



An
Bord
Pleanála

Board Direction
BD-000177-18
ABP-300132-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/04/2018.

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 18 .

18 The developer shall pay to the planning authority a financial contribution of €3.599.00 (Three thousand, five hundred and ninety nine euro) 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 set out below

Reasons and Considerations.

Having regard to:

- (a) The nature of the development which relates to a single house and a commercial development consisting of 7 no. glamping sites for bell tents and ancillary toilet block and office.

- (b) The provisions of the Carlow County Council General Development Contributions Scheme 2015.

the Board considers that the terms of the Development Contribution Scheme have not been properly applied by the Planning Authority. The Board considered that the proposed glamping sites/pitches do not fall within the remit of Class 5 (commercial) of the Development Contributions Scheme and that the ancillary toilet block and portacabin (office) fall within the remit of Class 5 as they ancillary to the commercial business. A contribution under class 1 for the house applies and therefore would be subject to a development contribution in accordance with the terms of the Development Contribution Scheme.

Board Member:

Paul Hyde

Date: 10/04/2018