

An
Bord
Pleanála

Board Direction
BD-008138-21
ABP-309244-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/05/2021.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend condition number four as follows:

The developer shall pay to the planning authority a financial contribution of €16,170 (sixteen thousand, one hundred and seventy 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.

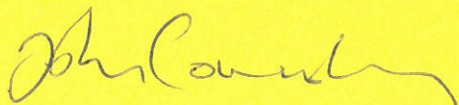
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

Having regard to the terms of the Wicklow County Council Development Contribution Scheme 2015, and to the submissions made in relation to the application and appeal, it is considered that the terms of scheme have not been properly applied by the planning authority, as the applicable rate is €3,300 per hectare per 10 metres depth, and it has not been demonstrated that any part of the sand and gravel pit will be excavated to a second 10 metres depth, the maximum depth of excavation being 15 metres. Furthermore, in the absence of the appellant submitting sufficiently detailed information to assist with the proper application of the scheme, it is reasonable, in the circumstances of this case, to calculate the required contribution based on the entire area of the pit to be excavated to a depth of greater than 10 and less than 20 metres. In this regard, the Board noted that the cross sections submitted with the application suggest that only a relatively minor part of the overall area, around the perimeter of the pit, would be excavated to a depth of less than 10 metres.

Note: The Board noted that its decision was in accordance with the Inspector's recommendation. However, the Board did not agree with the Inspector's reasons and considerations regarding a necessity to strike a balance between the matter of overburden and excavation.

Board Member:



John Connolly

Date: 10/05/2021