



An  
Bord  
Pleanála

**Board Direction**  
**PL03.248090**

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 30<sup>th</sup> 2017.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided, for the reasons and considerations set out below, that the planning authority be directed to amend condition number 7 so that it reads as follows:-

7. The developer shall pay to the planning authority a financial contribution in respect of car parking 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, having regard to the shortfall of 26 car parking spaces arising from the proposed development. 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. Details of the application of the terms of the Scheme, and in respect of any applicable adjustment in accordance with the relevant provisions of the Scheme in place at the time of payment, 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 for determination.

**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, and it is considered appropriate that the developer should contribute towards the cost of car parking spaces benefiting the development, as provided for in this Scheme.

### **Reasons and Considerations**

It is considered that the terms of the Development Contribution Scheme were properly applied by the Planning Authority in this instance, and that the calculation of the shortfall in car parking spaces was properly and correctly assessed, based on the provisions of the statutory Development Plan in force at the time of the making of the Planning Authority's decision.

Note: In reaching its decision, the Board concurred with the Inspector that a financial contribution should be required for the shortfall of 26 car parking spaces, and that the correct Development Plan in respect of such calculation was the Development Plan in force at the time of the Planning Authority's decision, but considered it appropriate to amend the condition so as to allow for the imposition of a revised rate per car parking space, at the time of commencement of development, in accordance with the then applicable Development Contribution Scheme.

*[Please issue a copy of this Direction with the Board Order.]*

**Board Member:**

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Philip Jones

**Date:** 30<sup>th</sup> August 2017