

## Board Order PL 25M.248466

Planning and Development Acts 2000 to 2017

**Planning Authority: Westmeath County** 

Planning Register Reference Number: 17/6046

**Appeal** by Chris and Colin Kennedy care of BGM Consulting of Ranaghan, Castlepollard, County Westmeath in relation to the inclusion of special contribution condition number 4 by Westmeath County Council in its decision made on the 12<sup>th</sup> day of April, 2017.

**Proposed Development:** (1) Retention of the existing six bay slatted shed, (2) retention of the freestanding meal bin and (3) all ancillary site services at Kilpatrick, Collinstown, County Westmeath.

## **Decision**

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to ATTACH condition number 4 and the reason therefor.

## **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.

## **Reasons and Considerations**

It is considered that it has been shown that the special development contribution required under condition number 4 of this permission constitute specific exceptional costs not covered by the General Development Contribution Scheme, and that the public infrastructure and facilities involved, that is, the works to restore the road surface, as itemised by the planning authority in its engineering report, would benefit the development for which retention is sought. Furthermore, it is considered that the apportionment of the costs of these works, by which the subject development would be required to pay a proportion only of the full costs, is equitable having regard to the pattern of development in the vicinity and the properties that would benefit from such works.

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In not accepting the recommendation of the Inspector to require the removal of this condition, the Board considered that the special development contribution related directly to works for the necessary improvement of the road serving the development for which retention was sought, and would constitute specific exceptional costs that would benefit the subject development. The Board is satisfied that these works are not such as would be covered under the terms of the General Development Contribution Scheme. Furthermore, the Board considered that the basis of calculation of the costs involved had been fully itemised by the planning authority and were apportioned in a reasonable fashion, having regard to the existing pattern of development in the area, consisting of the subject farm holding and the one additional farm holding that would benefit from the works involved.

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

Dated this day of 2017

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