



An
Bord
Pleanála

Board Direction
PL.27.248894

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25th January 2018.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board decided by a 7:2 majority, for the reasons and considerations outlined below, that the planning authority be directed to:

Amend condition 7 so that the amount payable is reduced from €8,712 to €2,875.

Amended condition to read as follows:

Condition 7

The developer shall pay to the planning authority a financial contribution of €2,875 (two thousand, eight hundred and seventy-five euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

Having regard to:

- (a) The nature of the development which relates to the reclamation of c. 2.64 hectares of land through the filling of material comprising clay, silt, sand, gravel and stone for the purposes of improving land together with site access and associated works

and

- (b) The provisions of the Wicklow County Council Development Contribution Scheme 2015,

the Board considered that the terms of the Development Contribution Scheme have not been properly applied fully by the Planning Authority. The Board considered that the proposed development falls within the remit of extraction/disposal type of development for the purposes of Table 4.4 of the Scheme, and therefore would be subject to a development contribution in accordance with the terms of the Scheme. The Board also considered that the proposed development qualifies for a reduced rate of 33% of the relevant contribution specified in the Scheme, for permissions up to 3 years, in accordance with section 4.9 of the Scheme.

Board Member

Date: 25th January 2018

John Connolly