

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Meath County

Planning Register Reference Number: NA900139

An Bord Pleanála Reference Number: PL 17.235581

APPEAL by Navan Co-Ownership care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in relation to the application by Meath County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 62, 63, 64 and 65 of its decision made on the 18th day of November, 2009.

PROPOSED DEVELOPMENT: Phase one of a mixed-use town centre development. The proposed development represents Phase one of the designated town centre expansion area and will include the following: (1) demolition of all existing structures on site, none which are residential, (2) construction of two number vehicular access points along the Trim Road, one number vehicular access point along the Dan Shaw Road, internal vehicular roads consisting of a Boulevard linking Carriage Road to the Dan Shaw Road, Road number 1 traversing the site from north-west to south-east linking the Trim Road to Carriage Road and Road number 2 linking the Boulevard with the Trim Road, and a civic space to the north of the site. This new road will include taxi ranks and bus stops. The proposed development also includes provision for all associated drainage, hard and soft landscaping, lighting, site boundary treatments and all associated ancillary works and site development works above and below ground. The development also includes all ancillary accommodation works above and below ground. The site is bounded as follows: to the east by the Trim Road, a light industrial premises fronting onto Carriage Road and terraced dwellings fronting onto Connolly Avenue: to the west by Navan Pitch and Putt Club and the Dan Shaw Road: to the south by lands accommodating residential use: and to the north by lands extending to approximately 2.677 hectares within Navan Town Council's administrative area, which are the subject of a concurrent planning application to Navan Town Council for the remainder of Phase one of this mixed use town centre development and consisting of 35,524 square metres gross floor area retail development, internal access roads, new civic space of 5,254 square metres and ancillary site accommodation works, (as revised by further public notice received by the planning authority on the 24th day of September, 2009).

DECISION

The Board 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 conditions numbers 62, 63, 64 and 65 and directs the said Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000 to REMOVE the said conditions and the reasons therefor.

REASONS AND CONSIDERATIONS

Having regard to the nature of the development proposed located in the then planning authority of Meath County Council, to the terms of the relevant development contribution scheme and the assessment of the planning authority, which treated the development as “Commercial/Retail/Retail Warehousing” where contributions are sought on a floor area basis, it is considered that in the absence of floor area located in the planning authority functional area, that no contribution should apply. The terms of the development contribution scheme, therefore, have not been properly applied.

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 2010.