



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 17/1195**

**Appeal** by Elgin Energy Services Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Dublin in relation to the application by Galway County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 16 of its decision made on the 25<sup>th</sup> day of January, 2018.

**Proposed Development:** The development on 9.68 hectares will consist of a 4.2MVA solar farm comprising photovoltaic panels on ground mounted frames, four number single storey inverter/transformer stations, one number single storey Electricity Supply Board MV substation, security fencing, closed circuit television and all associated ancillary development works. Gross floor space of proposed works 102.46 square metres at Shannagh Beg, Glenamaddy, County Galway.

## 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 16 and directs the said Council to AMEND condition number 16 so that it shall be as follows for the reason stated.**

16. The developer shall pay to the planning authority a financial contribution of €732.59 (seven hundred and thirty-two euro and fifty-nine cent) 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.

## **Reasons and Considerations**

Having regard to the nature of the proposed development, and the terms of the Galway County Council Development Contribution Scheme 2016, the Board considered that the planning authority had not properly applied the terms of its development contribution scheme and that the number of units to which the unit charge of €7.15 (€11 x 65%) should be applied is 102.46, being the floor area of the proposed development in square metres.

## **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.

---

**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**