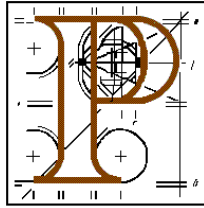


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0582

An Bord Pleanála Reference Number: PL 06D.247754

APPEAL by Robert Patrick Glanville care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the application by Dún Laoghaire-Rathdown County Council of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 23rd day of November, 2016.

PROPOSED DEVELOPMENT: Construction of a new detached two-storey dwellinghouse, new vehicular entrance from the Ballycorus Road, new wastewater treatment systems, percolation areas and associated site works at Derryclare, Ballycorus Road, Kiltarnan, County Dublin.

DECISION

The Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 10 and directs the said Council to **AMEND** condition number 10 so that it shall be as follows for the reason stated.

10. The developer shall pay to the planning authority a financial contribution of €45,620.40 (forty-five thousand, six hundred and twenty euro and forty cent) in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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, unless the house is occupied for a period of not less than seven years by the applicant and/or the applicant's daughter, Clare Glanville, in which case no contribution shall be paid. If the house is sold prior to the end of this period, the contribution shall be paid in full. The application of the 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Section 49 Supplementary Development Contribution Scheme for the Glenamuck District Distributor Road and Surface Water Attenuation Ponds, and the circumstances of the application, it is considered that a proper application of the scheme will enable an exemption for the applicant Robert Patrick Glanville or the applicant's daughter Clare Glanville in this instance, if she takes up the permission on the dwelling. The Board, therefore, decided that condition number 10 should be amended accordingly.

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 2017.