

An
Bord
Pleanála

Board Direction
BD-009475-21
ABP-310805-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/11/2021.

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

Amend condition number 2 as follows

Reasons and Considerations

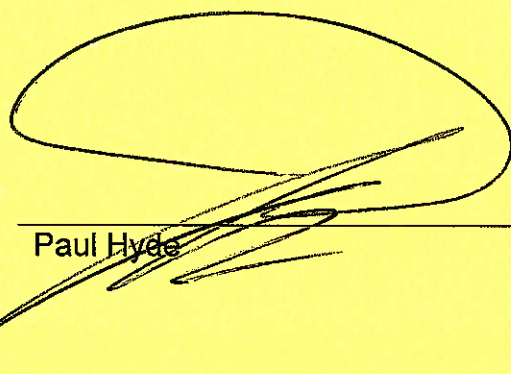
Having regard to the provisions of the Waterford City & County Council Development Contribution Scheme 2015 – 2021; Guidelines for Planning Authorities on Development Contributions (2013); Section 48(10)(b) of the Planning and Development Act, 2000 (as amended); and that there is no provision within the Development Contribution Scheme for an exemption for a development for retention permission (including that of 'Broadband infrastructure'), and that a financial contribution was not levied under any previous permission for the development, it is considered that the terms of the Council's Development Contribution Scheme for the area have been properly applied by the Planning Authority in respect of Condition No. 2.

It is considered that the wording of the condition should be amended to reflect the format of previous Board decisions, as follows:

1. The developer shall pay to the planning authority a financial contribution of €10,000 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.

Board Member:

A handwritten signature in black ink, appearing to read 'Paul Hyde', is written over a horizontal line. The signature is stylized and somewhat illegible.

Paul Hyde

Date: 22/11/2021