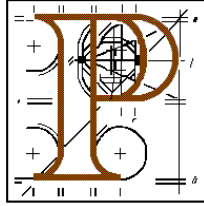


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 14/04899**

An Bord Pleanála Reference Number: 04.RP.2125  
(appeal reference number PL 04.243752)

**WHEREAS** by order dated the 29<sup>th</sup> day of January, 2015, An Bord Pleanála, under appeal reference number PL 04.243752, granted subject to conditions a permission to Brendan Ahern care of De Blacam and Meagher of 4 Saint Catherine's Lane West, Dublin for development comprising demolition of existing ruin and construction of a new four bedroom, single storey dwellinghouse, new site entrance to the west of the site, new driveway, new wastewater treatment plant and associated landscaping and site works at Garranefeen, Harbour View, Kilbrittain, County Cork:

**AND WHEREAS** condition number 10 attached to the said permission required the developer to pay to the planning authority a financial contribution 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 was to be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and to be subject to any applicable indexation provisions of the Scheme at the time of payment, and the condition required that details of the application of the terms of the Scheme were to be agreed between the planning authority and the developer or, in default of such agreement, the matter was to be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme:

**AND WHEREAS** the developer and the planning authority failed to agree on the details of the application of the terms of the Scheme in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 22<sup>nd</sup> day of January, 2016 for determination:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the amount of the development contribution, as provided for by condition 10 of appeal reference number PL 04.243752 is €3,991.87 (three thousand, nine hundred and ninety one euro and eighty seven cent).

### **REASONS AND CONSIDERATIONS**

Having regard to the submissions on file and to the documentation attached to appeal reference number PL 04.243752 the Board considered that the building on site to be demolished was an abandoned use, that the proposed development does not constitute “redevelopment”, and that therefore, Section 2 of the document “Development Contributions – Guidelines for Planning Authorities (January 2013)” issued by the Department of Environment, Community and Local Government, does not apply.

### **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                      2016.**