



An
Bord
Pleanála

Board Direction
BD-014370-23
ABP-315490-23

Re: Amending Board Order

S146A of the Planning and Development Act, 2000, as amended

The submissions on this file were considered at a Board meeting held on 27/10/2023.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of 1st September 2023 by it is appropriate to attach a condition in respect of s.48 as the Board had omitted to attach a development contribution.

The Board decided that;

- (1) it is appropriate to amend its Order dated 1st September 2023 in order to facilitate the decision where the amendment may reasonably be regarded as having been contemplated by either a particular provision of the decision or the terms of the permission/decision which were not expressly provided, or
- (2) the amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision.

It is considered that amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision.

Having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the permission/other matter.

Accordingly the Board hereby amends the above-mentioned decision by attaching a condition in respect of section 48 of the Planning and Development Act, 2000, as amended, in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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:



Date: 27/10/2023

Una Crosse