



Planning and Development Acts 2000 to 2019

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/19/253

Appeal by Dermot Nally Stone Limited care of Earth Science Partnership (Ire) Limited of Tonranny, Westport, County Mayo in relation to the application by Offaly County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 28th day of January, 2020.

Proposed Development: (i) The retention and continuance of importation of gravel (15,000 tonnes per annum), for processing, including screening, crushing and washing, and exportation of finished aggregates; (ii) importation of inert soil and stone (8,500 tonnes per annum) for restoration of part of pit floor (2.8 hectares); (iii) restoration of remainder of pit floor (2.4 hectares) (including removal of all plant) using accumulated site won materials for a 5 year period, including all associated civil works, within the overall 8.2 hectares former extraction site at Carrowkeel, Clonfinlough, County Offaly.

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 and directs the said Council to AMEND condition number 10 so that it shall be as follows for the reasons stated.

Reasons and Considerations

10. The developer shall pay to the planning authority a financial contribution of €43,077.45 (forty three thousand and seventy seven euro and 45 cents) in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided on 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.

