



An  
Bord  
Pleanála

**Board Direction**  
**BD-007890-21**  
**ABP-308526-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/04/2021.

The Board decided to treat this case under section 48 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Remove condition number 18

Amend condition number 33 as follows:

The developer shall pay to the planning authority a financial contribution of €877,993.84 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. 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 the Board to determine. Reason: It is a requirement of

the Planning and Development Act 2000 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. Section 48(2)(c) of the Planning and Development Act, 2000 as amended;
- b. The Development Contributions Guidelines for Planning Authorities (2013);
- c. The Fingal County Council Development Contribution Scheme 2021-2025;
- d. The nature and extent of the proposed development;

In respect of condition No. 18, the Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered that the condition failed to meet the requirements of Section 48(2)(c) of the Act and should thus be omitted.

In respect of condition No. 33, the Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered that the terms of the Development Contribution Scheme for the area had not been properly applied and the condition should thus be amended.

**Board Member:**

**Date:** 14/04/2021

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Terry Prendergast