

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Our Ref: SD22A/0316  
Your Ref: ABP-315336-22

3<sup>rd</sup> April 2023

**Appeal Re: Extension, Change of Use and alterations to Kilnamanagh Shopping Centre;**

Dear Sir/Madam,

I refer to your letter dated 15<sup>th</sup> December 2022 concerning the above-mentioned appeal regarding proper application of the terms of the Development Contribution Scheme adopted under Section 48 of the Act.

### **Condition No. 7**

This condition of the Planning Permission Register Reference SD22A/0316 required that:--

#### *Financial Contribution.*

*The developer shall pay to the Planning Authority a financial contribution of €448,074.12 (four hundred and forty eight thousand, seventy four Euros and twelve 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](mailto:customerservice@water.ie)."*

### **The Calculation of The Development Contribution.**

- Development subject of this application for a two storey extension is proposed along the centre's eastern elevation (total GFA increase of 2,336sq.m).

- Change of Use of the first-floor retail area which will be extended and subdivided to provide for two new non-retail, service units.
- Unit 1 will extend to c.1,411sq.m for use as a health centre and
- Unit 2 will extend to 790sq.m for use as a gym.
- Assessable area is 4537sq.m.

### Development Contributions

<b>Planning Reference Number</b>	SD22A/0150
<b>Summary of permission granted:</b>	commercial extension 2336sq.m. & change of use 2201sq.m.
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<b>Is development commercial or residential?</b>	Commercial
<b>Standard rate applicable to development:</b>	98.76
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	98.76
<b>Area of Development (m2)</b>	4537
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	4537
<b>Vehicle display areas/ Open storage spaces</b>	0
<b>Rate applicable</b>	€0.00
<b>Contribution</b>	€0.00
<b>Total development contribution due</b>	€448,074.12

(Note that Planning Reference is incorrectly stated as SD22A/0150 in the above but should be SD22A/0316)

### Assessment of Appeal Received

Proof of payment relating to previous development contributions had not been received by South Dublin Co. Co. at the time of assessment of the planning application.

S00A/0873 relates to the same development as SD22A/0316 had a number of parts.

- Demolition of part of existing shopping centre.
- New construction to include 2 no. new retail units. Reconstruction of existing shopping centre in new configuration and new first floor offices.
- Elevational alterations to include new external cladding, new entrances and signage

Confirmation that financial conditions 12 and 13 of Register Reference S00A/0873 has been complied with in full has been submitted with the appeal documents.

It would appear that the change of use proposal of 2,201 sq.m (1,504sq change of use + 697sq new extension = 2,201) should therefore be exempt from development contributions and the fee as stated in the appeal letter submitted by the applicant would be correct.

Fiona Campbell  
Administrative Officer