



An  
Bord  
Pleanála

**Board Direction**

**PL03.248664**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 31<sup>st</sup> August 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 number 11 as follows:

### **Condition**

11. The developer shall pay to the planning authority a financial contribution of €2,774.50 (two thousand, seven hundred and seventy four euro and fifty 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**

Having regard to the Reductions and Exemptions provided for within the Clare County Council Development Contribution Scheme 2017-2023 applicable to developments that would be considered to retain or enhance the character of an Architectural Conservation Area (ACA), it is considered that this proposal would not detract from and would retain/enhance the character of Tuamgraney ACA. Therefore, the terms of the Clare County Development Contribution Scheme 2017 - 2023 have not been properly applied in this case. It is therefore considered that the 50% reduction provided for in Table 1(5) of the scheme shall apply in this instance.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Board Member**

**Date:** 5<sup>th</sup> September 2017

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Maria FitzGerald