



An  
Bord  
Pleanála

**Board Direction**  
**BD-010904-22**  
**ABP-310934-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/06/2022.

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, as follows:

Amend condition 4 as follows.

4. The developer shall pay to the planning authority a financial contribution of €60,610 (sixty thousand six hundred and ten 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

Having regard to the previous grant of permission in respect of the overall line between Thurles and Borrissoleigh sub stations (Ref. 08/511136), to the payment of a development contribution of €19,304 in respect of the full length of this previously permitted development, to the fact that the current application only relates to the completion of part of this previously permitted development and to the specific provisions of the adopted *Tipperary County Council Development Contribution Scheme 2020* which explicitly references that the scheme aims to avoid any double charging of contributions, it is considered that the application of the terms of the scheme provide for the calculation of contributions on the basis of the extent of new development proposed and also that the allowance made for previous contributions paid would apportion this payment to the extent of uncompleted line. It is therefore considered that the appropriate length of line for the calculation of contribution is 6,940 metres which at a rate of €10 per linear metre equates to a total of €69 400. It is further considered appropriate that this amount would be reduced by €8,790 being the portion of the previously paid contribution (€19,304) that relates to the uncompleted section of the line which is the subject of the subject application, giving a final contribution requirement of €60,610.

Board Member:

Maria FitzGerald  
Maria FitzGerald

Date: 20/06/2022