An Coimisiún Pleanála

Commission Order
PL-501570-OY-26

Planning and Development Act 2000, as amended

Planning Authority: Offaly County Council

Planning Register Reference Number: 25/60524

Appeal by Hinch Plant Hire Limited in relation to the application of the terms of the Development Contribution Scheme made for the area in respect of special financial contribution condition number 17 and financial contribution condition number 18 by Offaly County Council in its decision made on the 29th day of May, 2026.

Proposed Development: Backfilling of a permitted sand and gravel pit (QY75) with Article 27 by product soil and stone, all associated ancillary facilities, including wheelwash, small portacabin office/canteen and chemical toilet, all within an application area of circa 3.2 hectares. The applicant is seeking a 10-year permission for infilling and associated activities, with an additional two years for final site restoration, all at Clonaderg Townland, Ballinahown, County Offaly, as revised by the further public notices received by the planning authority on the 24th day of April, 2026 and on the 5th day of May, 2026.

Decision

The Commission, 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 17 and directs the said Council, under section 48(13) of the Act to REMOVE condition number 17 and the reason therefor.

The Commission, 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 18 and directs the said Council to RETAIN condition number 18 and the reason therefor.

Reasons and Considerations

The Commission is not satisfied that the public infrastructure and facilities, the subject of the special development contribution condition are so exceptional as to meet the requirements of section 48(2)(c) of the Planning and Development Act 2000, as amended. The planning authority is, therefore, directed to remove condition number 17 from the decision to grant permission.

The Commission considered that in calculating the amount to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Offaly County Council Development Contribution Scheme 2026 - 2032, as adopted, had been properly applied in respect of condition number 18 as regards the site area reckonable for the purposes of calculating the applicable development contribution. The planning authority is, therefore, directed to retain condition number 18.

In deciding not to accept the Inspector's recommendation to amend condition number 18, the Commission considered that the planning authority was correct to calculate the financial contribution on the site area subject of the application, and not just the area within the application site that is subject of the land filling, noting, inter alia, that areas within the application site boundary not subject of the land filling are nonetheless required to accommodate the works, for example, existing site entrance, internal road network, turning areas, defined biodiversity elements, including a seasonal water pond and native hedgerow/grassland planting, to achieve a natural tie-in with natural ground levels. The Commission also had regard to the planning history of the entire application site, relating to its use as a sand and gravel quarry, which gave rise to the voids within the application site that it is proposed to land fill and, in that regard, considered the planning authority was correct to use the application site area in the financial contribution calculation.

Tom Rabbette
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 19th **day of** Oct. **2026.**