



An
Bord
Pleanála

Board Direction
BD-004111-19
ABP-304668-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/09/2019.

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 8 as follows:

8. The developer shall pay to the planning authority a financial contribution 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 include a deduction for any contribution already paid under condition number 7 of planning permission register reference number SD17A/0443. The contribution shall be paid prior to commencement of any further 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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

It is considered that development contributions under Section 48 of the Planning and Development Act, 2000, as amended, should be paid in respect of all of the dwellings that are the subject matter of this appeal. The documentation submitted with the application and appeal has not provided evidence of any contribution already paid under condition number 7 of planning permission register reference number SD17A/0443. Accordingly, it is reasonable, and in accordance with the provisions of the South Dublin County Council Development Contribution Scheme 2016 – 2020, and the Development Contributions Guidelines for Planning Authorities published by the Department of the Environment, Community and Local Government in January 2013, that condition number 8 be amended.

In deciding not to accept the Inspector's recommendation to direct the planning authority to omit condition 8, the Board was not satisfied, based on the documentation submitted with the application and appeal, that any contribution had already been paid under condition number 7 of planning permission register reference number SD17A/0443, and therefore decided to amend the appealed condition so as to ensure that development contributions under Section 48 of the Planning and Development Act, 2000, as amended, are levied in respect of all of the dwellings that are the subject matter of this appeal.

Board Member:

Date: 25/09/2019

John Connolly