

An
Bord
Pleanála

Board Direction
BD-018116-24
ABP-319644-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/11/2024.

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, generally in accordance with the Inspector's recommendation, as follows:

- (i) Amend Condition No. 13 of PA Ref. 23361 as follows:

The developer shall pay the sum of **€11,598.90** (eleven thousand five hundred and ninety-eight euro ninety cent) 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 Development Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning and Development Act, 2000, as amended. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the provision of security to ensure payment is made in full is agreed in writing with the planning authority prior to the commencement of development.

The above sum shall apply until the 31st day of December, 2024 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.

(ii) Amend Condition No. 14 of PA Ref. 23361 as follows:

The developer shall pay the sum of **€37,318.09** (thirty seven thousand three hundred and eighteen euro nine cent 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 benefiting development in the area of the authority, as provided for in the Development Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning and Development Act 2000, as amended. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the provision of security to ensure payment is made in full is agreed in writing with the planning authority prior to the commencement of development.

The above sum shall apply until the 31st day of December 2024 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.

(iii) Amend Condition No. 15 of PA Ref. 23361 as follows:

The developer shall pay the sum of **€1,512.85** (one thousand five hundred and twelve euro eighty-five cent 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 benefiting development in the area of the authority, as provided for in the Development Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning and Development Act, as amended. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the provision of security to ensure payment made in full is agreed in writing with the planning authority prior to the commencement of development.

The above sum shall apply until the 31st day of December, 2024 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 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.

Reasons and Considerations

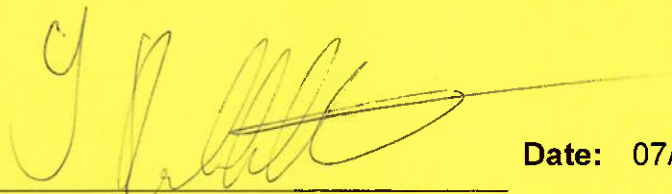
Having regard to:

- a) section 34(5) of the Planning and Development Act 2000, as amended,
- b) the provisions of the Meath County Council Development Contribution Scheme (DCS) 2024 – 2029,
- c) section 48 of the Planning and Development Act 2000, as amended, and
- d) the documentation submitted in connection with the planning application and the appeal,

the Board considered that the planning authority misapplied the terms of the DCS by incorrectly including floor space used for the storage of the materials associated with the commercial business as 'Class 1: Commercial Property/Retail/Retail Warehousing' instead of 'Class 3: Industrial Manufacturing/ Warehousing/ Port

Warehousing Property', as the structures on site consist of wholesale warehousing storage space associated with the use and are not considered to be retail warehousing. It is considered, therefore, that it would be appropriate to direct Meath County Council to amend conditions nos. 13, 14 and 15 accordingly.

Board Member:

A handwritten signature in blue ink, appearing to read 'Tom Rabbette', is written over a horizontal line.

Tom Rabbette

Date: 07/11/2024