



An  
Bord  
Pleanála

**Board Direction**  
**BD-005113-20**  
**ABP-305600-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/02/2020.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Remove condition Number 17.

### **Reasons and Considerations**

Having regard to the nature of the condition which provides for a special financial contribution towards the improvements and provision of footpaths in accordance with Sections 48(2)(c) of the Planning and Development Act 2000 as amended, and to the provisions of the general Clare County Council Development Contribution Scheme 2017-2023 (adopted 24<sup>th</sup> April 2017), the Board noted the presence of an incomplete footpath to the north east of the site which extends as far as the appeal site boundary along the R471 and concluded that the contribution for the footpath is already provided for in the general Section 48 Development Contribution Scheme. In particular, the Board noted that Appendix 1 of the general scheme provided for “extensions to and remediation of existing footpath infrastructure” under Capital Projects. The Board considered that the imposition of a condition under 48(2)(c) was not appropriate as improvements and provision of footpaths are not specific exceptional costs and are already covered by the general contribution scheme.

In deciding not to accept the Inspector's recommendation to amend Condition 17, the Board noted in particular the incomplete footpath that extends only as far as the northeast corner of the appeal site along the R471 and considered that the completion and extension to this footpath along the appeal site frontage is provided for in the general Clare County Council Development Contribution Scheme 2017-2023 (adopted 24<sup>th</sup> April 2017). In these circumstances, the Board did not consider that a special financial contribution towards the improvements and provision of footpaths was appropriate and decided that the planning authority should be directed to remove condition Number 17.

**Board Member:**

**Date:** 10/02/2020

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Maria FitzGerald