

An
Bord
Pleanála

Board Direction
BD-015544-24
ABP-315494-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/02/2024.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board decided that the planning authority be directed, as follows:

Amend condition 15 as follows.

Condition 15:

Applicant (or person at the relevant time entitled to the benefit of the permission) shall pay the sum of €23,400 (Twenty-Three Thousand, Four Hundred Euro) to the Planning Authority as a special contribution under Section 48 (2) (c) of the Planning and Development Act 2000 in respect of the construction of a two metre wide footpath along the road frontage of the application site with the Regional Road, the R244 which will facilitate the development.

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

Where the works in question:

- (i) Are not commenced within five years from the date of payment to the Authority of the contribution, or final instalment thereof; or
- (ii) Have commenced, but have not been completed within 7 years of the date of payment to the Authority of the contribution or final instalment thereof; or

- (iii) Where the Local Authority decides not to proceed with the proposed works or part thereof, the contribution shall be refunded to the applicant together with any interest that may have accrued over the period while held by the Local Authority. Where a Local Authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those works, which have been carried out.

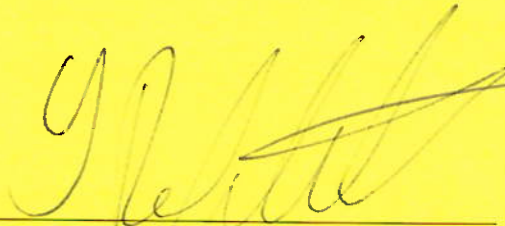
Reason: It is considered that the developer should contributor towards the specific exceptional costs which are incurred by the Planning Authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Reasons and Considerations

It is considered reasonable that the developer should contribute towards the specific exceptional costs of the provision of a footpath along the site's frontage with the R244. The costs are calculated as follows:

- 117 metres length of footpath along the R244 X €200 per metre

Board Member:



Tom Rabbette

Date: 26/02/2024