



An
Bord
Pleanála

Board Direction
BD-000228-18
ABP-300056-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/04/2018.

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:

Remove condition 6

Reasons and Considerations, as per Inspector's recommendation set out below.

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. The Board considered that compliance with policy is not an appropriate application of section 48(2)(c) of the Planning and Development Act, 2000 (as amended), and that costs to be levied under this section should be specific exceptional costs which are of specific benefit to the proposed development, and that these costs should be properly apportioned. The contention that the Ballybrack Valley Shared Use Pedestrian and Cycle Path will be of benefit to the proposed development is not borne out by evidence submitted by the planning authority – with particular regard to the location of this pedestrian and cycle path

relative to the appeal site at Maryborough Ridge and the timing of its construction. It is, therefore, considered that the special contribution, as proposed by the planning authority, for recreation and amenity facilities, does not come within the scope of section 48(2)(c) of the Planning and Development Act, 2000 (as amended), and accordingly, would be unwarranted.

Board Member:

Date: 24/04/2018

Paul Hyde