

**An
Bord
Pleanála**

**Board Direction
BD-010539-22
ABP-310742-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/04/2022.

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 conditions 15, 16 and 17.

Reasons and Considerations, as per Inspector's recommendation as follows

Reasons and Considerations

Having regard to:

- (a) The Meath County Development Contribution Scheme 2016 - 21 which was made under Section 48 of the Planning & Development Act, 2000, and as became effective on the 1st day of January, 2016, and as amended on the 1st day of October, 2018.
- (b) The nature, scale and extent of the development sought and permitted under P.A. Ref. No. 21134 on the 23rd day of June, 2021.
- (c) An examination of public resources.
- (d) Section 2 of the Planning & Development Act, 2000, as amended, which sets out the definition of 'habitable house' and 'house'.
- (e) The proposed development relates to a derelict site and site in need of regeneration.

- (f) Section 2 of the Meath County Development Contribution Scheme 2016 – 2017 sets out to ensure that the cost of infrastructural improvements does not fall disproportionately on new development and takes account of benefit to existing development.
- (g) Section 7.1.2 of the Meath County Development Contribution Scheme 2016 – 2017 sets out in rural areas/outside of plan boundaries that derelict sites and sites in need of regeneration at the discretion of Planning Authority - 25% reduction shall apply. It is reasonable that this application, relating to a range of buildings described in the NIAH register under NIAH Ref. No. 14333011, be subject to this 25% reduction as its derelict state is proposed to be reversed
- (h) The general support set out under the Meath County Development Plan, 2021 - 2017 for the retention, sympathetic maintenance, and appropriate re-use of the vernacular heritage of Meath within its settlements and within its rural areas. In particular under Section 9.12, RUR POL 49, RUR POL 50 and RUR POL 54.

The Board having considered the terms of the applicable Development Contribution Scheme with respect to the contributions set out under Condition No. 15, 16 and 17 of the Planning Authority's notification to grant permission under P.A. Ref. No. 310742 is of the view that the Planning Authority have incorrectly interpreted and applied their scheme towards public infrastructure and facilities benefiting development in the area of the Planning Authority under each of these conditions.

Condition No. 15

The developer shall pay the sum of **€281.25** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision of surface water drainage infrastructure by the Council benefitting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such surface water drainage in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

Condition No. 16

The developer shall pay the sum of **€3,093.75** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefitting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

Condition No. 17

The developer shall pay the sum of **€2,250.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by

the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities, and landscaping works) by the Council benefiting development in the area of the Authority, as provided for in the provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such social infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

Reasons and Considerations

Having regard to:

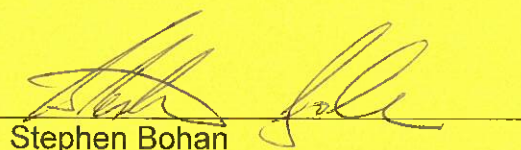
- (i) The Meath County Development Contribution Scheme 2016 - 21 which was made under Section 48 of the Planning & Development Act, 2000, and as became effective on the 1st day of January, 2016, and as amended on the 1st day of October, 2018.
- (j) The nature, scale and extent of the development sought and permitted under P.A. Ref. No. 21134 on the 23rd day of June, 2021.
- (k) An examination of public resources.
- (l) Section 2 of the Planning & Development Act, 2000, as amended, which sets out the definition of 'habitable house' and 'house'.
- (m) The proposed development relates to a derelict site and site in need of regeneration.
- (n) Section 2 of the Meath County Development Contribution Scheme 2016 – 2017 sets out to ensure that the cost of infrastructural improvements does not

fall disproportionately on new development and takes account of benefit to existing development.

- (o) Section 7.1.2 of the Meath County Development Contribution Scheme 2016 – 2017 sets out in rural areas/outside of plan boundaries that derelict sites and sites in need of regeneration at the discretion of Planning Authority - 25% reduction shall apply. It is reasonable that this application, relating to a range of buildings described in the NIAH register under NIAH Ref. No. 14333011, be subject to this 25% reduction as its derelict state is proposed to be reversed.
- (p) The general support set out under the Meath County Development Plan, 2021 - 2017 for the retention, sympathetic maintenance, and appropriate re-use of the vernacular heritage of Meath within its settlements and within its rural areas. In particular under Section 9.12, RUR POL 49, RUR POL 50 and RUR POL 54.

The Board having considered the terms of the applicable Development Contribution Scheme with respect to the contributions set out under Condition No. 15, 16 and 17 of the Planning Authority's notification to grant permission under P.A. Ref. No. 21/134 and is of the view that the Planning Authority have incorrectly interpreted and applied their scheme towards public infrastructure and facilities benefiting development in the area of the Planning Authority under each of these conditions.

Board Member:


Stephen Bohan

Date: 19/04/2022

