



An
Bord
Pleanála

Board Order
PL 05E.249057

Planning and Development Acts 2000 to 2017

Planning Authority: Donegal County Council

Planning Register Reference Number: 17/50343

Appeal by Moyle Plant Limited care of Michael Friel of Creeslough, County Donegal against the decision made on the 20th day of July, 2017 by Donegal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Infill approximately 26,500 cubic metres of inert, uncontaminated soil and stone to cover and raise site levels of 2.27 hectares of agricultural land. Works shall include provision of suitable drainage, site access and all other associated works. The site will be finished by placement of cover soils and seeding in order to enhance the quality of the landscape and habitat and to continue use as agricultural land, all on this site at Ballymacool, Letterkenny, County Donegal.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 12 and the reason therefor and to AMEND condition number 13 so that it shall be as follows for the reason set out.

13. The developer shall pay to the planning authority a financial contribution of €20,400 (twenty thousand four hundred 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.

