



An  
Bord  
Pleanála

**Board Direction**  
**06F.RP2140**

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The submissions on this file, including those received in response to the Board's Section 132 notices of 24<sup>th</sup> April 2017, and the Inspector's reports, were considered at a Board meeting held on November 8<sup>th</sup> 2017.

The Board determined, generally as recommended by the Inspector, and for the Reasons and Considerations set out below, that the appropriate amount in terms of the discharge of the requirements of Condition 13 of PL06F.244126 by the developer to the planning authority is a nil amount.

### **Reasons and Considerations**

Having regard to the submissions made by the Planning Authority and in particular to the information provided by the Planning Authority in its response to the Section 132 Notice of 24<sup>th</sup> April 2017, wherein it was made explicit that the area of land, over which the footpath works that are the subject matter of condition number 13 of An Bord Pleanála reference number PL06F.244126 would be constructed, are not in the charge of the local authority, that the authority is not in a position to provide a cost for the associated land acquisition to facilitate the provision of this footpath, and that the authority has no budgetary provision to purchase the lands to facilitate the provision of this footpath, it is considered that there is no realistic prospect of the authority carrying out the works envisaged by this condition. Accordingly, it is considered that the developer should not be required to make a contribution towards works that are not likely to be carried out by the local authority.

**Board Member:**

**Date:** 8<sup>th</sup> November 2017

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Philip Jones