

An  
Bord  
Pleanála

Board Order  
ABP-310742-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 21/134**

**Appeal** by Stephen McAleer care of Robert Kenny of Townley Hall, Drogheda, County Louth 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 15, 16 and 17 of its decision made on the 23<sup>rd</sup> day of June, 2021.

**Proposed Development:** Alterations to an existing house including the construction of a single storey extension to the rear and the installation of a waste water treatment unit and percolation area, all at Clondoogan, Summerhill, County Meath, as revised by the further public notice received by the planning authority on the 28th day of May, 2021.

## 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 15, 16 and 17 and directs the said Council to AMEND conditions numbers 15, 16 and 17 so that they shall be as follows for the reasons stated.**

15. The developer shall pay to the planning authority, a financial contribution of €281.25 (two hundred and eighty-one euro and twenty-five cents) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in the provision of surface water drainage infrastructure by the Council benefitting development in the area of the authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning and Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the planning authority prior to the commencement of development. The above sum shall apply until 31<sup>st</sup> day of December, 2021 and shall be subject to review on that date and to annual review thereafter, unless previously paid. The contribution rates shall be updated effective from the 1<sup>st</sup> day of January each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** The provision of such surface water drainage in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

16. The developer shall pay the sum of €3,093.75 (three thousand and ninety-three euro and seventy-five cents) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefitting development in the area of the authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with provisions of Section 48 of the Planning and Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the planning authority prior to the commencement of development. The above sum shall apply until the 31<sup>st</sup> day of December, 2021 and shall be subject to review on that date and to annual review thereafter, unless previously paid. The contribution rates shall be updated effective from the 1<sup>st</sup> day of January each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

17. The developer shall pay the sum of €2,250.00 (two thousand, two hundred and fifty euro) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities, and landscaping works) by the Council benefiting development in the area of the authority, as provided for in the provisions of Section 48 of the Planning and Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the planning authority prior to the commencement of development. The above sum shall apply until the 31<sup>st</sup> day of December, 2021 and shall be subject to review on that date and to annual review thereafter, unless previously paid. The contribution rates shall be updated effective from the 1<sup>st</sup> day of January each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** The provision of such social infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

## **Reasons and Considerations**

Having regard to:

- (a) the Meath County Development Contribution Scheme 2016 - 2021 made under Section 48 of the Planning and Development Act, 2000 and effective since the 1<sup>st</sup> day of January, 2016, and as amended on the 1<sup>st</sup> day of October, 2018;

- (b) the nature, scale and extent of the development sought for and permitted under planning register reference number 21/134 on the 23<sup>rd</sup> day of June, 2021;
- (c) an examination of public resources;
- (d) Section 2 of the Planning and Development Act, 2000, as amended, which sets out the definition of 'habitable house' and 'house';
- (e) the proposed development which relates to a derelict site and site in need of regeneration;
- (f) Section 2 of the Meath County Development Contribution Scheme 2016 – 2017 which sets out to ensure that the cost of infrastructural improvements does not fall disproportionately on new development and takes account of benefit to existing development;
- (g) Section 7.1.2 of the Meath County Development Contribution Scheme 2016 – 2017 which sets out that in rural areas/areas outside of plan boundaries, derelict sites and sites in need of regeneration at the discretion of planning authority – twenty-five per cent reduction shall apply. It is reasonable that this application, relating to a range of buildings described in the National Inventory of Architectural Heritage (NIAH) register under NIAH Reference Number 14333011, be subject to this twenty-five per cent reduction as its derelict state is proposed to be reversed; and

- (h) the general support set out under the Meath County Development Plan, 2021 - 2017 for the retention, sympathetic maintenance and appropriate re-use of the vernacular heritage of Meath within its settlements and within its rural areas, in particular under Section 9.12, RUR POL 49, RUR POL 50 and RUR POL 54,

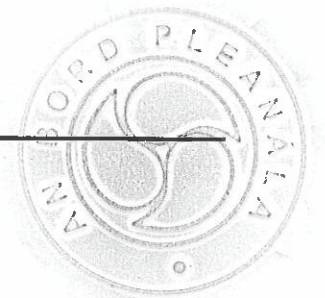
the Board, having considered the terms of the applicable Development Contribution Scheme with respect to the contributions set out under Conditions Numbers 15, 16 and 17 of the planning authority's notification to grant permission under planning register reference number 21/134 is of the view that the planning authority has incorrectly interpreted and applied its Scheme towards public infrastructure and facilities benefiting development in the area of the planning authority under each of these conditions.

### **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.



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



Dated this *21<sup>st</sup>* day of *April* 2022.