement to pay development contributions under paragraph 10 of the contribution scheme as the applicants are a registered charity and a voluntary organisation and are carrying out a not for profit development. The Board, therefore, considered that the terms of the scheme had not been properly applied and that condition number 16 should be removed.*

8.4.4. Since the above decision to remove the development contribution condition in the above case (condition no. 16 of planning reg. ref. no. SD16A/0099 (Appeal Ref. No. 247535) made on 4th January 2017, I note there were 2 no. subsequent planning decisions made on the overall site where no development contributions were attached, namely planning reg. ref. no's. SD18A/0435 and SD19A/0152, see Section 4.0 above, Planning History. I note the Applicant in the first case, ref. no. SD18A/0435 was 'The Institute of Technology Tallaght' and in the second case, ref. no. SD19A/0152, the Applicant was TU Dublin – Tallaght Campus. The former DCS

(South Dublin County Council Development Contribution Scheme, 2016 to 2020) was in force at the time of the respective decisions being made. The current DCS (South Dublin County Council Development Contribution Scheme, 2021 to 2025) came into effect, and was applicable from, 1st January 2021.

8.4.5. A noted difference between the former DCS (2016 to 2020) and the current DCS (2021 to 2025) is that there is now a specific requirement, under Section 12 of the current DCS, to include 'Third Level Educational Institutions'.

8.4.6. I also note the additional precedent cases referenced by the Applicant in County Waterford and County Kildare. In the first case, planning reg. ref. no. 16/705 (Appeal Ref. No. PL93.248706) in County Waterford, the Board decided to waive the development contribution applied on the basis of the Applicants' not for profit status and the purpose of the proposal (extension to dormitory) which was deemed to constitute non-commercial community related development. In the latter case in County Kildare, as planning reg. ref. no. 16/571 (Appeal Ref. no. 247382) refers, the Board considered the development to relate to a Voluntary Organisation and that, as such, they were therefore entitled to avail of a 100% reduction in the scheme. Both cases relate to separate functional areas and separate Development Contribution Schemes to that of the subject case. Exemptions and inclusions differ from one DCS to the next.

8.4.7. The Applicant refers to a previous High Court Case relating to a development proposal in Cork City (High Court Case ref. no. 2013, IEHC 3 'Cork Institute of Technology vs An Bord Pleanála', Appeal Case Ref. No. 242065). In that said case the relevant Development Contribution Scheme (Cork City Council) included exemptions in certain circumstances for '*..voluntary organisations and not for profit educational developments*'. In the subject case, a separate Development Contribution Scheme (South Dublin County Council Development Contribution Scheme, 2021 to 2025) applies where, although the circumstances where no contribution or a reduced contribution apply are stated in 10 xii) to include '*...development proposed to be carried out or on behalf of a voluntary organisation...*', it is also expressly stated in Section 12, that certain development which will not be exempt from the requirement to pay development contributions, includes Third Level Educational Institutions. It is clear the same Development

Contribution Scheme exemptions and inclusions do not apply in both circumstances i.e. the referenced High Court case and the subject appeal case.

- 8.4.8. The Applicant refers to planning reg. ref. no's SD21A/0104 and SD21A/0014 and states that *'equivalent infrastructure and facilities'* were deemed exempt from Development Contributions. The first case (planning reg. ref. no. SD21A/0104) relates to permission for a *'Footbridge from car park of University Campus to Airton Close'* on the overall campus and does not include any floorspace. Owing to the nature of that said approved development, it is my opinion that the Local Authority was correct in its assessment to not apply any development contributions in that said case as the approved development did not include any floorspace.
- 8.4.9. Planning reg. ref. no. SD21A/0014 relates to permission for the *'Construction of a new two storey extension adjacent to the existing Pharmacy Department'* at a separate site (Tallaght University Hospital). I note as per the Local Authority Planners Assessment Report attached to planning reg. ref. no. SD21A/0014, under the heading of Other – Development Contributions it is stated *'Hospital extension - 297 sq. m (including 107 sq. m plant room)'*. I further note that under the same said Assessment dated 24th March 2021, that no development contribution condition is recommended. The date of the Final Grant for planning reg. ref. no. SD21/0014 is 5th May 2021 i.e. when the current Development Contribution Scheme (2021 to 2025) was in force. I note under Section 12 of the current Development Contribution Scheme that development which will not be exempt from a requirement to pay development contributions, in addition to Third Level Educational Institutions, includes *'Private medical facilities including private hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings.'* Owing to the nature of that said approved development, it is my opinion that the Local Authority was correct in its assessment to not apply any development contributions in that said case as the permitted development under planning reg. ref. no. SD21/0014 relates to a public and as opposed to a private medical facility.
- 8.4.10. In summary therefore, although the Applicant has referenced a number of cases, only 3 no. of the referenced cases, namely SD16A/0099 (Appeal Ref. No. 247535), SD21A/0104 and SD21A/0014, relate to the same functional area. A decision under the first case, ref. SD16A/0099 (Appeal Ref. No. 247535) was issued by the Board on 4th January 2017 under the previous DCS (2016 to 2020) which, unlike the

current DCS (2021 to 2025) did not include an express reference for the inclusion on Third Level Educational Institutions (see Section 12 of the current DCS (2021 to 2025)). Decisions for the remaining 2 no. referenced cases within the same functional area (SD21A/0104 and SD21A/0014) were both made under the current DCS (2021 to 2025) the first of which does not include any floorspace (SD2121A/0104) and the second of which relates to an extension to an existing public medical facility on a separate site. The Applicant has therefore not presented any precedent case which can be considered to be directly comparable to the subject proposal and which has been assessed under the current DCS (2021 to 2025). The remaining cases, as referenced by the Applicant, are all located outside the functional area of South Dublin County Council and all relate to separate Development Contribution Schemes, the criteria of which, for inclusion and exclusion from the respective schemes vary from case to case and are therefore, in my opinion, not directly comparable to the subject case.

8.5. Assessment and Conclusion

- 8.5.1. The Applicant submits that the proposed bicycle storage unit constitutes 'public infrastructure and facilities' as per Section 48 of the Planning and Development Act, 2000, as amended. Reference is made to Section 5 'Definitions' of the DCS, 2021 to 2025. The proposed Bicycle Storage Unit is intended for use by the Staff and Students of the University as opposed to the general public and is located on non-public lands. The proposed development, in my opinion, does not fall within the definition of 'Public Infrastructure and Facilities' as set out in Section 48 of the Act and as described in Section 5 of the DCS, 2021 to 2025.
- 8.5.2. I note as per the submitted Planning Application Form, (Question 12) that the Gross Floor Space of the subject building is indicated to be 101 sqm and that the Applicant has paid a planning application fee of €443.60. I note that in paying the said planning application fee, the Applicant did not seek to avail of exemptions from the payment of planning application fees in the case of Voluntary Organisations, as set out in Article 157 of the Planning and Development Regulations, 2001 to 2025.
- 8.5.3. Section 11 of the DCS relates to Circumstances Where No Contribution or a Reduced Contribution Apply. Various exemptions and reductions apply and include,

for example, Car Parking (Surface or Non Surface), Surplus Car Parking, Vehicle Display Areas Spaces (for the purposes of sale), Powerlines, Antenna Structures, Sewers, Drainage, Road Construction and the provision of 'Infrastructural Facilities', Bus Shelters, Substations and Switch Rooms, and Ancillary Plant Rooms (where plant is not core activity/ operation). The above Development Contribution exemptions and reductions relate to ancillary developments where there is no commercial floorspace proposed. There is no express reference in exemptions and reductions set out in Section 11 to a bicycle storage unit.

- 8.5.4. I note the wording of Section 11 (xii) of the DCS, where it is stated, inter alia, that *'development by a registered charity for non-profitable development shall be exempt from the requirement to pay a planning application fee, in accordance with Article 157 of the Planning and Development Regulations.... shall be exempt.'* I interpret this to mean that where no planning fee has been paid on the basis of the Applicant qualifying for an exemption under Article 157 of the Planning and Development Regulations, 2001 to 2025, then it follows suit that the Applicant is exempt from an obligation to pay development contributions. As stated, the Applicant in this instance did not seek an exemption from the payment of planning fees under Article 157 of the Planning and Development Regulations, 2001 to 2025. The wording of Article 157 requires *'the development proposed to be carried out by or on behalf of a voluntary organisation..'* I note under the previous appeal on site as planning reg. ref. no. SD16A/0099 (Appeal Ref. no. 247535) refers, the Board considered the Applicant in that case *'Institute of Technology Tallaght of Tallaght, Dublin'* to be a Voluntary Organisation. I note the Institute of Technology Tallaght, as per the Charities Regulator website, see reg. ref. no. RCN 20028848 has since been Deregistered.
- 8.5.5. The Commission will note the current Applicant is Technological University Dublin, Tallaght as opposed to former Applicant under planning reg. ref. no. SD16A/0099 (Appeal Ref. no. 247535), i.e. 'Institute of Technology Tallaght'.
- 8.5.6. Based on the information received in the subject Appeal, the Applicant (Technological University Dublin) has not demonstrated that they are currently a Voluntary Organisation, despite being a Registered Charity (ref. no. RCN 20204754). In this regard, I note as per the Charities Regulator website, under ref. no. RCN 20204754, under the Finance & Activities tab, it is stated that the average number of

volunteers on the 3 no. dates of 31st August 2022, 31st August 2023 and 31st August 2024 is stated on each occasion to be 'none'. As the Applicant has not demonstrated that they are a Voluntary Organisation, it is my opinion that the proposed development as presented, does not satisfy the exemption set out in Section 11 (xii).

8.5.7. Section 12 of the DCS expressly de-exempts '*Third Level Educational Institutions*'. There is no express development contribution exemption or reduction provision set out in the DCS relating to a bicycle storage shed. The proposed shed, although ancillary to the primary Educational use, is nonetheless for and on behalf of a Third Level Educational Institution.

8.5.8. Having regard to the nature of the proposed bicycle storage unit, Section 11 (Circumstances where no Contribution or a Reduced Contribution Apply) and Section 12 (Developments not Exempt) which includes '*Third Level Educational Institutions*' of the South Dublin County Council Development Contribution Scheme, 2021 to 2025, and notwithstanding the Charitable Status of the Applicant, it is my opinion that the proposed development is not exempt from a requirement to pay a Development Contribution.

9.0 AA Screening

- Not relevant.

10.0 Recommendation

10.1. I recommend that the Commission attach Condition 6.

11.0 Reasons and Considerations

Having regard to Section 34 (5) of the Planning and Development Act 2000, as amended, the provisions of the South County Dublin Development Contribution Scheme 2021 – 2025, Section 48 of the Planning and Development Act, 2000, as amended, the planning application, and the documentation submitted as part of the appeal, the response received from the planning authority and the subsequent submission received from the Applicant, it is considered that the planning authority correctly applied the terms of the Development Contribution Scheme and it is, therefore, considered appropriate to direct the planning authority to attach condition no. 6.

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.

F O'Donnell
Planning Inspector

8th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	ACP-323421-25		
Proposed Development Summary	Bicycle storage unit for 75 bicycles. The unit will be enclosed and covered. Floor area 101 sqm.		
Development Address	Technological University Dublin Tallaght, Blessington Road,, Tallaght, D24 FKT9		
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	
		No	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X	The proposed development is not a Project or a Class.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	No – N/a	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____