

# Comhairle Chontae Atha Cliath Theas

**PR/0113/23**

## Record of Executive Business and Chief Executive's Order

**Re: Amendment under Section 146A of the Planning and Development Act 2000 (as amended) – Register Reference SD22B/0437.**

Planning permission was granted under Register Reference SD22B/0437 for development at 50, Lucan Heights, Lucan, Dublin.

During the drafting of the planner's report, the following development contribution calculation was included:

<b>Planning Reference Number</b>	SD22B/0437
<b>Summary of permission granted &amp; relevant notes:</b>	Residential Extension 47sqm (Previous Rear extension 39.3sqm)
<b>Are any exemptions applicable?</b>	Yes
<b>If yes, please specify:</b>	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	47
<b>Amount of Floor area, if any, exempt (m2)</b>	0.7
<b>Total area to which development contribution applies (m2)</b>	46.3
<b>Total development contribution due</b>	€4,837.88

A condition relating to this development contribution was included on the permission, however, due to a clerical error, the total development contribution due was incorrectly conditioned at €867.26.

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Under Section 146A of the Planning & Development Act, 2000 (as amended), a planning authority may amend a planning permission granted by it for the purposes of –

- (i) Correcting any clerical error therein,
- (ii) facilitating the doing of anything pursuant to the permission or decision where the doing of that thing may reasonably be regarded as having been contemplated by a particular provision of the permission or decision or the terms of the permission or decision taken as a whole, but which was not expressly provided for in the permission or decision, or
- (iii) otherwise facilitating the operation of the permission or decision.

I recommend that condition no. 6 be amended to read as follows:

Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4,837.88 (Four thousand eight hundred and thirty-seven euro and eighty-eight cents), 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.

*Fiona Campbell*

**Fiona Campbell,  
Administrative Officer**

**ORDER:** That condition number 6 in respect of planning application Register Reference SD22B/0437 be amended as per above recommendation and that a revised Notification of Decision to Grant Permission be issued.

**Date:** 07/02/23

  
**Gormla O'Corrain,  
Senior Planner**