



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: TA/190839

Appeal by Martin and John Guy care of R.C. Design Services Limited of Design Studio, Old Castle View, Kilgobbin Road, Dublin in relation to the application by Meath County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 12, 13 and 14 of its decision made on the 30th day of October, 2019.

Proposed Development: (1) The retention of a single storey amenity building (49.00 square metres). (2) Planning permission for development to erect a 960 square metres temperature controlled chill store with a ridge height not exceeding 9.0 metres high for horticultural purposes. (3) Erect a single storey amenity building extension (52.00 square metres) (total amenities 101 square metres). (4) Associate site ancillary works. All at Dalystown, Longwood, Trim, County Meath, as revised by the further public notice received by the planning authority on the 7th day of October, 2019

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 conditions numbers 12, 13 and 14 and directs the said Council to AMEND conditions numbers 12, 13 and 14 so that they shall be as follows for the reasons stated.

12. The developer shall pay to the planning authority a financial contribution of €7,066.26 (seven thousand and sixty-six euro and twenty-six cent) in respect of public roads and public transport 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.

13. The developer shall pay to the planning authority a financial contribution of €2,196.27 (two thousand, one hundred and ninety-six euro and twenty-seven cent) in respect of social 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.

14. The developer shall pay to the planning authority a financial contribution of €286.47 (two hundred and eighty-six euro and forty-seven cent) in respect of surface water drainage 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

It is considered that the development contributions applied to the permitted development should have been levied as an agricultural development class and should not have been levied as a commercial development class. On this basis and in accordance with the Meath County Council Development Contributions Scheme 2016-2021 (as amended), it is calculated that the proposed development and development seeking retention, with a floor area of 1,061 square metres, should require a reduced development contribution of €9,549.

