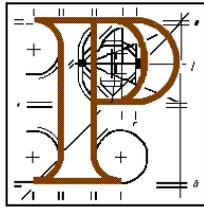


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Waterford City and County

Planning Register Reference Number: 15/420

An Bord Pleanála Reference Number: PL 93.245761

APPEAL by Ellen Twomey care of Peter Thomson Planning Solutions of Suite 1, Burhcall House, Parnell Street, Waterford in relation to the application by Waterford City and County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 20th day of October, 2015.

PROPOSED DEVELOPMENT: Retention of the current use of 5 Market Street, Tramore, County Waterford as residential use, together with permission for modifications to the rear elevation comprising two new window openings and a dormer window at roof level.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council to **AMEND** condition number 3 so that it shall be as follows for the reasons stated.

3. The developer shall pay to the planning authority a financial contribution of €1,750 (one thousand, seven hundred and fifty euro) 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 the 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. The application of any indexation required by this condition 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.

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

Having regard to the nature and scale of the development proposed to be retained and completed, which results in a 35 square metres extension to an existing dwelling, and to the terms of the Waterford City and County Council Development Contribution Scheme 2015–2021, the Board considered that the change of use applies to the ground floor only.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.