



An
Bord
Pleanála

Board Order

26.RP.2158

(substitute consent application
reference number 26.SU.0025).

Planning and Development Acts 2000 to 2017

Planning Authority: Wexford County Council

Planning Register Reference Number: Q002

WHEREAS by Order dated the 9th day of December, 2015 An Bord Pleanála, under substitute consent application reference number 26.SU.0025, granted subject to conditions a substitute consent to Roadstone Wood Limited care of Golder Associates Ireland Limited of Town Centre House, Naas, County Kildare for a quarry at Ballynamona, Kilmuckbridge, County Wexford:

AND WHEREAS condition number 5 attached to the said permission, as amended under section 146A of the Planning and Development Act, 2000, as amended, by Board Order dated the 13th day of July, 2017, 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, and the condition required that the contribution be paid within six months of the date of the Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment and 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 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 planning authority to An Bord Pleanála on the 9th day of October, 2017 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 development contribution amount is nil.

Reasons and Considerations

The Board, in arriving at its decision, considered

- (a) the provisions terms of the Wexford County Council Development Contribution Scheme 2013,
- (b) the submissions on file and the planning history of the site, and
- (c) the report of the Planning Inspector,

and considered that the determination of the financial contribution in this case should be related to the date of granting of substitute consent and that the terms of the Wexford County Council Development Contribution Scheme 2013 should apply. In relation to quarrying, the Scheme does not contain any explicit reference to applications for retention permission or substitute consent. Accordingly, in this case, the Board accepts that the terms of the Scheme require development charges to be due on the 1st day of April each year based on the previous year's activity. Given that no quarrying activity occurred in the 12 month period prior to the Board's decision on the Substitute Consent application, a nil contribution is therefore arrived at.

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 2018