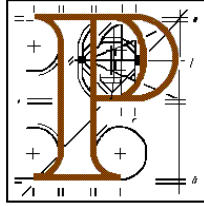


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Meath County

Planning Register Reference Number: AA/150544

An Bord Pleanála Reference Number: 17.RP.2135 (appeal reference number PL 17.246042)

WHEREAS by order dated the 23rd day of May, 2016, An Bord Pleanála, under appeal reference number PL 17.246042, granted subject to conditions a permission to John Coyle care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin for development comprising land reclamation works over an area of approximately 3.16 hectares comprising of the importation of inert soil (approximately 96,700 tonnes); and the redistribution of approximately 1,300 tonnes of soil from part (0.35 hectares) the adjoining previously permitted reclamation area (planning register reference number DA/20014, appeal reference number PL.17.129591) to reduce the finished ground level in that part of the reclaimed area by approximately 0.2 metres. The increase in ground level on the proposed reclamation area is approximately 1.8 metres. The proposed development also includes for the repair and reinstatement of existing internal haul road; creation of a hard standing area of approximately 135 square metres surrounded by a 0.45 metres high wall; reinstatement of an existing (currently unused) wheel wash and relocation of existing container on site and temporary use as site office at Loughlinstown and Kilbrew, Ratoath, County Meath. The proposed development was revised by further public notices received by the planning authority on the 20th day of November, 2015:

AND WHEREAS condition number 10 attached to the said permission 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 prior to commencement of development or in such phased payments as the planning authority may have facilitated and was to be subject to any applicable indexation provisions of the Scheme at the time of payment, and the condition required that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the said details of the application of the terms 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 21st day of September, 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 condition number 10 relates to a contribution applicable under section 48(2)(a) of the Planning and Development Act, 2000 only and does not include any provision for a special contribution or the payment of €20,000 under section 48(2)(c) of the Act.

Reasons and Considerations

Having regard to section 48 of the Planning and Development Act 2000, as amended, special contributions can only be applied where specific exceptional costs are incurred in respect of very specific requirement to facilitate a development for the provision of public infrastructure and facilities which would benefit the proposed development and which would fall outside of the general Development Contribution Scheme. Where a special contribution is applicable, the planning authority (and by way of extension the Board) would be required to specify in a planning condition attached to the grant of permission, the particular works carried out, or proposed to be carried out, to which the special contribution relates based on the actual cost of works carried out or estimated cost of proposed works. No such works were specified under condition number 10 of the permission granted under An Bord Pleanála appeal reference number PL 17.246064. Having regard to the foregoing, the Board confirms that condition number 10 relates to payment of a contribution under section 48(2)(a) of the Planning and Development Act 2000 and not to payment of a special contribution under Section 48(2)(c) of the said Act.

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.

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

Dated this day of 2017.