



An
Bord
Pleanála

Board Direction
PL04.249195

The submissions on this file and the Inspector's report were considered at a Board meeting held on 5th June 2018.

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:

Amend condition number 38 as follows:

38. The developer shall pay the sum of €100,000 (one hundred thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of a Footpath link. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

REASONS AND CONSIDERATIONS

It is considered that the planning authority has not demonstrated that there are specific exceptional costs in terms of the provision of recreation and amenity facilities arising from the proposed development that would benefit the proposed development in this instance. Therefore, it is considered that the special financial contribution as proposed by the planning authority should be amended to only include works to specific footpath infrastructure in order to comply with section 48(2)(c) of the Planning and Development Act, 2000, as amended. In deciding not to accept the Inspector's recommendation and remove condition number 38, the Board largely concurred with the Inspector's view with regard to recreation and amenity facilities, however, the Board considered that the contribution towards the footpath link was appropriate given the nature, location and extent of the development.

Board Member

Date: 11th June 2018

Michelle Fagan