



The submissions on this file and the Inspector's report were considered at a Board meeting held on May 12th 2016.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

The Board considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 5 and directs the said Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000 to **AMEND** the said condition number 5 so that it shall be as follows for the reason stated.

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within one month of the date of this permission or in such phased payments as the planning authority may facilitate. The amount of the contribution shall be €15,000 (fifteen thousand euro) subject to any applicable indexation provisions of the Scheme from the date of the schemes adoption. The application of any indexation

required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS

It is considered that:

the terms of the Development Contribution Scheme were correctly interpreted in respect of condition number 5, insofar as the development is subject to a financial contribution under the Scheme, and the Scheme does not provide for any exemptions in respect of temporary permissions for telecommunications support structures, and a development contribution was not levied under any previous permission for this structure.

It is further considered that the wording of the condition should be amended to reflect the fact that the development is currently in place.

Board Member _____

Date: 11.05.16

Paul Hyde