



An  
Bord  
Pleanála

**Board Direction**  
**BD-002187-19**  
**ABP-302526-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/01/2019.

The Board determined this case in accordance with section 48 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Amend condition number 45 as follows:

45. The developer shall pay the sum of €48,868 (fourty eight thousand, eight hundred and sixty eight 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 remediation work on a 2km stretch of the L6075/L6080 located to the west of the site. This contribution shall be paid prior to the commencement of the 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 the Board 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**

Having regard to the nature and scale of the development, the traffic likely to be generated by such and the fact that the works relate to a stretch of public road that is used by traffic generated by other land uses as well as the existing quarry subject to the proposal for continued extraction, the attribution of the sole costs for the remediation works to the development proposed would be disproportionate and unreasonable.

**Board Member**

**Date:** 22/01/2019

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Stephen Bohan