



An
Bord
Pleanála

Board Direction
BD-001773-18
ABP-302460-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/11/2018.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Remove condition number 11.

Reasons and Considerations

Having regard to:

- a) Section 34(5) of the Planning and Development Act 2000, as amended,
- b) The provisions of the South Dublin County Council Development Contribution Scheme 2016 – 2022
- c) Section 48 of the Planning and Development Act 2000 (as amended),
- d) The submissions on file, and the planning history of the site made available by South Dublin County Council

The Board considered Section 10 (xxvii) of the South Dublin County Council Development Contribution Scheme 2016 – 2022 whereby *in respect of a permission for change of use, where development contributions were paid in respect of the former use the contribution payable on the new proposal will be net of the quantum of development previously paid for. Where a contribution was not previously paid or the original development was carried out before 1963 it shall be treated in its entirety*

as new development and assessed accordingly and was not satisfied that the Planning Authority, South Dublin County Council in this case had adequately demonstrated that the financial contribution in respect of the parent permission, namely the existing commercial building on this site had not been paid either partially or in full.

It is considered that it would be inappropriate to attach a Section 48 Development Contribution in this instance.

Board Member:

Date: 27/11/2018

Maria FitzGerald