

An
Bord
Pleanála

Board Direction
BD-015287-24
ABP-315050-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/01/2024.

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:

Remove

Condition No. 7 is relevant to this appeal.

The Planning Authority is of the view that the construction of the development may lead to localised damage of the road serving the development. The applicant is required to contribute to the cost of repairing the damage and a Special Development Contribution, in accordance with Section 48 of the Planning and Development Act 2000 (as amended) not exceeding €21,750.00 indexed linked to the Planning Authority each year that the development is operating as a contribution towards the costs of road maintenance associated with this development.

Reason: *It is considered reasonable that the developer should contribute to the repair of public infrastructure as a result of the proposed development.*

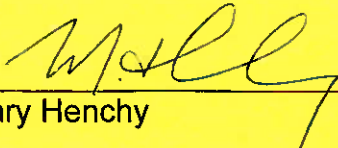
Reasons and Considerations.

Having regard to the provisions of the Westmeath Development Contributions Scheme 2022 s. 48(12) of the Planning and Development Act 2000 (as amended) and relevant Guidelines, I considered that the terms of the Scheme have not been properly applied in respect of Condition 7 for the following reasons:

- In calculating the financial sum of €21750.00 to be paid annually as a Special Development Contribution, the Planning Authority failed to specify the specific exceptional costs to be incurred by the local authority in respect of the proposed development.
- In calculating the sum of the Special Contribution Payable the planning authority has failed to state when the works would be commenced or completed, the location of said works, and the amount appropriate to the proposed development.

Therefore the Board in accordance with section 48 of the Planning and Development Act 2000, as amended, considered based on the reasons and considerations set out above that the terms of the Development Contribution Scheme had not been properly applied in respect of condition No. 7 and directs the said Council to remove the condition.

Board Member:



Mary Henchy

Date: 31/01/2024