



An  
Bord  
Pleanála

**Board Direction**  
**BD-001116-18**  
**ABP-301156-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/09/2018.

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 3 as follows

The developer shall pay the sum of €77,150.00 (seventy seven thousand, one hundred and fifty euro) (updated at the time of payment in accordance with changes in the Wholesale Price – 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 the following works:-

- Provision of pedestrian crossing of N72 €50,000
- Contribution towards upgrade of public footpath along R570 from adjacent to No.1 Coill Darrach to junction with N72 (c. 70m) €22,750
- Contribution towards upgrade of public lighting along R570 between proposed development and junction with N72 (1 light) €4,400

This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority might 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 benefit the proposed development.

### **Reasons and Considerations**

It is considered that the planning authority has demonstrated that the provision of a pedestrian crossing of the N72 and the upgrading of the public footpath and public lighting north of the development along the western side of the R570 as far as the junction with the N72 would amount to specific exceptional costs in terms of facilitating pedestrian access to the centre of the village arising from the proposed development that would benefit the proposed development in this instance.

However, it is considered that the planning authority has not clearly justified the method by which the contribution was calculated in terms of the length of footpath and number of public lights required to be upgraded/provided. Therefore, it is considered that the special financial contribution as proposed by the planning authority should be amended to reflect the presence of the existing footpath and the inclusion of two public lights in the permitted development in order to comply with section 48(2)(c) of the Planning and Development Act 2000, as amended.

**Board Member:**

**Date:** 14/09/2018

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Michelle Fagan