



An  
Bord  
Pleanála

## **Board Order ABP-317808-23**

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### **Planning and Development Acts 2000 to 2022**

**Planning Authority: Roscommon County Council**

**Planning Register Reference Number: 23/57**

**Appeal** by Richard Cruise care of Gerard Monaghan of Castlevew, Barnadery, Tuam, County Galway in relation to the application by Roscommon County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 8 of its decision made on the 18<sup>th</sup> day of July, 2023.

**Proposed Development:** Fill and recontouring of lands totalling 6.07 acres using specified inert materials (soil and stone) and for the retention of the existing fill material on site (approximately 150 cubic metres) and for the retention of the previously filled area of ground approximately 0.909 acres, all at Taughmaconnell, Ballinasloe, County Roscommon.

### **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 been properly applied in respect of condition number 8 and directs the said Council to RETAIN condition number 8 and the reason therefor.

## **Reasons and Considerations**

The terms of the Roscommon County Council Development Contribution Scheme 2014, as amended, whereby it is considered that the development is not considered to be included under the exemption of 'land filling to facilitate the return of land to agriculture will be exempt' as the land is currently in agricultural use as defined in Section 2 of the Planning and Development Act 2000, as amended, and, therefore, the proposed development would be properly described as the improvement of agricultural land, for which there is no exemption in the Roscommon County Council Development Contribution Scheme 2014, as amended.

The Board further noted that the Roscommon County Council Development Contribution Scheme 2014, as amended, does not contain an exemption for the payment of development contributions for unauthorised works and, therefore, included the area where works have been done to date in the calculations as 2.527 hectares proposed as €43,750 and .37 hectares filled as €6,475 to give a total contribution of €50,225.

In not agreeing with the recommendation of the Inspector, the Board did not consider that the proposed development, nor the development carried out to date, could be included under the exemption of "land filling to facilitate the return of land to agriculture will be exempt" as the land is currently in agricultural use as defined in Section 2 of the Planning and Development Act 2000, as amended, and, therefore, the development carried out to date and the proposed development would be properly described as improvement of agricultural land, for which there is no exemption in the Roscommon County Council Development Contribution Scheme.



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**Liam Bergin**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

**Dated this 10<sup>th</sup> day of September 2024.**