



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/452

Appeal by William and June Cahir care of Cahir and Company Solicitors of 36 Abbey Street, Ennis, 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 3 of its decision made on the 30th day of July, 2019.

Proposed Development: Change design of dwelling house approved under planning permission P11/96 together with all associated site development works and services, all at Reaskaun, Larchill, 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 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 reason stated.

3. The developer shall pay to the planning authority a financial contribution of €6,856.20 (six thousand, eight hundred and fifty-six euro and twenty 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 nature of the subject application, the Board considered that the terms of the Clare County Council Development Contribution Scheme 2017-2023 were correctly applied by the planning authority, and considered that the amount of the levy should be deducted by the amount previously paid under planning register reference number P11/96.

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.

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

Dated this day of 2019.