



An
Bord
Pleanála

Board Direction
PL04.247766

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 28th 2017.

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, for the reasons and considerations set out below, as follows:

Attach condition 25 and the reason therefor.

Reasons and Considerations

Having regard to the planning history of the site, the pattern of existing and permitted development on the site and in the vicinity, and the documentation submitted as part of the application and appeal, including details of traffic levels and road improvement proposals, the Board is satisfied that the public infrastructure and facilities that are the subject matter of the appeal (that is, the provision of a signalised junction on the N71 fronting the subject site) would benefit the proposed development (including facilitating safe pedestrian and cyclist access to the development, improving traffic safety by providing for enhanced right turning movements into the site, and reducing congestion on the N71 at this junction), and that the imposition of this condition conforms to the provisions of Section 48 (2)(c) of the Planning and Development Act 2000, as amended. Furthermore, on the basis of the documentation submitted by the planning authority to An Bord Pleanála on the 25th day of January 2017, including details of costings, the Board is satisfied that the apportionment of the costs of the

works in question was reasonable and proportionate as between the various developments that would benefit from the works concerned, and that these works constitute specific exceptional costs that are not covered by the General Development Contribution Scheme.

In not accepting the recommendation of the Inspector to require the removal of condition 25, the Board was satisfied that, while the provision of the signalised junction on the N71 fronting the site was not required to *facilitate* the proposed development, it would *benefit* the proposed development and that the applicable test for the imposition of a special development contribution under Section 48 (2) (c) of the Act relates to whether the public infrastructure and facilities will benefit the subject development. The Board was also fully satisfied that the provision of the signalised junction on the N71 at this location constituted an exceptional cost not provided for in the General Development Contribution Scheme.

Board Member:

Date: 30th March 2017

Philip Jones