



An
Bord
Pleanála

Board Direction
BD-008675-21
ABP-310178-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/07/2021.

The Board decided to treat this case under section 48 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Amend condition number 9 as follows

Condition 9

Prior to the commencement of development a payment of a financial contribution shall be paid to the Planning Authority in respect of public infrastructure and facilities benefiting the development in the administrative area of Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act, 2000 (as amended). The amount of the development contribution under this condition is **€15,345.86** which is calculated as follows:

Class 8	(€ per sq.m)	Floor area (Sq.m)	Total Cost
Industrial (Office Building)	€23.00	96.70	€2,224.10
		Total	€2,224.10

Class 10	(€ per sq.m)	Floor area (Sq.m)	Total Cost
Industrial (Digestate Storage Tank)	€8.00	1,640.22	€13,121.76
		Total	€13,121.76

Reason: It is considered reasonable that a contribution be made in accordance with the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act 2000 (as amended).

Reasons and Considerations

A development contribution is payable, as per the Tipperary County Council Development Contribution Scheme 2020, on foot of a grant of planning permission for an increase in the acceptance and processing of organic waste materials with digestate storage tank and office. Class 8 of the scheme relates to industrial or light industrial buildings with Class 10 relating to the provision of plant, machinery or tanks. Having regard to the use of the proposed digestate storage tank as a tank, this element of the development should be subject of the Class 10 contribution and not Class 8 as applied. The planning authority has therefore erred in its application of the scheme and Condition 9 should be amended accordingly.

Board Member:



Terry Prendergast

Date: 12/07/2021