



An
Bord
Pleanála

Board Direction
BD-004913-20
ABP-305425-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2020.

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 2 as follows:

2. The developer shall pay to the planning authority a financial contribution of €4,164 (four thousand one hundred and sixty four 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 if the Act be applied to the permission.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Contribution Scheme 2016-2020 which provides an exemption from levies for a change of use from one commercial use to another, the planning authority erred in applying the levy under conditions no 2 to the 151.05sq.m area proposed for change of use, in addition to the 254sq.m area of new floor space.

Board Member:

Date: 15/01/2020

Terry Ó Niadh