

An
Bord
Pleanála

Board Direction
BD-014024-23
ABP-315326-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/09/2023.

The Board considered the appeal against condition no.4 of the Planning Authority Decision ref. SD22B/0429 and considered Section 48 of the Planning and Development Act, 2000, as amended. The Board decided that the planning authority be directed, as follows:

Amend condition No. 4 as follows:

The developer shall pay to the planning authority the sum of **€1,429.20** as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilitates benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by or on behalf of the Local Authority.

Reasons and Considerations

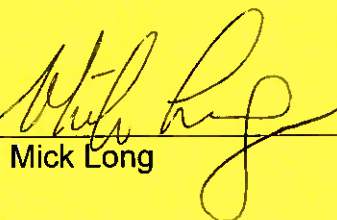
Having regard to the provisions of the South Dublin County Council Development Contribution Scheme 2021-2025, s. 48(10) of the Planning and Development Act 2000 (as amended) and relevant Guidelines, the Board considered that the terms of the Scheme have not been properly applied in respect of Condition 4 for the following reasons:

- In calculating the area subject of the retention application, the Planning Authority failed to consider the original floor area of the house prior to PA ref. SD19B/0332.
- In calculating the area subject of the retention application, the Planning Authority failed to consider the works carried out by virtue of PA ref. SD19B/0332 which would amount to "double charging".
- In calculating the area subject of the retention application, the Planning Authority failed to consider the works, and specifically the floor space, that was actually being applied for i.e. the alterations to the extension to the rear of the house.

As per the terms of the DCS, the applicable development contribution is:

- 12sq.m extension (to be retained): $12 \times 119.10 = \underline{\text{€1,429.20}}$
- Total: €1,429.20**

Board Member:


Mick Long

Date: 09/10/2023