



Planning and Development Acts 2000 to 2019

Planning Authority: Roscommon County Council

Planning Register Reference Number: PD/18/436

Appeal by McKeons Sand and Gravel Limited care of Williams Planning and Environmental of 26 Assumpta Park, Shankill, Dublin in relation to the application by Roscommon County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 21 of its decision made on the 8th day of July, 2019.

Proposed Development: A continuation/resumption of use and the operation of an existing quarry including use of all existing buildings and plant and machinery. Existing buildings consist of a workshop, office/weighbridge and prefabricated canteen/stores. Machinery includes various items of mobile/semi mobile crushing and screening plant. The application and proposed development also provide for the operation of a construction and demolition (C & D) waste recycling facility within the quarry and the provision of new toilets, new wastewater treatment unit and associated percolation area. The operation of the construction and demolition (C & D) waste recycling facility will require the granting of a waste permit or waste licence. Permission was previously granted for quarrying at this site under permission reference number PD/07/571. Permission is sought for a period of twenty years plus two years for final restoration, all at Culliaghbeg and Culliaghmore, Ballinasloe, County Roscommon, as amended by the further public notice

received by the planning authority on the 15th day of May, 2019 which included a Natura Impact Statement.

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 21 and directs the said Council to AMEND condition number 21 so that it shall be as follows for the reasons stated.

21. The developer shall pay to the planning authority a financial contribution of €125,370 (one hundred and twenty five thousand, three hundred and seventy 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.

Reasons and Considerations:

Having regard to the provisions of Table 5, Appendix 1 of the Roscommon County Council Development Contributions Scheme 2014, as adopted by Roscommon County Council, under Section 48 of the Planning and Development Act 2000, as amended, it is considered that the terms of the scheme have been incorrectly applied in this instance. The relevant site area for extraction liable for assessment in accordance with the terms of the said scheme is 31,500 square metres (3.15 hectares). This use falls to be considered under category E of Table 5 of the Development Contribution Scheme. In addition, the proposed Construction and Demolition waste recycling facility (which is separately described in the statutory planning notices submitted with this planning application) is considered to constitute commercial development with an area of site usage amounting to 2,500 square metres (0.25 hectares). This commercial use falls to be considered under category F of Table 5 of the Development Contribution Scheme, namely, 'Development not coming within any foregoing class'. The buildings on site, also fall to be considered under category F. Accordingly, it is considered that condition number 21 should be amended.

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.

Chris McGarry

Member of An Bord Pleanála

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

Dated this day of 2020