



An  
Bord  
Pleanála

**Board Direction**  
**BD-000997-18**  
**ABP-301683-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/08/2018.

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 9 as follows.

**9.** The developer shall pay to the planning authority a financial contribution of €7,734 (seven thousand, seven hundred and thirty-four 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 considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

### **Reasons and Considerations**

Having regard to

- (a) The nature of the development, which includes existing development for which retention permission was sought, and proposed development for which planning permission was sought;
- (b) The provisions of the Fingal County Council Development Contribution Scheme 2016-2020; and
- (c) The submissions made in this appeal;

the Board considered that the general approach of the Planning Authority to the calculation of the development contribution payable was in accordance with the terms of the Fingal County Council Development Contribution Scheme 2016-2020, but also considered that the stated gross floor space of the proposed extension had not been utilised by the Planning Authority in its calculation.

**Board Member:**

**Date:** 28/08/2018

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Michelle Fagan