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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 21/1397**

**APPEAL** by Woodhaven Developments Limited of Unit 20, Tracklands Business Park, Clonroad More, Ennis, County Clare in relation to the inclusion of special contribution condition number 28 by Clare County Council in its decision made on the 28<sup>th</sup> day of July, 2022.

**Proposed Development:** Phase 2 south-east and north-east of development applied for under planning register reference number P21-372 for development which will consist of the construction of 51 number two-storey dwellinghouses, four number two-storey dwellinghouses with optional additional attic space accommodation, two-storey childcare facility building, all ancillary site works, and connection to previously applied for roads, paths and services under planning register reference number P21-372, all at Smithstown, Shannon, County Clare.

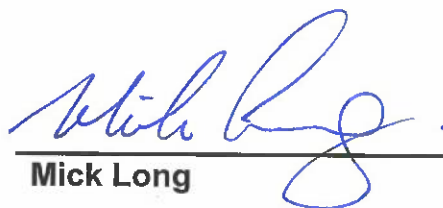


## Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 28 and the reason therefor.

## Reasons and Considerations

The Board considered that the contribution of €70,000.00 imposed under condition number 28 as a special development contribution for the public lighting and surface upgrading of the L-31271 laneway is not in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act 2000. The Board considered that the planning authority had failed to adequately demonstrate specific exceptional costs proposed to be carried out relating to the contribution sought as required by Section 48(12)(a) of the Planning and Development Act, 2000, as amended and determined that the condition should be removed.



**Mick Long**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 27 day of June 2023.

