



An  
Bord  
Pleanála

**Board Direction**  
**BD-004634-19**  
**ABP-304787-19**

The submissions on this file, including the applicants' response to the Board's Section 137 Notice, and the Inspector's report were further considered at a Board meeting held on November 29<sup>th</sup>, 2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the additional information submitted by the applicants in their response to the Board's Section 137 Notice, and considered, in the light of the new information submitted as part of this submission (part of which had not been included with the documentation and particulars submitted with the application to the planning authority), that one of the applicants had established a demonstrable economic need to reside at this location.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as modified and expanded in the submission to An Bord Pleanála received on the 6<sup>th</sup> day of November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the

planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. As PA condition number 6
3. As PA condition number 2 (amend in line 4 “shall be submitted to and agreed in writing with the planning authority”)
4. As PA condition number 3 (change “shall be submitted for the written agreement to” to “shall be submitted to, and agreed in writing with”).
5. As PA condition number 5
6. As PA condition number 7
7. As PA condition number 8
8. As PA condition number 9
9. As PA condition number 10
10. As PA condition number 11
11. 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 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. 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.

12. The developer shall pay to the planning authority a financial contribution in the sum of €1,5000 (one thousand, five hundred euro) as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended in respect of improvements to the L-14373, which will benefit the proposed development. The contribution shall be paid within two months of the date of first occupation of the proposed development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office. The application of indexation 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 considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

**Board Member**

**Date:** 29<sup>th</sup> November 2019

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Philip Jones