



An  
Bord  
Pleanála

**Board Order**  
**ABP-317705-23**

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P23/48**

**Appeal** by Edmund Irwin of Castlebank, Ardnacrusha, County Clare in relation to the application by Clare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 5<sup>th</sup> day of July, 2023.

**Proposed Development:** A medical Centre and all associated site works at Castlebank, Ardnacrusha, County Clare. Further public notices were received by the planning authority on the 8<sup>th</sup> day of June, 2023.

## **Decision**

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 10 and directs the said Council to REMOVE condition number 10 and the reasons.**

## Reasons and Considerations

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that condition number 10 relates to an uncoded project, no details have been provided for a specific coded footpath scheme design, and fails to meet the 'specific exceptional costs test' and furthermore, the intention of the special contribution to provide funding for a new footpath from the medical centre to link with the existing footpath to the east of the site is already provided for under the Clare County Council's General Development Contribution Scheme (2017-2023) therefore directs the said Council to remove condition number 10 and the reason therefore.



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Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 20<sup>th</sup> day of June 2024.