



An
Bord
Pleanála

Board Order
ABP-321224-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24/60275

Appeal by Laurence Pierce (Property) Limited care of O'Neill Associates Architects of Domus, Kilpedder, County Wicklow in relation to the application by Wicklow County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 16th day of October, 2024.

Proposed Development: Light industrial development of 1,870.58 square metres Ground Floor Area (GFA), in a single block, consisting of six units at upper level and undercroft car parking, incorporating groundskeeper's store, of 1,152 square metres Ground Floor Area (GFA) at lower level, together with all associated infrastructure and site works, including decommissioning of existing septic tanks and new connection, to serve existing and proposed units, to adjacent UE/ IW wastewater treatment plant. This application is for a permission of ten years duration at Railway Business Park, Corballis Lower, Rathdrum, County Wicklow.

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 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reason stated.

3. Before development commences, the developer shall pay the sum of €95,593.92 (ninety five thousand, five hundred and ninety three euro and ninety two cents) to the planning authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000, as amended.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st day of January of each year following the date of the Final Grant.

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 Planning and Development Regulations, 2001, (as amended) and the specific conditions of the Wicklow County Council Development Contribution Scheme 2015 (updated in 2021) the Board considered that the planning authority's original calculations should have excluded the under-croft car parking and bicycle parking provisions, but not the groundkeeper's store. The Board also considered that each Class of Contribution was correctly applied in accordance with Section 2.4 of the Wicklow County Council Development Contribution Scheme '...in respect of public infrastructure and facilities benefitting development in its functional area...'.

The Board did not agree with the Inspector that other elements outside the main building should be exempt, there are no such exemptions outlined in the complying Wicklow County Council Development Contribution Scheme 2015 (amended 2021).



Declan Moore

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

Dated this 10th day of MARCH 2025