



An
Bord
Pleanála

Board Direction
BD-001229-18
ABP-300796-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/10/2018.

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:

Attach conditions 7 & 23

Amend condition 6 as follows.

6. The developer shall pay to the planning authority a financial contribution of €145,332 (one hundred and forty-five thousand, three hundred and thirty-two 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 the 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 (1)

The Board considered that the terms of the Development Contribution Scheme had not been properly applied in the case of condition number 6 in that the communal rooms are ancillary to the residential units in Blocks 1 and 2, which attract development contributions in their own right. The Board note that the rooms are positioned at first floor level and are not independently accessible from outside of the blocks and therefore considered that this floorspace does not fall within the description of “industrial / commercial” floorspace detailed in the Scheme and that the floorspace should not attract a contribution in its own right

Reasons and Considerations (2)

Having regard to the provisions of the section 49 Supplementary Development Contribution Scheme for the Clonmore Link Road and Robinstown Link Road, the Board considered that the terms of the Supplementary Development Contribution Scheme for the area had been properly applied in respect of condition number 7.

Reasons and Considerations (3)

The Board considered that the application of a charge under condition number 23 of a special contribution towards the construction of the Harbour Link Road to access the site and which benefited the proposed development was justified.

Board Member:

Date: 02/10/2018

Paul Hyde