

An
Bord
Pleanála

Board Direction
BD-016762-24
ABP-318768-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/06/2024.

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:

Remove condition no. 26

Amend condition no. 27 as follows.

27. The developer shall pay to the planning authority a financial contribution of €32,463 (thirty-two thousand four hundred and sixty-three euros) 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 the Board to determine the proper application of the terms of the Scheme.

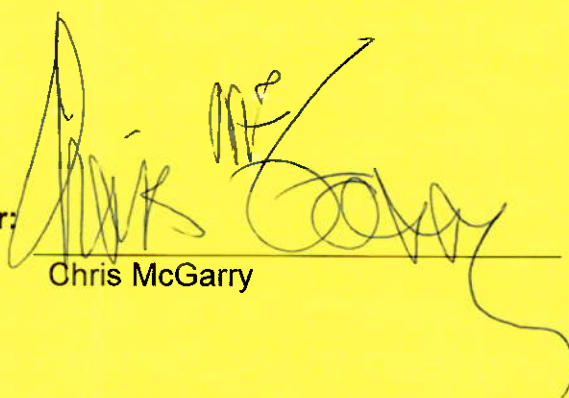
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations.

It is considered that the financial contribution under condition 26 is not a valid special contribution that complies with the provisions of section 48 of the Planning and Development Act 2000, as amended, as the specific nature and scope of the works proposed, and how they will benefit the proposed development, have not been properly described.

In relation to condition 27, it is considered that the terms of the current Development Contribution Scheme for the area have not been properly applied in this instance. Specifically, the floor area upon which the contribution has been calculated was an error. It is determined that in accordance with the proper application of the current Development Contribution Scheme, the contribution should be reduced to €32,463 (thirty-two thousand four hundred and sixty-three euros).

Board Member:



Chris McGarry

Date: 20/06/2024