



An
Bord
Pleanála

Board Order

PL 27.248894

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/284

Appeal by Daphne Delahunt care of 5D Architecture of Unit 3 Village Mill Enterprise Park, Rathnew, County Wicklow in relation to the application by Wicklow County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 7 of its decision made on the 21st day of June, 2017.

Proposed Development: The reclamation of land through the filling of material comprising clay, silt, sand gravel and stone on a site having an area of 2.64 hectares for the purpose of improvement of land, together with access and associated site works at Bonabrocka, Wicklow, County Wicklow. The proposed development relates to an activity which requires a waste licence.

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 7 and directs the said Council to AMEND condition number 7 so that it shall be as follows for the reasons stated.

7. The developer shall pay to the planning authority a financial contribution of €2,875 (two thousand, eight hundred and seventy-five 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 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.

Reasons and Considerations

Having regard to:

- (a) the nature of the development which relates to the reclamation of circa 2.64 hectares of land through the filling of material comprising clay, silt, sand, gravel and stone for the purposes of improving land together with site access and associated works, and
- (b) the provisions of the Wicklow County Council Development Contribution Scheme 2015,

