



An
Bord
Pleanála

Board Order
ABP-313691-22

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/328

Appeal by Lagan Materials Limited care of SLR Consulting Ireland of Unit 7, Dundrum Business Park, Windy Arbour, Dublin in relation to the inclusion of special contribution condition number 5 by Meath County Council in its decision made on the 6th day of May, 2022.

Proposed Development: Installation and operation of a readymix concrete batching plant, closed circuit water management system, hardstanding area, aggregate storage bays and all ancillary works within an application area of circa 0.8 hectares, all at Heronstown, Lobinstown, Navan, County Meath.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to **REMOVE** condition number 5 and the reason therefor.

Reasons and Considerations

Section 48 (2)(a) of the Planning and Development Act 2000, as amended, provides that a planning authority shall levy contributions in accordance with a development contribution scheme made under that section. Section 48 (2)(c) provides that a planning authority may require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a development contribution scheme made under section 48 (2)(a) are incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development. Section 48 (12) requires the reimbursement of part or all of the contribution to the developer in the event of works not being carried out or being carried out only in part within specific periods of time. The 'Development Management Guidelines for Planning Authorities' issued by the Department of Environment, Heritage and Local Government in June 2007 requires that a special development contribution condition identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development and be amenable to implementation under section 48(12).

The planning authority has not provided the basis of the calculation of the sum required (€100,000 – one hundred thousand euro) and accordingly has not met the criteria for properly levying a contribution as required by section 48 of the 2000 Act.



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 21st day of August 2023.