



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20171472

WHEREAS by order dated the 18th day of October, 2018 An Bord Pleanála, under appeal reference number ABP-300848-18, granted subject to conditions a permission to O’Sullivan Agricultural Services Limited care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin for development comprising 1. Retention of existing shed (783.79 square metres) which is being used as a loading area, and 2. Erection of a new shed (2713.3 square metres) for use as grain, fertiliser and general store, relocation and up-grading of sewage treatment system and associated works at Bayland, Kilbora, County Wexford:

AND WHEREAS condition number 8 attached to that permission required the developer to pay to the planning authority a financial contribution 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, and the condition required that the contribution 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, and that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the details of the application of the terms of the Scheme in compliance with the terms of the condition and the matter was referred by the developer to An Bord Pleanála on the 26th day of January, 2020 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the outstanding amount payable to Wexford County Council is €28,975.82 (twenty eight thousand, nine hundred and seventy five euro and eighty two cent).

Reasons and Considerations

The Board granted planning permission under appeal reference number ABP-300848-18 (planning register reference number 20171472) for the development the subject of this request for a determination on a point of detail, and imposed condition number 8 requiring the payment of a contribution under the provisions of the Wexford County Council Development Contribution Scheme adopted on the 9th April 2018. The Development Contribution Scheme distinguishes between commercial development and agricultural development for the purposes of determining the amount of the contribution payable. The Board has had regard to the submissions made in relation to the application under planning register reference number 20171472 (appeal reference number ABP-300848-18), the material submitted by the applicant (O'Sullivan Agricultural Services Limited) in this request for a

determination on a point of detail, and the copy of the planning authority's file submitted to the Board. The Board is satisfied that the development the subject of the application under planning register reference number 20171472 (appeal reference number ABP-300848-18) was a commercial development for the purposes of the Wexford County Council Development Contribution Scheme 2018, that the amount payable at the time of the grant of permission was €34,970, that the applicant (O'Sullivan Agricultural Services Limited) has made a payment of €5,994.18 to the planning authority and that the outstanding amount payable to Wexford County Council is now €28,975.82.

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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.