



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/137

Appeal by Valley Healthcare Fund - Infrastructure Investment Fund ICAV care of HRA Planning of 3 Hartstonge Street, Limerick City in relation to the inclusion of special contribution condition number 17 by Clare County Council in its decision made on the 17th day of September, 2019.

Proposed Development: The proposed development consists of (i) construction of a primary care health facility with a maximum gross floor area of 1644 square metres; (ii) provision of external secure bin storage facility, (iii) associated building signage; (iv) provision of car and bicycle parking; and (v) all associated site development works, all on land located between Shannon Road and Ashview Drive, Sixmilebridge, County Clare as amended by the revised public notice received by the planning authority on the 22nd day of August, 2019.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under,

directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 17 and the reason therefor.

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 on the 24th day of 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 Development Contribution 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 Development Contribution Scheme.

In deciding not to accept the Inspector’s recommendation to amend condition number 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 on the 24th day of 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.

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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.