

An  
Bord  
Pleanála

**Board Direction**  
**BD-008798-21**  
**ABP-309883-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/07/2021.

The Board decided to treat this case under section 139 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:

Amend condition number 9 as follows

9. The developer shall pay to the planning authority a financial contribution of €1,104.86 (one thousand one hundred and 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, 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.

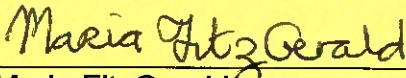
### **Reasons and Considerations**

The Board considers that the Fingal County Council Development Contributions Scheme 2021-2025 is the applicable contribution scheme and has had regard in particular to Section 11 *Exemptions and Reductions* as they apply to this case. The Board considered that the scheme had not been properly applied and that it is appropriate to amend Condition no.9 of the Council's permission Register Reference: F21A/0014 in this case.

In not agreeing with the Inspector on the final contribution sum to be specified in the amended condition 9, the board also had particular regard to the exemption provided for under Section 11 (d) of the Fingal County Council Development Contributions Scheme 2021-2025 which provides an exemption for attic conversions, and considered that notwithstanding the inclusion of a dormer window at first floor level, the conversion of the attic did not increase the gross floor area of the original house and noted that gross floor area forms the basis of the calculation for development contributions (Note 3 of the Scheme). The Board therefore, concluded that the scheme had not been properly applied in relation to this exemption and that the developer was also entitled to avail of exemption Section 11(d).

**Note:** The Board noted that a further response to the appeal, that was submitted to An Bord Pleanála by the Planning Authority on the 16<sup>th</sup> July 2021, was not addressed in the Planning Inspector's report but in considering this submission, the Board was satisfied that the Inspector's Report adequately addressed all of the issues on this appeal.

**Board Member:**

  
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Maria FitzGerald

**Date:** 26/07/2021