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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 18/6**

**Appeal** by Quinns of Baltinglass Limited care of Tony Bamford Planning of 127 Lower Baggot Street, Dublin in relation to the inclusion of special contribution condition number 8 by Offaly County Council in its decision made on the 26<sup>th</sup> day of February, 2018.

**Proposed Development:** Retention of (a) change of use of building granted under planning register reference number PL2/07/1694 from agricultural use to commercial use; (b) construction of lean-to extension with mezzanine floor for commercial use to building granted under planning register reference number PL2/07/1694; (c) commercial storage yard with a weighbridge; (d) widening of access point; (e) signage to buildings and all ancillary site works and full planning permission for (f) the widening of existing entrance at Killellery, Geashill, County Offaly.

## **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 REMOVE condition number 8 and the reason therefor.**

## **Reasons and Considerations**

Having regard to the wording of section 48(2)(c) of the Planning and Development Act 2000, as amended, the Board does not consider the restoration works and upkeep of the public road serving the development to be exceptional to the levies incurred for Roads under the adopted Development Contribution Scheme 2014-2020. The imposition of this condition would, therefore, be unreasonable and effectively double charging for the upkeep of the road serving the development.

## **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.

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**Eugene Nixon**

**Member of An Bord Pleanála**

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

**Dated this            day of            2018.**