



An  
Bord  
Pleanála

**Board Direction**  
**BD-005659-20**  
**ABP-306329-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/04/2020.

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 13 as follows.

13. The developer shall pay to the planning authority a financial contribution of €3,366 (three thousand three hundred and sixty six 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, as per Inspector's recommendation as follows.

### **Reasons and Considerations**

Having regard to:

- The established, authorised nature of the existing building;
- Section 9.9 (Double-Charging/Allowance for previous Use) of the Laois County Council Development Contribution Scheme 2017-2023;
- Section 12.10 (Change of Use) of the Scheme 2017-2023; and
- The 99sqm area subject of the change of use floorspace;

The Board consider that the terms of the Development Contribution Scheme have not been properly applied and Condition No. 13 shall be amended

**Board Member:**

**Date:** 28/04/2020

\_\_\_\_\_  
Paul Hyde