

Planning and Development Acts 2000 to 2020

Planning Authority: Wicklow County Council

Planning Register Reference Number: 20/847

Appeal by David Eager of Fiddancoyle, Kiltegan, County Wicklow in relation to the application by Wicklow County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 21st day of December, 2020.

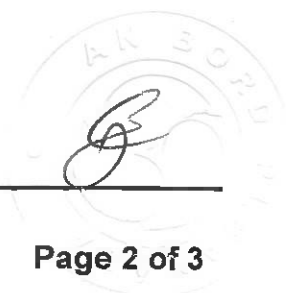
Proposed Development: The continued use of the existing sand and gravel pit (permitted under planning register reference number 04/1447; An Bord Pleanála appeal reference number PL 27.211640 and further extended under planning register reference number 14/2005) which has a permitted extractive area of circa 8.93 hectares (circa 4.9 hectares of which has not been developed to date) and the continued provision of washing/rinsing plant, dry screener, settlement lagoons, bunded fuel storage tank, wheel-wash, areas of stockpiling and access road, and all other site development works, including landscaping and restoration works of the final pit void (extractive area). Extraction in the new area of circa 4.9 hectares is sought to a maximum depth of 166m OD and will be extracted at a rate of up to 100,000 tonnes per annum, for a period of 10 number years, all on a site of circa 14.47 hectares at Fiddancoyle, Kiltegan, County Wicklow.

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 4 and directs the said Council to AMEND condition number 4 so that it shall be as follows for the reasons stated.

10. The developer shall pay to the planning authority a financial contribution of €16,170 (sixteen thousand, one 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 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 terms of the Wicklow County Council Development Contribution Scheme 2015, and to the submissions made in relation to the application and appeal, it is considered that the terms of scheme have not been properly applied by the planning authority, as the applicable rate is €3,300 per hectare per 10 metres depth, and it has not been demonstrated that any part of the sand and gravel pit will be excavated to a second 10 metres depth, the maximum depth of excavation being 15 metres. Furthermore, in the absence of the appellant submitting sufficiently detailed information to assist with the proper application of the scheme, it is reasonable, in the circumstances of this case, to calculate the required contribution based on the entire area of the pit to be excavated to a depth of greater than 10 and less than 20 metres. In this regard, the Board noted that the cross sections submitted with the application suggest that only a relatively minor part of the overall area, around the perimeter of the pit, would be excavated to a depth of less than 10 metres.

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.

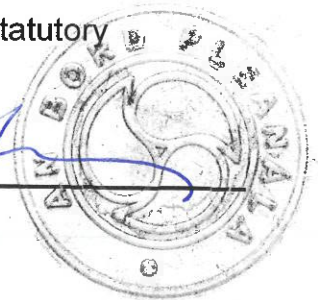


John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 17th day of MAY 2021