

An  
Bord  
Pleanála

**Board Direction**  
**BD-009140-21**  
**ABP-309723-21**

The submissions on this file and the Inspector's report were considered at Board meetings held on 19/07/2021 and 23/09/2021.

At the meeting of the 19/07/2021, the Board treated this case under section 48 of the Planning and Development Act, 2000, as amended and decided to defer consideration of this case and to issue a Section 132 notice to the applicant in relation to the provision of evidence of prior payment of development contributions in respect to the former use of the appeal site.

At the meeting of the 23/09/2021, the Board considered the submission from the applicant and decided, based on the nature of the appeal, and the content of the submission received from the applicant, that further circulation was not warranted. The Board decided that the planning authority be directed, as follows:

Amend condition 10 as follows:

#### 10. Financial Contribution

The developer shall pay to the Planning Authority a financial contribution of €94,572.18 (ninety four thousand, five hundred and seventy two euros, and eighteen cent), in respect of public infrastructure and facilities benefiting development within 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 2021-2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

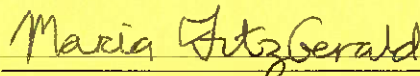
The contributions shall be paid prior to commencement of development, or in such phased payments as the Planning authority may facilitate, Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permissions commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021-2025.

**Reason:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefitting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority

#### **Reasons and Considerations**

Having regard to the nature of the proposed development which comprises a Change of Use application and to Section 11 (xxvi) of the South Dublin County Council Development Contribution Scheme 2021-2025 which details exemptions and reductions in respect to Changes of Use applications where development contributions were paid in respect of the former use, the Board was satisfied on the basis of the applicant's response to the Section 132 notice that the development contributions had been paid in respect of the former use and therefore that a reduced development contribution as detailed in the amended condition 10 was appropriate.

**Board Member:**

  
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Maria FitzGerald

**Date:** 23/09/2021