



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500265-DN-25

|                                     |                                                                                                                                                                    |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | RETENTION PERMISSION: Retention of 204.3sqm steel-framed canopied sheltered area and a 295sqm steel-framed industrial storage space and all associated site works. |
| <b>Location</b>                     | Unit 40, Newtown Avenue, Malahide Road Industrial Park, Dublin 17                                                                                                  |
| <b>Planning Authority</b>           | Dublin City Council North                                                                                                                                          |
| <b>Planning Authority Reg. Ref.</b> | WEB2255/25                                                                                                                                                         |
| <b>Applicant(s)</b>                 | Timber Factors Limited                                                                                                                                             |
| <b>Type of Application</b>          | Retention                                                                                                                                                          |
| <b>Planning Authority Decision</b>  | Grant Retention with Conditions                                                                                                                                    |
| <b>Type of Appeal</b>               | First Party Normal Planning Appeal                                                                                                                                 |
| <b>Appellant(s)</b>                 | Timber Factors Limited                                                                                                                                             |
| <b>Observer(s)</b>                  |                                                                                                                                                                    |
| <b>Date of Site Inspection</b>      | None                                                                                                                                                               |
| <b>Inspector</b>                    | Elaine Power                                                                                                                                                       |

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at Unit 40, Newtown Avenue within the Malahide Road Industrial Park. The Industrial Park is well established with a variety of light industrial, commercial, warehousing and retail uses. The Industrial Park is generally bound to the north by Priorswood Road, to the south by Greencastle Road, to the east by the Malahide Road and to the west by a residential estate.
- 1.2. The appeal site is located within the centre of the Industrial Park. It has a stated area of 0.2 ha and accommodates a single storey light industrial building with a stated area of 700.4sqm and associated car parking area.

## 2.0 Proposed Development

- 2.1. The development comprises the retention of a steel framed canopied sheltered area (204.3sqm) located to the side elevation of the main building and a steel framed and clad single storey pitched roofed building (295sqm) providing industrial storage to the rear of the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 7 no. conditions. Of relevance is condition no. 2.

*2. Within two weeks from the date of the Final Grant being issued, a development contribution in the sum of €60, 914.60 shall be paid immediately to the Planning Authority as a contribution towards expenditure that was and/or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council. The amount shall be subject to any applicable indexation provisions of the Scheme at time of payment or will be increased if prior to payment an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City*

*Council the amount of the contribution payable will be adjusted accordingly.  
Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The initial Planners Report dated 25<sup>th</sup> July 2025 considered that the development to be retained reflected the established pattern of development with the Industrial Park. The report noted the concerns of the Drainage Division and recommended that additional information be sought regarding how surface water run-off has been dealt with and what SuDS measures were incorporated / are proposed for the development.

The Planners Report dated 29<sup>th</sup> August 2025 considered that the response to the additional information request did not adequately address the concern raised and recommended that clarification of further information be sought with regard to proposals to manage surface water.

The Planners Report dated 28<sup>th</sup> October 2025 notes that an Engineering Report was submitted in response to the clarification of further information which set out the provisions for treating surface water run off. It was considered that this adequately addressed the concern raised and it was recommended that permission be granted subject to conditions.

### **3.2.2. Other Technical Reports**

Drainage Division: Report dated 9<sup>th</sup> July 2025 considered that insufficient information had been submitted with regard to surface water management and recommended that additional information be requested.

Report dated 21<sup>st</sup> August 2025 considered that the response to additional information request did not provide insufficient information regard to surface water management and recommended that clarification of additional information be requested.

Report dated 23<sup>rd</sup> October 2025 considered that the applicant had adequately addressed surface water management within the site and raise no objection to the development to be retained subject to standard conditions.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

No third-party submissions were received by the planning authority.

## 4.0 **Planning History**

No relevant planning history.

## 5.0 **Policy Context**

### 5.1. ***Dublin City Council Development Contribution Scheme 2023 - 2026***

Section 9 of the Scheme outlines the level of contributions to be paid, except where no contribution or a reduced contribution applies, in respect of the different classes of public infrastructure and facilities. Section 9 also notes that the rates set out in the scheme were fixed from 1st April 2023 to 31st December 2024 and that consideration may be given to applying indexation to the rates of contribution effective thereafter in consideration of the SCSi Construction Tender Price Index.

The Planning Authority's website ([www.dublincity.ie](http://www.dublincity.ie)), which I accessed in February 2026, states that with effect from the 1<sup>st</sup> April 2025 the amount of contribution for Industrial / Commercial Development is €122.00 per square meter.

Section 12 of the scheme states that no reductions in whole or in part shall apply to permissions for retention of development.

### 5.2. **Dublin City Development Plan 2022 - 2028**

The appeal site is zoned Z6: Employment/Enterprise with the associated land use objective *to provide for the creation and protection of enterprise and facilitate opportunities for employment creation.*

Section 15.2.5 of the Development Plan notes that Dublin City Council may, when granting planning permission, attach conditions requiring the payment of contribution(s) in respect of public infrastructure and facilities, benefiting development

in its area. Details of such contributions are set out in the Council's Development Contribution Scheme, and in Supplementary Development Contribution Schemes, where relevant.

### 5.3. **Ministerial Guidelines**

#### Development Contributions Guidelines for Planning Authorities (2013)

The Guidelines provide guidance on the drawing up of development contributions. Under section 48 of the Act, planning authorities must draw up a development contribution scheme (a general development contribution scheme) in respect of certain public infrastructure and facilities provided by, or on behalf of, the local authority that generally benefit development in the area. All planning permissions granted are subject to the conditions of the development contribution scheme.

#### Development Management Guidelines (2007)

Section 7.12 of the Guidelines refers to conditions requiring development contributions (Sections 48 and 49 of the Planning Act), advising that development contribution conditions may only be attached if they accord with the provisions of either section 48 or section 49 of the Planning and Development Act and these are based on the application of the terms of one or more development contribution schemes which have been formulated and adopted in accordance with those sections of the Act, or on the need for a special financial contribution.

Although there is no entitlement to appeal against the principle of attaching a condition formulated in accordance with a general or supplementary scheme, the contribution requirements of any such scheme may be the subject of a valid appeal where the applicant considers that the terms of the scheme in question were not properly applied. The planning decision should clearly set out how the relevant terms were interpreted and applied to the proposed development; as well as being best practice this will help to minimise unnecessary appeals.

### 5.4. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site.

## 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 in Appendix 1 of this report.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of the first party appeal are summarised below.

The Planning Authority's Financial Contribution sheet records an area of 499.3sqm as the basis for the calculation. Condition 2 should only apply to an area of 295sqm, which comprises the single storey storage space. The remaining 204.3sqm does not constitute floor area as it is a sheltered area only. It is requested that the floor area subject to the contribution be reviewed.

A drawing is submitted with the appeal highlighting the enclosed area and the sheltered area.

### 6.2. **Planning Authority Response**

In response to the first party appeal the planning authority stated that, on review of the application and the appeal, the development contribution was incorrectly applied and should only be applied to the enclosed area.

### 6.3. **Observations**

None

### 6.4. **Further Responses**

None

## 7.0 Assessment

7.1. This first party appeal is solely against Condition no. 2 of Reg. Ref. WEB2255/25, which relates to a financial contribution. Therefore, this appeal is not considered 'de novo' and the only issue in this case relates to whether the Dublin City Council Development Contribution Scheme 2023 -2026 was properly applied.

7.2. Condition no. 2 states that *within two weeks from the date of the Final Grant being issued, a development contribution in the sum of €60,914.60 shall be paid immediately to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council. The amount shall be subject to any applicable indexation provisions of the Scheme at time of payment or will be increased if prior to payment an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.*

**Reason:** *It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.*

7.3. The first party appeal considers that the financial contribution was incorrectly calculated as it should only apply to the enclosed area of 295sqm only, which comprises the single storey storage spaces. The remaining 204.3sqm is a sheltered area and does not constitute floor area.

7.4. In response to the first party appeal the planning authority state that on review of the application and appeal it is concluded that the development contribution was applied incorrectly should only be applied to the enclosed area.

7.5. I agree with both the applicant and the Planning Authority that the development contribution should only apply to the 295sqm steel framed and clad single storey pitched roof industrial storage space and not the sheltered area, as it does not comprise industrial / commercial floor area.

- 7.6. Section 9 of the Dublin City Council Development Contribution Scheme outlines the level of contributions to be paid. It notes that the rates set out in the scheme were fixed from 1st April 2023 to 31st December 2024 and that consideration may be given to applying indexation to the rates of contribution effective thereafter in consideration of the SCSl Construction Tender Price Index. The Planning Authority's website ([www.dublincity.ie](http://www.dublincity.ie)), which I accessed in February 2026, states that with effect from the 1<sup>st</sup> April 2025 the amount of contribution for Industrial / Commercial Development is €122.00 per square meter. Section 12 of the scheme states that no reductions in whole or in part shall apply to permissions for retention of development.
- 7.7. It is my opinion that a financial contribution of €122 per square meter of industrial / commercial floor space should apply to the 295sqm industrial storage space only. This equates to a financial contribution of €35,990.

## 8.0 Recommendation

- 8.1. It is considered that the planning authority incorrectly applied the terms of the Dublin City Council Development Contribution Scheme 2023-2026 in the calculation of the amount payable under Condition No. 2 attached to the grant of permission. It is, therefore, recommended that the planning authority be directed to amend the amount payable under Condition No. 2 by deleting the amount of €60,914.60 and substituting the amount of €35,990.

## 9.0 Reasons and Considerations

On the basis of the information on the file and the correspondence from the Planning Authority it is considered that the terms of the Dublin City Council Development Contribution Scheme 2023-2026 were incorrectly applied in this instance

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.

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Elaine Power

Senior Planning Inspector

12<sup>th</sup> February 2026

## Appendix 1

### EIA Pre-Screening

|                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                                                                                                                       | PL-500265-DN                                                                                                                                   |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                                                                                                         | Retention of a 204.3sqm steel-framed canopied sheltered area and a 295sqm steel-framed industrial storage space and all associated site works. |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                                  | Unit 40, Newtown Avenue, Malahide Road Industrial Park, Dublin 17.                                                                             |
| <b>In all cases check box /or leave blank</b>                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                |
| <b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b><br><br>(For the purposes of the Directive, “Project” means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> No, No further action required.                                                                            |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                                                                                                                                             |                                                                                                                                                |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>                                                                                                                                                                                                                             |                                                                                                                                                |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                                                                                                                                           |                                                                                                                                                |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>                                                                                                               |                                                                                                                                                |

|                                                                                                                                                                                                                                                          |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.<br><br><b>No Screening required.</b>                    |  |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><b>EIA is Mandatory. No Screening Required</b>                                                                                                  |  |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.<br><br><b>Preliminary examination required. (Form 2)</b><br><br><b>OR</b><br><br><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b> |  |

|                                                                                                                                                                 |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |  |
| <b>Yes</b> <input type="checkbox"/>                                                                                                                             |  |
| <b>No</b> <input checked="" type="checkbox"/>                                                                                                                   |  |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_