



An
Bord
Pleanála

Board Direction
BD-008103-21
ABP-309238-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/05/2021.

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, to attach Condition 6 as follows:

Reasons and Considerations

The Board considers that although the proposed development is to be carried out on behalf of a voluntary or community organisation within the meaning of Article 157 of the Planning and Development Regulations, 2001 (as amended) by way of delivery of buildings and their future use for the healthcare needs of the local community by the Health Service Executive on a non-profit or gain basis. The applicant by reason of having entered into a lease agreement with the Health Service Executive, does not come within the meaning of a not for profit or gain organisation. It is, therefore, considered that the terms of the development contribution scheme were properly applied, and that condition number 6 should be attached in that the proposed development does not come within the exemptions provided for within Section 11 of the scheme.

Condition 6

The developer shall pay to the planning authority a financial contribution of €379,792.95 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 of the Planning and Development Act 2000.

Board Member:

Date: 07/05/2021

Maria FitzGerald