



An  
Bord  
Pleanála

**Board Direction**  
**BD-005304-20**  
**ABP-305962-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2020.

The Board decided to treat this case under section 139 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:

Remove Condition No. 2

### **Reasons and Considerations**

Having regard to the following:

- the scope and cost of the works, which would be required by Condition No. 2, would not be necessary or reasonable to facilitate the construction or operation of the proposed development which, it is further considered, would not have any appreciable impact on the capacity of the junction, and certainly not such as would justify the requirement that the entirety of the cost would be borne by the developer;
- the planning authority has not made a coherent case in the reports on file, or in its response to the grounds of appeal, that would justify the extent and scope of the works required by Condition No. 2;
- it is not clear that the achievement of the specific requirements set out in Condition No. 2, regarding compliance with the Design Manual for Urban Roads and Streets, the National Cycle Manual, and right turning lanes can

be accommodated within the existing road curtilage, and it is therefore likely that the delay in the construction of the proposed development, due to the necessity to acquire additional lands, would be significant;

- the lack of clarity with regard to the final design, and associated cost, required for the junction would be contrary to the principle that conditions should be precise;

it is considered that Condition No. 2 would be contrary to the Development Management Guidelines for Planning Authorities, 2017, specifically the Basic Criteria for Conditions as set out at paragraph 7.3, and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Board Member:**

**Date:** 05/03/2020

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John Connolly