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Bord  
Pleanála

**Board Direction**  
**PL17.247914**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on April 25<sup>th</sup> 2017.

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

Remove condition 15, and the reason therefor

### **Reasons and Considerations**

It is considered that the financial contribution levied under condition no. 15 was not in accordance with the provisions of Section 48 of the Planning and Development Act 2000, as amended, in that it had not been demonstrated that the public infrastructure and facilities that are the subject matter of the financial contribution (that is, the provision of a footpath and public lighting along the R149 for the full frontage of the site) would involve exceptional costs nor that they would benefit the proposed development, which is merely for a change of house type for one dwelling within a residential development which was authorised by a previous planning permission and in respect of which residential development contributions under the terms of the then Development Contribution Scheme, had already been paid.

Note: The Board considered this application in conjunction with related case PL17.247913, and had before it all of the documentation supplied by the planning authority, including the additional planning history documentation received by the Board on 21<sup>st</sup> April 2017 on that file.

**Board Member:**

**Date:** 26<sup>th</sup> April 2017

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Philip Jones