



An  
Bord  
Pleanála

**Board Direction**  
**BD-003467-19**  
**ABP-303460-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2019.

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.

The developer shall pay to the planning authority, a financial contribution for the proposed 707m<sup>2</sup> extension to units 5-8; in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that it is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2016-2020, 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. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced, as outlined in the South Dublin County Council Development Contribution Scheme 2016-2020.

**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 provisions of the South Dublin County Development Contribution Scheme 2016-2020,
- (b) the submissions made in the appeal, and the correspondence received by An Bord Pleanála on 20<sup>th</sup> May, 2019
- (c) the acknowledgement by South Dublin County Council that the café element of the proposed development comprises a change-of-use, within the relevant commercial development class, for which proof of payment has been confirmed, and
- (d) the absence of confirmation that a development contribution was paid on a per sq.m basis, for the external garden centre area of units 5-8,

it is considered that condition no. 9 should be amended as documented above.

**Board Member:**

**Date:** 04/07/2019

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Chris McGarry