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1st Party Appeal Against Conditions Attached to a Grant of Planning Permission by Dun Laoghaire Rathdown Co. Council for the Development of 3 Dwellings at San Anton, 2 Waltersland Road, Stillorgan, Co. Dublin. A96DT62. Planning Ref- D26A/0276.

Dear Sir/Madam,

I, Colin McGill, Suite 3 Eden Gate Centre, Delgany, Co. Wicklow. A63C996. make this appeal on behalf of the applicant, East Meath Construction Ltd. Ballinteer Business Centre, Ballinteer, Dublin 16. (Directors are Kevin Stokes, Raymond Stokes and Anne Stokes). The appeal concerns the financial contributions contained in conditions 14, 15 and 16 (Section 48) and condition 17 (Section 49).

It is considered that the amounts levied in the conditions are excessive and have not been correctly calculated having regard to the contents of the contribution schemes. For reference and the information of the Commission a copy of the calculation sheet, obtained from the planning authority, is enclosed in support of the appeal.

Reference is made to Section 7.2 of the Section 48 Scheme. This states-

"where exiting residential development is demolished, and replaced by new residential development, contributions payable in respect of the replacement development shall be reduced by an amount equivalent to 50% of the contribution that would have been levied in respect of the original existing development had it been subject to the scheme. Therefore, by way of example, if one existing housing unit is demolished and replaced by 10 housing units, the contribution payable shall be reduced by the equivalent of 50% of the contribution in respect of one housing unit".

The proposed development includes the demolition of the existing house on the subject site. Given the above, the contributions levied in conditions 14, 15 and 16 are incorrect. They should include the 50% discount pertaining to the demolition of the existing house. Reference to the calculation sheet, enclosed, indicates that the calculations for surface water (condition 14), transportation (15) and Community, Parks and Recreation (16) comprise 2 elements. The first is "residential development" – the number of units, and the second refers to additional floor area of units proposed over a standard of 150 sq.m. It is noted that the "measure" applied to each of the residential development elements is 3 not 2.5, as per section 7.2 of the Scheme. Application of same would result in a reduction of the levies – €69.38 in condition 14, €1040.74 in condition 15 and €5,828.02 in condition 16.

Reference is now made to Condition 17 and the Section 49 scheme for the Luas extension to Cherrywood. The scheme applies different rates of levy depending on whether the development involved is commercial or residential. The levies are based on site area, in this case 0.088 hectares. The amount in the condition, as per the calculation sheet, is based upon a "unit price" of €802, 047.00. This is the commercial rate. The proposed development is residential and the unit price is €351,774.00. This would result in a levy of €30,956.11. In this regard, the Commission is referred to a recent decision concerning an appeal against the imposition of the same Section 49 contribution scheme (ACP-324147-26). The proposed development was an LRD of 144 dwellings in Carrickmines. The appeal was dismissed and the original contribution amount in the planning authority decision was applied. The amount tin question was calculated based on the residential levy.

Finally, reference is made to the planner's report of 2nd June 2026. On page 22, under the heading Public Open Space it is stated that-

"it is noted that the Parks Department has requested a Section 48 contribution in lieu of the provision of public open space. However, having regard to the limited scale of the scheme, it is considered that the imposition of such a contribution could have a disproportionate impact on the viability of the development. This would run counter to the stated policy objectives of the County Development Plan, which seeks to support the consolidation of the existing suburban areas and encourage increased residential density, in an appropriate manner.

In this regard, it is noted that a consistent approach has been taken in comparable permissions in the Dun Laoghaire Rathdown area, including grants of permission for 3 dwelling schemes where no public open space contribution was applied. Accordingly, it is considered reasonable, in this instance, that no requirement for a public open space contribution arises and, therefore, no such condition will be attached in the event of a grant of planning permission."

Despite the above consideration and recommendation condition 16 was included in the notification to grant permission. It is noted that the condition refers to public open space as well as community and recreational facilities. However, it is not possible to determine the relative percentage of levy that might apply to the community and recreational facilities. The overall "unit price" of €11,656.04 is not divisible. As a result, it is suggested that the application of the levy by the planning authority should be questioned, given the planner's assessment and recommendation. If considered necessary then a reduction should be made to the amount, to exclude public open space.

Yours sincerely,

Colin McGill. B.A. (Hons), M.Sc. Planning.

Urban Planning Consultant. 11th August 2026.