



An
Bord
Pleanála

Memorandum ABP- 321772-25

To: Mary Tucker, Senior Executive Officer
From: Derek Kelly, Executive Officer
Re: Construction of media park and all associated siteworks. NIS and EIAR received.

**Site located in the townlands of Coolscudden, Brownstown and Milltown,
West of Grange Castle Business Park, Newcastle, Co. Dublin**

Date: 28th February 2025

Section 48 and 49 only appeal

On 19th December 2024, South Dublin County Council issued a decision under the Planning and Development Act 2000 (as amended). The application was granted subject to twenty-five conditions.

On 27th January 2025, the Board received an appeal from Tom Phillips & Associates, on behalf of the applicant, Lens media Limited, 11 Adelaide road, Dublin 2.

This appeal relates to the proper application by the planning authority of the terms of the development contribution (condition 24) and a special contribution (condition 25) in accordance with the provisions of Section 48 and Section 49 of the Act. As there are no other appeals against the decision of the planning authority on the planning application, the provisions of section 48(2)(c) and section 49 of the Act apply to this appeal.

The Board will determine the appeal on the basis of the proper application of the terms of the development contribution scheme as appropriate and the terms of the special contribution, as appropriate only.

The Applicant contends that the development contribution attached to condition 24 has been incorrectly calculated and that the sum sought by the Planning Authority (€8, 859, 898. 08) includes the total gross floor area of the proposed development. The applicant argues that the Planning Authority have neglected to include certain exemptions in their calculations such as plant rooms, switch rooms and substations.

The applicant therefore requests the board to amend the condition to the reduced amount of (€8, 726, 991. 84), to allow for those items which they argue, should be exempted from the calculation.

In reference to condition 25, special development contribution in the amount €143,112, they contend that the sum of the upgrade works (€500,000) as claimed by the Planning Authority, has been arrived at in an arbitrary manner. The applicant asks that the Board remove condition 25 entirely and that if the Board are minded to retain the condition, that the Board will examine the methodology used by South Dublin County Council in their estimate of the sum required from the applicant.

Comments

A copy of the grounds of appeal issued to the Planning authority on the 29th January 2025, with a response deadline of 25th February 2025.

No response has been received from South Dublin County Council, I therefore recommend a s132 notice be issued to the planning authority.

File herewith, for comments.

Noted
Please issue S132 notice to PA and forward file to ADP. for case allocation once admin procedures are complete.
R. Lee
5/3/25