



An  
Bord  
Pleanála

**Board Order**  
**PL 03.248664**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P17/74.**

**Appeal** by Luke Fleming of Caher, Ogonelloe, Scariff, County Clare in relation to the application by Clare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 11 of its decision made on the 9<sup>th</sup> day of May, 2017.

**Proposed Development:** Construction of a new two-storey dwellinghouse, single storey garage and associated ancillary site works at The Village Green, Tuamgraney, County Clare.

## **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 11 and directs the said Council to AMEND condition number 11 so that it shall be as follows for the reason stated.**

11. The developer shall pay to the planning authority a financial contribution of €2,774.50 (two thousand seven hundred and seventy-four euro and fifty cent) 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. 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 Reductions and Exemptions provided for within the Clare County Council Development Contribution Scheme 2017-2023 applicable to developments that would be considered to retain or enhance the character of an Architectural Conservation Area (ACA), it is considered that this proposal would not detract from and would retain/enhance the character of Tuamgraney ACA. Therefore, the terms of the Clare County Development Contribution Scheme 2017 - 2023 have not been properly applied in this case. It is therefore considered that the 50% reduction provided for in Table 1(5) of the scheme shall apply in this instance.

## **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.

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

**Dated this      day of                      2017**