



An
Bord
Pleanála

**Board Direction
PL29N. 248134**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 14th 2017.

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,

to amend condition 2 as follows.

2 The developer shall pay to the planning authority a financial contribution of €104,803.20 (one hundred and four thousand, eight hundred and three euro and twenty cent) 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.

Reasons and Considerations as follows.

Reasons and Considerations

The Board considers that the Planning Authority did not properly apply the Development Contribution scheme correctly in this instance and is satisfied that the school is not a fee paying school as described in Section 13 of the scheme. The board accepts that the Artane School of Music is used for social and recreational purposes and not for profit or gain, so the extension to it is exempt from the requirement to pay contributions by virtue of section 12 of the Development Contribution Scheme for Dublin City 2016-2020 adopted by the planning authority under section 48 of the Planning and Development Act 2000, as amended.

Board Member:

Date: 14.09.17

Paul Hyde