An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Laois County

Planning Register Reference Number: 16/220

An Bord Pleanála Reference Number: PL 11.247390

APPEAL by Irish Water care of Jennings O'Donovan and Partners Consulting Engineers of Finisklin Business Park, Sligo in relation to the application by Laois County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 17 of its decision made on the 14th day of September, 2016.

PROPOSED DEVELOPMENT: Upgrading of water treatment plant including the refurbishment of the existing two-storey masonry water treatment plant building, gross floor area 392 square metres approximately, new extension with gross floor area 45 square metres approximately, to the existing water treatment plant building, construction of a new water treatment plant process building, gross floor area 490 square metres approximately, removal of existing roofs and construction of new portal frame roofs to existing reservoir structures, construction of a new sludge treatment building, gross floor area 200 square metres approximately, demolition of existing pumphouse and replacement with new substation and pumphouse building, gross floor area 48 square metres, demolition of existing tanks and construction of new tank and storage structures, together with underground watermains and service connections, improvements to existing boundaries, landscaping and all associated site works at Bunastick and Clonaslee, County Laois.

DECISION

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 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 to AMEND condition number 17 so that it shall be as follows for the reason stated.

17. The developer shall pay to the planning authority a financial contribution of €23,652 (twenty-three thousand, six hundred and fifty-two euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

PL 11.247390 An Bord Pleanála Page 2 of 3

REASONS AND CONSIDERATIONS

It is considered that the planning authority properly applied the terms of the Laois County Council Development Contribution Scheme 2013-2017, which does not provide for any exemptions or reductions in relation to development by Irish Water; but that the calculation of the financial contribution by the planning authority, based on the stated floor area of the new water treatment plant building, did not take account of floor area of buildings to be demolished, as provided for under the heading 'Demolition and Rebuild' within section 6.5 of the Scheme. It is estimated that 42 square metres of buildings are to be demolished, and that 699 square metres of new buildings are proposed for construction. On the basis of these calculations, a development contribution is payable on 699 square metres (minus) 42 square metres = 657 square metres. At the rate of €36 per square metres, it is calculated that the amount of contribution required by condition number 17 should be 657 square metres by €36 = €23,652. Condition number 17 of the permission granted under planning register reference number 16/220 should accordingly be amended to reflect this reduction in the amount of the development contribution to be paid to Laois County Council.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2017.

PL 11.247390 An Bord Pleanála Page 3 of 3