



An
Bord
Pleanála

Inspector's Report

ABP-310742-21

Development	Single storey extension to rear and installation of a waste water treatment unit and percolation area.
Location	Clondoogan, Summerhill, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21134
Applicant(s)	Stephen McAleer.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	First Party
Appellant(s)	Stephen McAleer.
Observer(s)	None.
Date of Site Inspection	22 nd day of October, 2021.
Inspector	Patricia-Marie Young

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy & Context	7
5.1. National.....	7
5.2. Local	7
5.4. Natural Heritage Designations	8
5.5. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	9
6.3. Further Responses.....	9
7.0 Assessment.....	9
8.0 Appropriate Assessment.....	20
9.0 Recommendation.....	20
10.0 Reasons and Considerations	20

1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.55ha. It is located in the Townland of 'Clondoogan', on the northern side of the R156 c1.1km to the west of Summerhill's historic centre, c10km from Trim and 12m from Kilcock, in County Meath.
- 1.2. The site contains five number single storey dilapidated vernacular buildings finished mainly in stone, lime plastered and corrugated metal roofs over that are arranged in courtyard layout. They are surrounded by overgrown grass and unkempt mature hedgerows and trees. In addition, they form part of a larger unkempt parcel of agricultural land which extends to the north and east of it.
- 1.3. Adjoining the site on its western boundary is a farmstead which includes a 2-storey period dwelling and a number of associated buildings with two corrugated metal farm buildings located in close proximity to this boundary.
- 1.4. The site is served by an overgrown entrance onto the heavily trafficked R156 and directly opposite are the grounds of Park Celtic Summerhill FC playing pitch. The surrounding area has a rural character.

2.0 Proposed Development

- 2.1. Planning permission is sought for alterations and additions to what is described in the public notices as an existing dwelling together with the installation of a waste water treatment unit and percolation area. The existing gross floor space of the dwelling is given as 72m² and the proposed gross floor space of works is given as 94m².
- 2.2. On the 16th day of March, 2021, the Planning Authority sought further information on a number of matters.
- 2.3. The applicant submitted their response to this request on the 30th day of April, 2021, which the Planning Authority deemed to be significant and therefore they requested revised public notices. These were submitted to the Planning Authority by the applicant on the 26th day of May, 2021.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 23rd day of July, 2021, the Planning Authority granted planning permission for the proposed development set out under Section 2.1 above subject to 17 no. conditions. Of relevance to this appeal are the following conditions:

C15: *“The developer shall pay the sum of €300.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision of surface water drainage infrastructure by the Council benefitting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office”.*

The stated reason for this condition reads: *“the provision of such surface water drainage in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services”.*

C16: *“The developer shall pay the sum of €3,300.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefitting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and*

the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office”.

The stated reason for this condition reads: *the provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services”.*

C17: “The developer shall pay the sum of €2,400.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) by the Council benefiting development in the area of the Authority, as provided for in the provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office”.

The stated reason for this condition reads: *the provision of such social infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services”.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planning Officer's report dated the 23rd day of June, 2021, considered it was debatable having carried out an inspection of the site that the dwelling has always been a habitable dwelling; notwithstanding, the principal of supporting appropriate re use of such vernacular buildings was deemed to be acceptable. In addition, it was considered that the new entrance onto the R156 and the closing up of the existing entrance would provide a safer access point onto this regional road. In relation to the matter of Development Contributions it sets out that based on the information provided and the Development Contribution scheme that it is appropriate that S48 contributions are payable for additional gross floor area of 94m² for surface water drainage, roads, and social infrastructure. This report concludes with a recommendation to grant permission subject to 17 no. conditions. This report forms the basis of the Planning Authority's decision.

The **initial Planning Officer's report** dated the 16th day of March, 2021, considered that the policies of the County Development Plan support the use of vernacular rural buildings and therefore considered the principal of development acceptable. This report concluded with a request for further information on the following matters:

- Item No. 1(a): Sought clarification that the public notices were accurate to describe the proposed development and raises a question mark as to whether the subject building has always been in use as a habitable house.
- Item No. 1(b): Sought clarification on the residential amenity; details on existing waste water treatment and percolation systems on site; and, operational requirements between the other dwelling (s) and agricultural buildings on the land holding.
- Item No. 2: Deals with providing safe access onto the regional road and seeks whether or not another entrance could be used to serve the development.
- Item 3: Makes the applicant aware that their further information response may require new public notices.

3.2.2. **Other Technical Reports**

Transportation: In their report dated the 22nd day of June, 2021, no objection is raised subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1.1. None.

5.0 **Policy & Context**

5.1. **National**

5.1.1. **PLANNING AND DEVELOPMENT ACT 2000, as amended.**

- **Section 48 Development Contributions**

Section 48 (13) (a) of the Planning and Development Act 2000, as amended, states inter alia that:

Notwithstanding sections 37 and 139, where an appeal received by the Board after the commencement of this section relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under section 37 of the decision of the planning authority under that section, the Board shall not determine the relevant application as if it had been made to it in the first instance, but shall determine only the matters under appeal.

5.2. **Local**

5.2.1. The Meath County Development Plan, 2021 to 2027, is the applicable plan at the time this report was completed.

5.3. **Other**

- 5.3.1. The terms of the Meath County Development Contribution Scheme, 2016 to 2021 (Effective 1st day of January, 2016, and as amended 1st day of October, 2018) are of relevance to this appeal case.

5.4. **Natural Heritage Designations**

- 5.4.1. The nearest European site to the appeal site lies to the west of it and is the River Boyne and River Blackwater SAC (Site Code: 002219). At its nearest point it has a lateral separation distance of c6.5km.

5.5. **EIA Screening**

- 5.5.1. This proposal consists of a modest in nature and scale development of essentially one residential dwelling unit and garage served by a proprietary wastewater treatment system together with its associated site development works. As such the proposed development will give rise to very limited environmental emissions subject to standard safeguards and appropriate required maintenance of the proprietary wastewater treatment system.
- 5.5.2. The site itself does not form part of nor is it near any European site. Moreover, there is no connectivity between it and the nearest European sites, i.e., the River Boyne & River Blackwater SAC (Site Codes: 002299). Having regard to the above, there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.5.3. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The grounds of this 1st Party Appeal can be summarised as follows:

- The appellant seeks the omission of the financial contributions attached under Conditions No.s 15, 16 and 17 of the Planning Authority's notification to grant permission.
- The proposed development relates to alterations and an extension to an existing house. This is clearly set out in the public notices.
- Section 7.1.2 of the Meath County Development Contribution Scheme, 2016 to 2021, states that domestic/residential extensions shall be exempt from development contributions.
- The terms of the scheme in this case have not been properly applied.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The appellants submission to the Board is noted.
- Reference is made to the current Meath County Development Contribution Scheme. In particular Section 5 and Section 7.
- The Board is requested to uphold the appealed conditions which the appellant seeks to be omitted.

6.3. Further Responses

6.3.1. First Party: A response dated the 24th day of August, 2021, raises no new issues.

7.0 Assessment

7.1. The current appeal case before the Board is made under Section 48(10)(b) of the Planning and Development Act, 2000, as amended. I have read the entire contents of the file and have had particular regard to the contents of the current financial contribution scheme adopted by Fingal County Council, the grounds of appeal and the response received from the Planning Authority.

7.2. I consider that the only question before the Board in this particular case is whether the terms of the applicable Development Contribution Scheme have been properly applied in this instance in terms of the imposition and the requirements of Condition No. 15,

16 and 17 of the Planning Authority's notification to grant planning permission and retention permission under application P.A. Ref. No. 21134.

- 7.3. I have set out previously in Section 3.1 of this report the details of Condition No. 15, 16 and 17 of the grant of permission. With Condition No. 15 essentially requiring the applicant/developer to pay to the Planning Authority a development contribution of €300.00, a sum of monies which it sets out in the accompanying reason is required in respect of the surface water drainage in the area of the Planning Authority and which is to be provided, or which is intended to be provided by, or on behalf of them, which would facilitate the proposed development; Condition No. 16 essentially requiring the applicant/developer to pay to the Planning Authority a development contribution of €3,300.00, a sum of monies which it sets out in the accompanying reason is required in respect of the provision of roads and public transport infrastructure in the area of the Planning Authority and which is to be provided, or which is intended to be provided by, or on behalf of them, which would facilitate the proposed development; and, Condition No. 17 essentially requiring the applicant/developer to pay to the Planning Authority a development contribution of €2,400.00, a sum which it sets out in the accompanying reason is required in respect of the provision of social infrastructure in the area of the Planning Authority and which is to be provided, or which is intended to be provided by, or on behalf of them, which would facilitate the proposed development, which would facilitate the proposed development.
- 7.4. I note from the documentation on file that the site does not benefit from a proprietary waste water treatment system and/or a potable water supply. This proposal seeks to provide a new connection to a private well and a new conventional septic tank alongside a soak pit to serve the proposed development.
- 7.5. From examination of the site, in particular the structure that is described in the public notices accompanying this application as an "existing house" this structure appears to be structurally unsound with breaches in the building envelope extending from the external walls into the interior walls; large structural cracks through to bows in the main wall envelope.
- 7.6. In addition, the part slate and part corrugated iron roof covering over similarly is not in a sound structural state of repair or condition. With breaches between the exterior

allowing for weather to ingress into the structure. There are no associated rain water guttering in place and no evidence of past presence of rain water goods.

- 7.7. The window and door openings show serious decay with a number of timber members that support these openings in poor states of structural integrity. The front door also is unsound and allows modest views into an interior that shows only signs of decades of abandonment from whatever its historic original use was and does appear to support its last use as being storage.
- 7.8. The front porch which accommodates the front door is structurally coming away from the main envelope of the structure. The roof over is unsound and is in part open to the elements.
- 7.9. From visual evidence it would appear that the main floor area present was last in use for agricultural storage. With this being facilitated by a large opening on the easternmost elevation of the building. The building is poorly dilapidated, and any functional habitable use appears to have been abandoned for decades prior to the making of this application.
- 7.10. The surrounding open space around this structure shows no evidence of any formal or informal semi-private or private amenity use.
- 7.11. These areas are overgrown and unkempt. There are no surviving pathways or driveways evident within this area that has overtime become naturally rewilded.
- 7.12. There is no evidence of any postal box and no evidence to support this structure or any of the buildings on this site to have an Eircode.
- 7.13. The entrance onto the public road serving the site and particularly this structure is overgrown showing no signs of recent or anything to substantiate it was used up to recent times to facilitate access and egress from a dwelling or otherwise.
- 7.14. The field boundaries, particularly the eastern boundaries of the site are porous and show evidence of access to the overgrown area to the east and north east of the group of structures that the "existing house" forms part of shows evidence of agricultural purposes access. It is within this area that the trial holes were dug. There is no evidence to suggest that this area was sundry open space serving residential use up to some recent point in time. Rather they appear to have been in agricultural use.

7.15. I am of the view that the documentation contained with this file, including that received by the Planning Authority's by the applicant in their further information response does not robustly demonstrate by way of any tangible evidence that this building meets the description provided for it in the public notices as an "existing house".

7.16. This building is not a Protected Structure nor are any of the buildings within its associated curtilage. It is listed in the National Inventory of Architectural Heritage as a building that dates to between 1880 to 1920, with its original use given as "farm house" and forms part of a group of buildings rated of regional importance and with its categories of special interest given as "Architectural" and "Technical" (Note: NIAH Ref. No. 14333011). Under its NIAH listing its description reads:

"Detached four-bay single-storey farmhouse, built c.1900, with central porch, now vacant. Pitched roof with slate to west end and corrugated-iron covering thatch to east end. Rendered rubble limestone and clay walls. Square-headed openings with stone sills. Timber door to porch, and timber battened double doors to east end. Three ranges of outbuildings to north-east with rubble limestone and clay walls, corrugated-iron roofs and square-headed openings."

Under its NIAH listing its appraisal reads:

"This farmhouse is an interesting example of the Irish vernacular building tradition. Readily available local materials such as clay, limestone and thatch were originally used to construct and roof the house and outbuildings. The house and related outbuildings make a positive contribution to the roadside and the surrounding area".

7.17. I further note that the NIAH carried out its inspection of the building and the adjoining buildings that form a courtyard on the 13th day of June, 2002, with five images available from this inspection available on its public domain. The relevant images are attached to file as part of the Photographic Appendix.

7.18. These show the subject building as described by the NIAH in a vacant state and in a poor state of repair with the window openings mainly containing no fixed windows. It is apparent from these images that the subject building has been abandoned and vacant for a considerable time prior to the NIAH inspecting it on the above stated date.

7.19. In terms of available public information on this building I note that in May, 2009, google captured street views of the building from the public domain of the R156. Views

towards the building show that further delapidation has occurred since the NIAH carried out their inspection. The relevant streetview image and its date capture are attached to file as part of the Photographic Appendix.

- 7.20. The latest streetview image of the building was captured in July, 2018, and views towards the building and its curtilage have become more obscured by the lack of upkeep with what is visible of the building showing further deterioration as well as the surrounding curtilage having become more overgrown. The relevant streetview image and its date capture are attached to file as part of the Photographic Appendix.
- 7.21. Information available from 2020 indicates that the building, its associated courtyard buildings and a modest parcel of land (1.27acre) appears to support that it was sold as Lot A with various descriptions given to this building including that it was in part a former coach house. There are also images available from the time of the sale which again shows that the building is delapidated and in a vacant state. An example of this press is attached as part of the Photographic Appendix.
- 7.22. From having carried out an inspection of the site, having examined the documentation available on file and having regard to publicly available information I am of the opinion that this building is a vacant and in terms of having any functional use as an actual 'habitable dwelling' that this use has been abandoned for a significant number of decades. It would appear from that any use in the intervening years related to it forming part of the farm related activities carried out as part of Clondoonagh House which it formed part of.
- 7.23. From the limited internal glimpses into what is purported to be an existing house in the documentation supporting this file this does not appear to be the case at all but rather it would appear that it is most likely abandoned and last used as outbuildings for storage for the farmstead of Clondoonagh House.
- 7.24. Moreover, it is probable since its purchase in 2020 that this last use ceased and hence the area around it has become increasingly overgrown. The sale of this area separate from Clondoonagh House established a new formal curtilage around this group of buildings and its associated spaces. With this being supported by the erection of some timber panel boundaries between the subject building and the larger farm buildings to the immediate north west.

7.25. In terms of the Planning Officer's report final report, I note that doubt was expressed to the buildings function being described as an 'existing house'.

7.26. In terms of applying Development Contributions the Planning Officer made reference to Section 6 of the Meath County Development Contribution Scheme, 2016 to 2021. This section of the scheme provides that the change of use of existing structures no longer attract contributions. Following on from this reference is then made to Section 7.1.2 of the said scheme which relates to residential development. It indicates that this provides for a *pro rata* exemption in the case of replacement dwellings but is silent on the contribution for the change of use/conversion of a building (agricultural or otherwise) to a dwelling house.

7.27. It indicates that having regard to these factors: *"it is considered that a reasonable approach is to apply a development contribution for the additional GFA provided. Q. 12 of the Planning Application Form indicates that the existing stone building has a GFA of 72sqm and the proposed extension will have a combined GFA of 166sq.m. The contribution application is therefore based on an additional GFA of 94 GFA of 94sqm i.e., €6,000 (<100sqm)."*

7.28. The sum of monies set out is based on the following calculation:

- *Surface Water Drainage* €300
- *Roads* €3,300
- *Social Infrastructure* €2,400

With this totalling €6,000.

7.29. The appellants in this case argue that as the proposed development relates to an "existing house" and an extension to an "existing house" that no Section 48 contributions are applicable under the above stated scheme.

7.30. They therefore request that the Board omit Condition No.s 15, 16 and 17 from the Planning Authority's notification to grant permission on the basis of Section 7.1.2 of the said scheme states that domestic/residential extensions shall be exempt from Development Contributions.

7.31. In this regard I note that Section 2 of the Planning & Development Act, 2000, as amended states that a:

“habitable house” means a house –

(a) is used as a dwelling,

(b) is not in use when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied”.

In addition, it gives the following meaning:

- for a “house”:

“a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building”.

7.32. Given the meanings provided for ‘habitable house’ and ‘house’ together with the above considerations I consider that the subject building does not meet the legislative planning definition of a habitable house.

7.33. In relation to the meaning of derelict, I note that the subject building is not subject to any dereliction sites notice or otherwise.

7.34. I note that the Collins Dictionary defines ‘derelict building’ as *“a place or building that is derelict is empty and in a bad state of repair because it has not been used or lived in for a long time”.*

7.35. Further it defines an ‘abandoned building’ as *“a building that is unoccupied and in a state of grave disrepair”.*

7.36. In relation to the said scheme, I note that Section 7.1.2 of the said scheme, which deals with the matter of residential development, and which the appellant in this case based their contention that the proposed development sought by them does not give rise to the payment of any Section 48 financial contribution, states that:

- *“change of use from existing permitted residential use to alternative non-residential use shall be exempt where developments have been paid in full for the existing use”.*

This is not applicable as the proposed development based on the above considerations and evidence does not relate to an existing permitted residential use and it does not relate to a change of use to alternative residential use.

- *“development by or on behalf of a voluntary organisation designed or intended to be used as a hostel, or other accommodation for persons with disabilities and is not to be used mainly for profit of gain shall be exempt”.*

This is not applicable on the basis that this development is not being made by or on behalf of a voluntary organisation.

- *Social housing units, including those which are provided in accordance with an agreement made under Part V of the Act or which are provided by a voluntary or co-operative housing association, which is recognised as such by the Planning Authority or units provided by the Local Authority itself shall be exempt. This exemption shall also apply to dwellings constructed on serviced sites sold by the Local Authority under the Low Cost Sites Scheme.*

This is not applicable on the basis that it does not relate to social housing.

- *In the case of a replacement house, a pro rata exemption shall be applied as follows: the floor area of the replacement (new) dwelling shall be calculated in accordance with the Meath County Development Contribution Scheme 2016 - 2021. The floor area of the dwelling to be replaced (existing) shall be calculated as a percentage of the replacement (new) dwelling and this percentage shall be deemed exempt from development contributions.*

This is not applicable given that no replacement house is being proposed.

- Domestic / residential extensions shall be exempt.

This is not applicable given that there is no evidence to support that the proposed development relates to a functional habitable dwelling or a structure that has been shown to be used as a functional habitable dwelling in recent times or indeed decades.

- *Derelict sites/sites in need of regeneration with Derelict Site Notices having being served (up to a maximum of 2 notices being served) - 50% reduction shall apply.*

Despite this building and the buildings within its curtilage appearing to be in a derelict state there is no evidence that derelict notices have been issued for it. Therefore, this exemption is not applicable.

- *Rural Areas/Outside Plan Boundaries - Derelict sites and sites in need of regeneration at the discretion of Planning Authority - 25% reduction shall apply.*

Arguably this application relates to a derelict site in a rural area and outside of plan boundaries that is in need of regeneration in order to safeguard a building rated as being of regional importance under the NIAH inventory under NIAH Ref. No. 14333011. Therefore, in such circumstances there is a discretion on the Planning Authority and, in these circumstances the Board on appeal, to apply the stated reduction.

- *Developments in Architectural Conservation Areas as identified in the relevant Development Plan or Local Area Plan - 25% reduction shall apply.*

This is not applicable given that the site and the proposed development does not relate to an Architectural Conservation Area identified in the Development Plan or any other Local Area Plan.

- 7.37. These are all the listed exemptions set out under Section 7.1.2 of the said scheme.
- 7.38. I note that Section 7.1.3 of the said scheme in relation to changes of use of non-residential development changes of use from existing permitted non-residential uses to residential or alternative non-residential uses (Classes 1 to 5) are exempt where development contributions have been paid in full for the existing use. Though the building appears to have been last use for agricultural storage there is no evidence to suggest that this was a permitted non-residential use where development contributions had been paid in full for the existing use. Therefore, this exemption is not applicable.
- 7.39. However, Section 7.1.3 of the said scheme sets out a similar reduction as Section 7.1.2 for derelict sites and sites in need of regeneration in rural areas/outside plan boundaries in need of regeneration. Also allowing for a 25% reduction at the discretion of the Planning Authority. This I consider to exemption to not be applicable to the proposed development given that the nature of the land use dealt with under Section 7.1.3 is non-residential in nature.
- 7.40. In relation the built heritage merit of this building this is recognised by its inclusion in the NIAH register. But the subject building and the group it forms part of are not afforded specific protection as a designated Protected Structure under the Record of Protected Structures that accompanies the current Development Plan. Therefore, the exemption from the payment of contributions under Section 7.1.4 is not applicable in this case.

7.41. Section 7 of the said scheme sets out the applicable characters in respect of public infrastructure and facilities. These are set out in Table 1 below in relation to residential development per individual unit:

Table 1

(Source: Extract from the Meath County Development Contribution Scheme, 2016-2021)

Category of Development	Floor Area (rounded to the nearest m ²)	Contribution
Residential Development (per individual unit)		
	< 100 sq. m.	€6,000
	100 - 140 sq. m.	€6,500
	141 - 200 sq. m.	€7,500
	201 - 300 sq m	€9,000
	> 300 sq. m.	€11,000

7.42. The accompanying planning application form under Question 12 sets out a gross floor space of any existing buildings as 72m² and the gross floor area of proposed works as 94m². No demolition of existing gross floor space is indicated. This totals to 166m². Therefore, having regard to Table 1 above €7,500 is the applicable contribution. With this sum broken down as per Section 6.1 of the said scheme.

Table 2

(Extract from the Meath County Development Contribution Scheme, 2016-2021).

Development Class	Residential	Non - Residential
Class 1 – Surface Water Drainage	5%	3%
Class 2 – Roads	55%	74%
Class 3 – Social Infrastructure	40%	23%
TOTAL	100%	100%

7.43. Given that the subject building is of recognised built heritage merit it would be appropriate to apply the allowable 25% reduction to the Development Contributions applicable to the proposed development based on this recognition with its listing under the NIAH together with its derelict condition and its location in a rural area outside of settlement. It also deemed reasonable and appropriate that future occupants who

benefit from the public infrastructure and facilities pay the appropriate contribution towards the same as provided for under the said scheme. Therefore, the applicable reduction would be a sum of €1,875 thus reducing the total contribution payable to €5,625. With this sum of monies based on the following calculation:

- *Surface Water Drainage* €281.25
- *Roads* €3,093.75
- *Social Infrastructure* €2,250

With this totalling €5,625.

7.44. Conclusion

7.44.1. Based on the above considerations I consider that the Condition No. 15, 16 and 17 should be revised on the basis that the scheme has not been properly applied in this case and the applicable exemption to the proposed development. As such the exemption provided for under Section 7.1.2 is applicable and this is reinforced by Section 2 of the said scheme which sets out the rationale for development contributions as follows:

“When new development occurs it impacts on the capacity of existing infrastructure networks. Such development places a greater demand on the services that Meath County Council provides. It is considered equitable that developers contribute to the financial burden associated with the provision of enhances infrastructure networks facilitating new development. However, the Development Contribution Scheme ensures that the cost of infrastructural improvements does not fall disproportionately on new development and takes account of benefit to existing development.”

In this regard I consider the exemption provided for under Section 7.1.2 as set out above takes reasonable and appropriate account of benefit to existing development based on the provisions of the scheme.

Moreover, the regeneration of such derelict vernacular buildings is supported under the Meath County Development Plan, 2021 to 2027, the applicable report at the time this report was completed, through policies including but not limited to RUR POL 49, RUR POL 50 and RUR POL 54.

8.0 **Appropriate Assessment**

- 8.1. Having regard to nature and scale of the proposal, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

- 9.1. Having read the submissions on file, had due regard to the provisions of the Development Plan, the applicable Development Contribution Scheme and all other matters arising, I recommend that the planning authority be directed under Subsection (10) (b) of Section 48 of the Planning and Development Act, 2000, as amended, to **revise** the said Condition No. 15, 16 and 17 for the following reasons and considerations stated.

10.0 **Reasons and Considerations**

Having regard to:

- (a) The Meath County Development Contribution Scheme 2016 - 21 which was made under Section 48 of the Planning & Development Act, 2000, and as became effective on the 1st day of January, 2016, and as amended on the 1st day of October, 2018.
- (b) The nature, scale and extent of the development sought and permitted under P.A. Ref. No. 21134 on the 23rd day of June, 2021.
- (c) An inspection of the site and the buildings thereon.
- (d) An examination of the planning history.
- (e) An examination of public resources.
- (f) Section 2 of the Planning & Development Act, 2000, as amended, which sets out the definition of 'habitable house' and 'house'.

- (g) The lack of evidence to support the proposed development relates to an “existing house” or that supports that the functional use of this building as a “habitable” dwelling has not been abandoned in recent times.
- (h) The buildings lack of basic infrastructure and utilities to have supported its use as a ‘habitable’ dwelling in modern times.
- (i) The accepted meanings given to the terms ‘derelict’ and ‘abandoned’ in architecture in relation to buildings.
- (j) The fact that Section 2 of the Meath County Development Contribution Scheme specifically 2016 – 2021 sets out that new development occurs it impacts on the capacity of existing infrastructure networks. Such development places a greater demand on the services that Meath County Council provides. It is considered equitable that developers contribute to the financial burden associated with the provision of enhances infrastructure networks facilitating new development.
- (k) Section 2 of the Meath County Development Contribution Scheme 2016 – 2017 sets out to ensure that the cost of infrastructural improvements does not fall disproportionately on new development and takes account of benefit to existing development.
- (l) Section 7.1.2 of the Meath County Development Contribution Scheme 2016 – 2017 sets out in rural areas/outside of plan boundaries that derelict sites and sites in need of regeneration at the discretion of Planning Authority - 25% reduction shall apply. Given that the building is listed in the NIAH register under NIAH Ref. No. 14333011, is rated by the NIAH as of ‘regional’ importance, with its categories of special interest being identified as ‘Architectural’ and ‘Technical’, it is reasonable that its derelict state for which it is proposed to be reversed by way of this application be subject to this 25% reduction.
- (m) The general support set out under the Meath County Development Plan, 2021 - 2027 for the retention, sympathetic maintenance, and appropriate re-use of the vernacular heritage of Meath within its settlements and within its rural areas. In particular under Section 9.12, RUR POL 49, RUR POL 50 and RUR POL 54.

The Board having considered the terms of the applicable Development Contribution Scheme with respect to the contributions set out under Condition No. 15, 16 and 17 of the Planning Authority's notification to grant permission under P.A. Ref. No. 310742 is of the view that the Planning Authority have incorrectly interpreted and applied their scheme towards public infrastructure and facilities benefiting development in the area of the Planning Authority under each of these conditions.

Therefore, the Board requires the Planning Authority amend Condition No.s 15, 16 and 17 of their Notification to grant permission to read as follows:

Condition No. 15

The developer shall pay the sum of **€281.25** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision of surface water drainage infrastructure by the Council benefitting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such surface water drainage in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

Condition No. 16

The developer shall pay the sum of **€3,093.75** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefitting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

Condition No. 17

The developer shall pay the sum of **€2,250.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities, and landscaping works) by the Council benefitting development in the area of the Authority, as provided for in the provisions of Section 48 of the Planning & Development Act 2000 (as amended). Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the

commencement of development. The above sum shall apply until 31st December 2021 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such social infrastructure in the area by the Council will facilitate the proposed development, it is considered reasonable that the developer should contribute towards the cost of providing these services.

Patricia-Marie Young
Planning Inspector

7th day of November, 2021.