



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0016

Appeal by Declan and Maria Dermody of The Willows, Tonlegee, Swords, County 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 30th day of April, 2018.

Proposed Development: (A) Erection of a dormer extension to side of existing bungalow, previously granted permission under planning register reference number F06A/1742, (B) erection of a raised decking area to side of existing bungalow, previously granted permission under planning register reference number F06A/1742, (C) retention of existing exempted single storey extension to rear of existing bungalow and (D) all associated site development works at The Willows, Tonlegee, Swords, County 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 not 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 reason stated.

9. The developer shall pay to the planning authority a financial contribution of €7,734 (seven thousand, seven hundred and thirty-four 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:

- (a) the nature of the development, which includes existing development for which retention permission was sought, and proposed development for which planning permission was sought,
- (b) the provisions of the Fingal County Council Development Contribution Scheme 2016-2020, and
- (c) the submissions made in this appeal,

the Board considered that the general approach of the planning authority to the calculation of the development contribution payable was in accordance with the terms of the Fingal County Council Development Contribution Scheme 2016-2020, but also considered that the stated gross floor space of the proposed extension had not been utilised by the planning authority in its calculation.

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.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.