

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: P15/533**

An Bord Pleanála Reference Number: PL 03.246074

**APPEAL** by Francis Queally care of Thomas Burke of Feighroe, Connolly, Ennis, County Clare in relation to the inclusion of special contribution condition number 3 by Clare County Council in its decision made on the 22<sup>nd</sup> day of December, 2015.

**PROPOSED DEVELOPMENT:** (a) Fill and raise agricultural lands for agricultural purposes, using clean inert construction and demolition waste, soil and subsoil, (b) construction of a splayed entrance at existing entrance location and (c) provision of a straw bale silt filter to protect existing drains and associated site works, all at Formoyle, Eighteragh, Inagh, 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 3 and the reason therefor.

## REASONS AND CONSIDERATIONS

It is considered that the planning authority has not demonstrated that the public infrastructure and facilities referred to in condition number 3, which seeks the payment of a special development contribution towards the improvement of the existing local road network, would constitute exceptional costs that are not already covered by the general Development Contribution Scheme adopted by the authority, and also has not demonstrated, to the satisfaction of the Board, that such works would benefit the proposed development. The condition in question would not, therefore, come within the scope of section 48 (2)(c) of the Act.

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this     day of                                     2016.**