



An
Bord
Pleanála

Board Direction
BD-002967-19
ABP-303410-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/05/2019.

The Board decided by a majority of 2:1, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Amend condition number 4 as follows

The developer shall pay to the planning authority a financial contribution of €27,553 (twenty seven thousand, five hundred and fifty three 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

Having regard to:

- a. the Development Contributions Guidelines for Planning Authorities (2013)
- b. the Fingal County Council Development Contribution Scheme 2016-2020, including the provisions of section 10(ii)(a) confirming that exemptions and reductions do not apply to permissions for retention of development,
- c. the fact that the application is for retention of 17 additional bedspaces, within a stated floorspace of 383 square metres, as per the planning application form,
- d. the fact that the nature of the use for which retention permission is sought is commercial for the purposes of the calculated contribution under the Fingal County Council Development Contribution Scheme 2016-2020, and that the rate of contribution effective from 1st January 2019 is €71.94 per square metre.

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out, that the terms of the Development Contribution Scheme for the area was not properly applied and that the proposal to AMEND Condition No 4 is required.

Board Member:

Date: 07/05/2019

Chris McGarry