

An  
Bord  
Pleanála

Board Order  
ABP-310460-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: PL2/21/70**

**Appeal** by Desmond Bagnall care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath 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 9 of its decision made on the 14<sup>th</sup> day of May, 2021.

**Proposed Development:** An agricultural grain shed and all associated site works, at Killellery, Geashill, 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 9 and directs the said Council to **AMEND** condition number 9 so that it shall be as follows for the reason stated.

9. The developer shall pay to the planning authority a financial contribution of €2,007 (two thousand and seven 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 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 the Offaly County Council Development Contribution Scheme 2021-2025, and
- the nature of the permitted and existing developments,

the Board considered that the terms of the Development Contribution Scheme have not been properly applied and that condition number 9 should be amended as set out above.

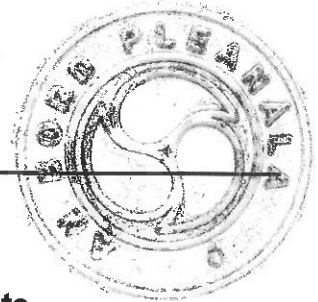
## Matters Considered

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.



Michelle Fagan

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



Dated this 29<sup>th</sup> day of November 2021.