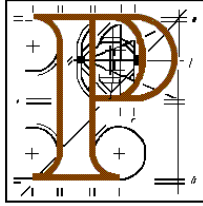


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Offaly County

**Planning Register Reference Number:EUQY041**

An Bord Pleanála Reference Number: 19.RP.2123 (Substitute Consent reference number 19.SU.0095)

**WHEREAS** by order dated the 29<sup>th</sup> day of June, 2015 An Bord Pleanála, under Substitute Consent reference number 19.SU.0095, granted subject to conditions Substitute Consent to Hinch Plant Hire Limited care of Enviroco Environmental Consultants of Bow House, O'Moore Street, Tullamore, County Offaly for substitute consent for a quarry at Cartron, Durrow, Tullamore, County Offaly comprising:

**AND WHEREAS** condition number 5 attached to the said decision required the developer to pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution was to be paid three months from the date of the order or in such phased payments as the planning authority may have facilitated and to be subject to any applicable indexation provisions of the Scheme at the time of payment. The contribution required that details of the Scheme were to be agreed between the planning authority and the developer or, in default of such agreement, the matter was to be determined by An Bord Pleanála.

**AND WHEREAS** the developer and the planning authority failed to agree on the details of the terms of the application of the Scheme in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 14<sup>th</sup> day of January, 2016 for determination:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the planning authority incorrectly applied the terms and conditions of the Development Contribution Scheme 2004 and that the contribution required to be paid in respect of An Bord Pleanála reference number 19.SU.0095 should be €50,052.00 (fifty thousand and fifty two euro).

### **REASONS AND CONSIDERATIONS**

Having regard to the submissions on file and to the documentation attached to Substitute Consent application 19.SU.0095, the Board considered that the area developed subsequent to the introduction by the planning authority of development contributions for quarrying activity after March 2004 and, therefore, subject to charge in accordance with condition number 5 is 3.28 hectares.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

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**Dated this                    day of                    2016.**