



Board Direction

Ref: PL29S.245937

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 3rd 2016.

The Board noted that the first party appeal had originally been in respect of two conditions that had been included in the Planning Authority's decision to grant permission, but that the appellant subsequently withdrew the appeal against one of these conditions, leaving only an appeal in respect of a financial contribution, condition 2. Accordingly, the Board treated this case under section 48 of the Planning and Development Act, 2000, as amended.

The Board also decided, as recommended by the Inspector, that the planning authority be directed, as follows:-

Amend condition no. 2 to be as set out below, for the following reasons and considerations:-

Reasons and Considerations

It is considered that the planning authority did not properly apply the Development Contribution Scheme in this instance, having regard to the provisions of paragraph 13 of the Scheme, as the reduced rate of contribution should apply to the entirety of the proposed basement car park.

Condition

2. The developer shall pay to the planning authority a financial contribution of €376,427.13 (three hundred and seventy-six thousand, four hundred and twenty seven euros and thirteen cents) 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Board Member: _____ Date: 4th May 2016
Philip Jones