

An  
Bord  
Pleanála

**Board Direction**  
**BD-016253-24**  
**ABP-315776-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/05/2024.

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:

Attach condition number 31 and condition number 44.


### **Reasons and Considerations**

- (a) It is considered that the special contribution condition, Condition No.31, would come within the scope of Section 48 (2) (c) of the Planning and Development Act 2000 as amended, as the development referenced in the condition is exceptional or specific to the proposed development. The Board accepted the case made by the planning authority that the installation of a new footbridge is a key piece of infrastructure to ensure proper and safe facilities are provided for vulnerable road users arising from this development. The Board was satisfied that the basis for the calculation put forward by the planning authority is reasonable and proportionate.
- (b) It is considered that the payment of a development contribution in accordance with Condition 44 would accord with the requirements of the adopted Kildare

Development Contribution Scheme 2023-2029, which came into effect on the 1<sup>st</sup> of January 2023.

In not agreeing with the Inspector to omit condition number 31, the Board concurred with the planning authority that the development of a pedestrian/cycle footbridge to facilitate vulnerable road users arising from the development is necessary, given that existing facilities do not comply with current standards. The Board noted the Sallins Local Area Plan, as referenced by the Inspector, has expired and also noted that the proposed footbridge has been the subject of extensive discussion with the applicant, with proposals sought as part of further information by the planning authority, in response to which the applicant provided documents/drawings to demonstrate how it could be incorporated within the scheme design. The Board was, therefore, satisfied that delivery of this piece of infrastructure has clearly been identified as essential for the development of this site and the attachment of a condition under Section 48 (2) (c) is appropriate.

**Board Member:**

  
Martina Hennessy

**Date:** 08/05/2024