

An
Bord
Pleanála

Board Direction
BD-015740-24
ABP-315336-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/03/2024.

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 7 as follows.

7. The developer shall pay to the Planning Authority a financial contribution of €230,703.36 (two hundred and thirty thousand, seven hundred and three euros and thirty six cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to provide by or on behalf of the authority. In accordance with the terms of the Development Contribution Scheme 2021-2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.
Reason: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development

in the area of the Planning Authority and that is provided, or that is intended to be provided, by or on behalf of the Local Authority.

Reasons and Considerations

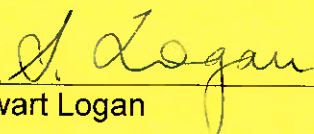
Having regard to the submissions made on the file, the nature of the development proposed and the provisions of the South Dublin County Council Development Contribution Scheme, 2021-2025, the Board considered that the terms of the Development Contribution Scheme had not been properly applied in respect of Condition Number Seven and directs the said Council to AMEND Condition Number Seven to reflect the requirement to pay €230,703.36 to the planning authority, in respect of development contributions for the development, broken down as follows:

- The two-storey extension equating to €230,703.36 based on €98.76 per sqm x 2,336 sq.m of gross floor area (GFA);

as per Inspector's recommendation.

The Board also concluded that the Change of Use at First Floor level comprised of existing floorspace built under previous permissions (References S00A/0873 and 06A/0095) where Development Contributions had previously been paid and therefore the Exemption under Section 11 (xxvi) Change of use of the South Dublin County Council Development Contribution Scheme, 2021-2025 applied.

Board Member:


Stewart Logan

Date: 07/03/2024