



An  
Bord  
Pleanála

**Board Direction**  
**BD-013297-23**  
**ABP-313691-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/08/2023.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board decided that the planning authority be directed, as follows:

Remove condition number 5

### **Reasons and Considerations**

Section 48 (2)(a) of the Planning and Development Act 2000, as amended, provides that a planning authority shall levy contributions in accordance with a development contribution scheme made under that section. Section 48 (2)(c) provides that a planning authority may require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a development contribution scheme made under section 48 (2)(a) are incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development. Section 48 (12) requires the reimbursement of part or all of the contribution to the developer in the event of works not being carried out or being carried out only in part within specific periods of time. The 'Development Management Guidelines for Planning Authorities' (Department of the Environment, Heritage and Local Government, June 2007) requires that a special development

contribution condition identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development and be amenable to implementation under section 48(12).

The planning authority has not provided the basis of the calculation of the sum required (€100,000.00) and accordingly has not met the criteria for properly levying a contribution as required by section 48 of the 2000 Act.

**Board Member:**

A handwritten signature in black ink, appearing to read 'Tom Rabbette', written over a horizontal line. The signature is stylized and cursive.

Tom Rabbette

**Date:** 17/08/2023