



An
Bord
Pleanála

Board Direction
PL25M.248466

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 17th 2017.

The Board decided to treat this case under section 48 of the Planning and Development Act, 2000. The Board also decided, for the Reasons and Considerations set out below, that the planning authority be directed to attach condition number 4, and the reason therefor.

In not accepting the recommendation of the Inspector to require the removal of this condition, the Board considered that the special development contribution related directly to works for the necessary improvement of the road serving the development for which retention was sought, and would constitute specific exceptional costs that would benefit the subject development. The Board is satisfied that these works are not such as would be covered under the terms of the General Development Contribution Scheme. Furthermore, the Board considered that the basis of calculation of the costs involved had been fully itemised by the planning authority and were apportioned in a reasonable fashion, having regard to the existing pattern of development in the area, consisting of the subject farm holding and the one additional farm holding that would benefit from the works involved.

Reasons and Considerations

It is considered that it has been shown that the special development contribution required under condition 4 of this permission constitute specific exceptional costs not covered by the General Development Contribution Scheme, and that the public infrastructure and facilities involved, that is, the works to restore the road surface, as itemised by the planning authority in its engineering report, would benefit the development for which retention is sought. Furthermore, it is considered that the apportionment of the costs of these works, by which the subject development would be required to pay a proportion only of the full costs, is equitable having regard to the pattern of development in the vicinity and the properties that would benefit from such works.

Board Member:

Date: 27th July 2017

Philip Jones