



An
Bord
Pleanála

Board Direction
BD-006471-20
ABP-306769-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/09/2020.

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 59 as follows:

59. The developer shall pay the sum of €12,400 (twelve thousand and four hundred 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 the following works proposed to be carried out

- 20% of the road upgrade works on the L-1050 - €10,400
- 20% of improvement works to the layout of the road junction between the L-1050 and the R576 - €1,000
- 20% of the provision of uncontrolled pedestrian crossing of R576 at junction with L-1050 - €1,000

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

Having regard to the pattern of existing and permitted development in the vicinity, to the condition of the road and footpath serving the site and to the proposals to provide public infrastructural improvements as part of the development, it is considered reasonable that only a portion of the costs of upgrading the L-1050 and modifying the junction of the R576 and L-1050, including the pedestrian crossing, ought to be borne by the subject development and that none of the traffic calming works should be included, given their wider benefit to other existing/proposed developments in the area. The Board has decided to determine the contribution as follows:

20% of junction improvement R576 with L-1050 -	€1,000
20% of pedestrian crossing of R576 at junction R576 & L-1050 -	€1,000
<u>20% of road upgrade of L-1050 -</u>	<u>€10,400</u>
Total amount of contribution -	€12,400

Note: The Board noted the Inspector's view that there is a reasonable continuous footpath along the full length of the Freemount Road, and considered that the linking of the public footpath on the R579 to the proposed pedestrian pathway through the private laneway to the east of the site did not form part of the works proposed to be carried out by the planning authority.

Board Member:

Date: 16/09/2020

John Connolly