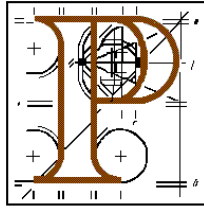


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Fingal County Council

Planning Register Reference Number: FW17B/0077

An Bord Pleanála Reference Number: PL ABP-300093-17

APPEAL by Andrew Gilsenan care of DRB Design of 74 Lambourn Park, Clonsilla, Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 9 of its decision made on the 5th day of October, 2017.

PROPOSED DEVELOPMENT: Retention of conversion of attic to habitable accommodation/bedroom and a bathroom/store room, including extending the existing staircase, new internal walls and floor and three number velux roof-lights to the rear at number 3 Blackwood Place, Ongar Chase, Dublin.

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 been properly applied in respect of condition number 9 and directs the said Council to AMEND condition number 9 so that it shall be as follows for the reasons stated.

9. The developer shall pay to the planning authority a financial contribution of €2,102 (two thousand, one hundred and two 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 within three months of the date of this order 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

It is considered that the terms of the Fingal County Council Development Contribution Scheme 2016-2020 were properly applied in this instance. While the subject development would normally come within the scope of the exemptions and reductions set out in Section 10 (i) (a) and (b) of the Scheme, these exemptions and reductions do not apply, by reason of section 10 (ii) (a) of the Scheme, which states that *“Exemptions and reductions shall not apply to permissions for retention of development”*, having regard to the fact that the present application is for retention. However, by reason of wording of condition number 9, which required payment of the development contribution “prior to commencement of development”, it is considered appropriate that the wording of the condition be amended to reflect the fact that the application is for retention of development that has already taken place.

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 2018