

An
Bord
Pleanála

Board Order
ABP-319644-24

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/361

Appeal by Unichem Limited care of Ger Fahy Planning of Mulhussey, Maynooth, County Kildare 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 13, 14 and 15 of its decision made on the 8th day of April, 2024.

Proposed Development: The development will consist of the following: demolition of existing single storey office extension of 55.4 square metres and detached toilet block to make way for construction of new 228 square metres two-storey office extension; alterations to the existing roadside boundary treatment to reduce an existing vehicular entrance to a pedestrian gate and reduce the existing wall to a dwarf wall with capping and railings to a total height of 1850 mm, along with all necessary and associated site works; all at Ballymacarney, The Ward, County Meath as amended by the revised public notice received by the planning authority on the 13th day of March, 2024.

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 13, 14 and 15 and directs the said Council to AMEND conditions numbers 13, 14 and 15 so that they shall be as follows for the reasons stated.

Reasons and Considerations

13. The developer shall pay the sum of €11,598.9 (eleven thousand five hundred and ninety-eight euro ninety cent) 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 Development 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 provision of security to ensure payment is made in full is agreed in writing with the planning authority prior to the commencement of development.

The above sum shall apply until the 31st day of December, 2024 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 January 1st 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.

14. The developer shall pay the sum of €37,318.09 (thirty seven thousand three hundred and eighteen euro nine cent 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 benefiting development in the area of the authority, as provided for in the Development 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 provision of security to ensure payment is made in full is agreed in writing with the planning authority prior to the commencement of development.

The above sum shall apply until the 31st day of December 2024 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 January 1st 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.

15. The developer shall pay the sum of €1,512.85 (one thousand five hundred and twelve euro eighty-five cent) 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 benefiting development in the area of the authority, as provided for in the Development Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning and Development Act, as amended. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the provision of security to ensure payment made in full is agreed in writing with the planning authority prior to the commencement of development.

The above sum shall apply until the 31st day of December, 2024 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 January 1st 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 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.

Reasons and Considerations

Having regard to:

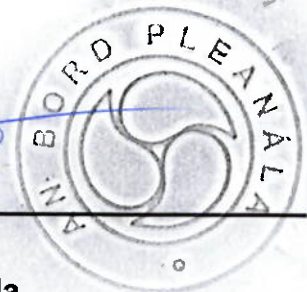
- (a) section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of the Meath County Council Development Contribution Scheme (DCS) 2024 – 2029,
- (c) section 48 of the Planning and Development Act 2000, as amended, and
- d) the documentation submitted in connection with the planning application and the appeal,

the Board considered that the planning authority misapplied the terms of the Development Contribution Scheme by incorrectly including floor space used for the storage of the materials associated with the commercial business as 'Class 1: Commercial Property/Retail/Retail Warehousing' instead of 'Class 3: Industrial Manufacturing/ Warehousing/ Port Warehousing Property', as the structures on site consist of wholesale warehousing storage space associated with the use and are not considered to be retail warehousing. It is considered, therefore, that it would be appropriate to direct Meath County Council to amend conditions numbers 13, 14 and 15 accordingly.



Tom Rabbette

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



Dated this 12th day of Nov 2024.