An Coimisiún Pleanála

Commission Direction
CD-001422
PL-501570-OY-26

The submissions on this file and the Inspector's report were considered at a meeting held on 29 September 2026.

The Commission decided to direct the planning authority to remove condition number 17 and retain condition number 18 as indicated in the draft Order hereunder.

Planning Commissioner:

Tom Rabbette

Date: **16th day of October 2026**

DRAFT ORDER

Decision

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered, based on the reasons and considerations set out below that the terms of the Development Contribution Scheme for the area

had not been properly applied in respect of condition number 17 and directs the said Council, under section 48(13) of the Act to REMOVE condition number 17 and the reason therefor.

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 18 and directs the said Council to RETAIN condition number 18 .

Reasons and Considerations

The Commission is not satisfied that the public infrastructure and facilities the subject of the special development contribution condition are so exceptional as to meet the requirements of Section 48(2)(c) of the Planning and Development Act 2000, as amended. The planning authority is, therefore, directed to remove condition number 17 from the decision to grant permission.

The Commission considered that in calculating the amount to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Offaly County Council Development Contribution Scheme, 2026-2032, as adopted, had been properly applied in respect of condition number 18 as regards the site area reckonable for the purposes of calculating the applicable development contribution. The planning authority is, therefore, directed to retain condition number 18.

In deciding not to accept the Inspector's recommendation to amend condition number 18, the Commission considered that the planning authority were correct

to calculate the financial contribution on the site area subject of the application, and not just the area within the application site that is subject of the land filling, noting, inter alia, that areas within the application site boundary not subject of the land filling are nonetheless required to accommodate the works e.g. existing site entrance, internal road network, turning areas, defined biodiversity elements, including a seasonal water pond and native hedgerow/grassland planting, to achieve a natural tie-in with natural ground levels. The Commission also had regard to the planning history of the entire application site, relating to its use as a sand and gravel quarry, which gave rise to the voids within the application site that it is proposed to land fill and, in that regard, considered the planning authority were correct to use the application site area in the financial contribution calculation.