



## Board Direction

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**Ref: PL06S.245936**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29<sup>th</sup> April 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:

Amend condition 14 to provide for an S48 contribution of €393,600.

### **Reasons and Considerations**

The Board had regard to the provisions relating to the payment of development contributions where demolitions were involved and considered it appropriate that contributions under previous permissions 90A/0529 and S99A/0102 should be taken into account. The board had regard to the non-availability of file 90A/0529 but considered it likely on balance of probability that this levy had been paid. The Board considered that under the terms of the scheme that the area to be levied was therefore  $6,573-269-1,056= 5,248$  Square meters, being the area of the proposal less those areas on which a levy had been paid already. The board further had regard to the provisions of Section 48(3A) (a) of the Planning and Development act 2000 as amended, which became operative on 1<sup>st</sup> September 2015, and considered that the levy per square meter which is applicable is that which became operative on 1<sup>st</sup> January 2016, i.e. €75 per square meter and that the levy should therefore be  $5,248 \times 75 = €393,600$ .

In disagreeing with the inspector's position that a reduction should be made in respect of the entire area of the building which was demolished, the board considered that the contribution scheme did not make provision for reducing a levy in respect of floor area on which a levy had not been paid

Board Member: \_\_\_\_\_ Date: 29<sup>th</sup> April 2016  
Michael Leahy