



An
Bord
Pleanála

Inspector's Report ABP-313850-22

Development

Construction of a new two storey office building and extension of existing Kilsaran Concrete showroom and office building to create new corporate headquarters. All associated site works.

Location

Piercetown, Dunboyne, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

22392

Applicant(s)

Kilsaran Concrete.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

First Party

Appellant(s)

Kilsaran Concrete.

Observer(s)

No Observers.

Date of Site Inspection

10th January 2024.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.1 hectares and is located within the Kilsaran campus at Piercetown, to the northwest of Dunboyne, Co. Meath. A mix of uses are carried out within the campus, including manufacturing, distribution, office and retail. The application relates to the office use within the site. On the occasion of the site inspection, the site was under development and was closed to the public.
- 1.2. Access to the site is from the L5026 local road, which runs along the southern site boundary. The R147 is directly to the west of the site with the M3 beyond this again. Lands to the west, north and east are predominantly agricultural in nature, apart from the MSD Biologics campus which is located on the adjoining site to the north. To the south the site is bounded by the L5026 local road, which is mainly residential in character with dispersed rural housing in place along the road. The retail development of Avoca Dunboyne is also located on the L5026 to the south of the site.
- 1.3. The closest bus stop to the site is located outside the entrance to the MSD campus, approximately 1km to the north of the main entrance to the subject site. The M3 Parkway train station is located approximately 1.5km to the south-west of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a new two storey office building and extension of existing Kilsaran Concrete showroom to create a new corporate headquarters.
- 2.2. The new office building would be 2,618 sqm and would be positioned in the north-west corner of the site. An additional 43 car parking spaces and 20 bicycle spaces would be provided for the office accommodation.
- 2.3. A single storey, standalone showroom of 190 sqm would be constructed on the south-eastern part of the site and would comprise display space, offices and staff facilities. An additional 19 car parking spaces and 2 bicycle spaces would be provided for the showroom.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission was granted by the PA subject to 14 planning conditions which were mainly standard in nature.

- Condition No. 7 requires the developer to construct a footpath along the site boundaries as follows,

The Applicant/Developer shall construct a new 2-metre-wide concrete footpath along the Southern and Western boundaries of the site running along the L-5026 and R-147 respectively. The design, layout and extent of the footpath shall be agreed with the Transportation Department of Meath County Council prior to the commencement of development.

Reason: *In the interests of pedestrian safety and the proper planning and sustainable development of the area. (TRANSPORTATION).*

- Condition No. 14 relates to a Special Contribution and states the following,

In accordance with Section 48(2)(c) of Planning and Development Acts 2000 to 2021 and related to Planning Condition 07 above, the applicant is advised that a special levy of €140,000 will be applied as a contribution towards the construction of footpaths and pedestrian crossings to link the proposed development to the M3 Parkway Train Station. This levy will help to construct approximately 2 kilometres of footpath linking that proposed development to the M3 Parkway Train Station. These works will include but are not limited to,

- Digging out of grass verge*
- Construction of a 2m wide footpath*
- Provision of road drainage along the new footpath*
- Provision of public lighting along the new footpath*
- The relocation of services*
- Traffic management to facilitate the works.*

Reason: *in the interests of pedestrian safety and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority, (PA), was informed by the report of the Planning Officer, (PO), dated the 24th of May 2022. The report of the PO noted the following,

- The subject site is zoned objective E2 – General Enterprise and Employment in the Dunboyne / Clonee / Pace Written Statement in the Meath County Development Plan 2021 – 2027.
- Office use is open for consideration under the E2 zoning but is limited to Offices of 100-1000sqm. The existing and proposed development would have a combined floor area of 3,152sqm and as such is a ‘non-conforming use’.
- The PO considered the proposal to be acceptable based on the E2 zoning of the site, the established use on the site, the surrounding lands which form part of the applicant’s landholding, the office use which is ancillary to the manufacturing use on the site, and the nature and scale of the proposed development.
- The design, siting and layout of the reconfigured and extended building and stand-alone showroom are acceptable.
- The proposed development is an extension to an existing, permitted business and as per the Meath Development Contribution Scheme 2016, is exempt from Standard Development Contributions. The PO considers that a Special Development Levy is applicable to the proposed development in accordance with the recommendation of the Transportation Department.

3.2.2. Other Technical Reports

- **Transportation Department** – The report includes references to the lack of connections between the site and the closest public transport options. A bus stop is located on the R-147 approximately 1.1km to the northwest of the site but does not have a footpath connecting it. The M3 Parkway Train Station is approximately 2km from the development but has no infrastructure connecting the site. The report recommends that planning conditions be attached that require the developer to construct a new 2m wide footpath along the southern and western boundaries of the site, running along the L-5026 and the R-147. It is also recommended that a Special Contribution of €140,000 is applied under Section 48(2)(c) of the Planning and Development Act towards the construction of pedestrian and cycle links between the site and the M3 Parkway Train Station.
- **Transportation Department – Bracetown Link Road Project Team** – No observations.
- **Environment Department** – No objections regarding flood risk.
- **Fire Department** – No objection.
- **Public Lighting** – No objection.
- **Water Services** – No objection.

3.3. Prescribed Bodies

- **Uisce Éireann** – No objection.
- **Irish Aviation Authority** – No objection.
- **Health and Safety Authority** - No comments.
- **Dublin Airport Authority** – No comments.

3.4. Third Party Observations

- No observers.

4.0 Planning History

- 4.1. There is an extensive planning history for the site. The most recent applications are listed below.

22/236 – Planning permission granted on the 14th of April 2022 for a new extension (max 8m high with a gross floor area of 430m²) to the northern and eastern elevations of an existing factory building (previously permitted under Reg Ref 84/115) used for the manufacture of concrete products and all ancillary works.

RA/180038 – Planning permission granted on the 24th of May 2018 for the development of a Factory Building (maximum height 10.8m with Gross Floor Area of 3,840 square metres) used for the manufacture of concrete products, 3 No. Cement Silos (maximum height 13.5m), 8 No. covered Aggregate Storage Bays split into two structures (maximum height 7m each) with associated ancillary infrastructure comprising a paved Product Storage Area and Perimeter Screening Mound (approximately 6m high).

Note - Condition No. 13 of this permission requires the developer to pay a sum of €45,000 as a contribution to the works required to improve the local junction with the R147 in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act.

RA/150187 – Planning permission granted on the 14th of April 2015 for a building to be used for packaging concrete products manufactured at the site with a gross floor area of 304 square metres and a maximum height of 7m.

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027

The operative Development Plan is the Meath County Development Plan 2021-2027.

The subject site is zoned objective E2 – General Enterprise and Employment and is located within the boundary of the Dunboyne / Clonee / Pace settlement.

A Written Statement for the development of Dunboyne / Clonee / Pace is contained in Volume 2 of the Development Plan and includes the following objectives -

- Section 5 - Land Use Strategy – the strategy for the development of the area is to promote the area as a location for employment generating uses with an integrated approach to transport and land use policy. This is to ensure that investment is concentrated on strategic employment and residential lands along the M3 Parkway Commuter rail line.

Movement Objectives -

- DCE OBJ 15 - To facilitate the development of a pedestrian link over the M3 to support the development of employment lands to the north of Dunboyne.
- DCE OBJ 22 – To support and facilitate the delivery of the transport infrastructure and measures set out in the Dunboyne and Environs Transportation Study.

5.2. **Meath County Council Development Contribution Scheme 2024-2029**

- 5.3. At the time of the decision of the PA, the Meath County Council Development Contribution Scheme 2016-2022 was in place. Since the decision was made this scheme has been replaced by the Meath County Council Development Contribution Scheme 2024-2029. I have reviewed the contents of both schemes and the sections of the 2016 scheme which relate to the subject appeal have been carried forward into the 2024 scheme. The following sections of the Development Contribution Scheme are relevant to the subject appeal.

Section 3.2 – Special Development Contributions

A special contribution shall be applied to a planning permission where it is considered that the development (or part thereof) is exceptional and / or different based on the nature, scale, extent, intensification or unforeseen impact(s) as a result of the construction or operation of the development, and as such would not be covered by the projects listed under Appendix A, (as per Section 48 of the Planning Act).

- **Section 7 – Exemptions and Reduced Contributions**

Expansions to existing authorised commercial, industrial and manufacturing operations (Class 1-5) shall be exempt where development contributions have been

paid in full for the existing use. Where the Planning Authority deems that additional public infrastructure is required to facilitate the development a Special Development Contribution may apply.

- **Appendix A – The Projects**

The list of projects which may benefit from development contributions include –

- Public Lighting
- Design and implementation of Active Travel and Public Realm Projects
- Footpath Improvement Schemes
- Improved Pedestrian Linkages

5.4. Development Management Guidelines for Planning Authorities (2007)

- A 'special' contribution may be imposed on a development under Section 48(2)(c) of the Planning and Development Act where exceptional costs are incurred by the local authority and are not covered by a Development Contribution Scheme.
- A condition requiring a special contribution must be amenable to implementation under the terms of Section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.
- Circumstances that may warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it.
- Where the benefit deriving from the particular infrastructure or facility is more widespread, (e.g. extends to other lands in the vicinity), consideration should be given to adopting a revised Development Contribution Scheme or adopting

a separate development contribution scheme for the relevant geographical area.

5.5. Development Contributions – Guidelines for Planning Authorities, 2013

Planning Authorities and An Bord Pleanála are required to have regard to these Section 28 guidelines in the performance of their functions under the Planning Acts. The primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed.

5.6. OPR Practice Note PN03 – Planning Conditions

3.16 – Conditions Requiring Financial Contributions or Ceding of Lands

Special development contributions are provided for in Section 48 (2)(c) of the 2000 Act for specific works which benefit the individual development. These relate to costs associated with works that are not covered by the planning authority's Development Contribution Scheme. Any works in respect of which the special contribution is being levied must be specified in the condition.

5.7. Planning and Development Act 2000 (as amended)

Section 48(2)(c) - A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

Section 48(12) - Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply -

- (a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,
- (b) where the works in question—

- (i) are not commenced within 5 years of the date of payment to the authority of the contribution,
- (ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution, or
- (iii) where the local authority decides not to proceed with the proposed works or part thereof.

the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,

(c) where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out.

(13) (a) 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.

5.32. Natural Heritage Designations

- No designations apply to the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal relate to Conditions No. 14 and No. 7 of the notification of decision of the PA.
- 6.1.2. Condition No. 7 states the following,

The Applicant/Developer shall construct a new 2-metre-wide concrete footpath along the Southern and Western boundaries of the site running along the L-5026 and R-147 respectively. The design, layout and extent of the footpath shall be agreed with the Transportation Department of Meath County Council prior to the commencement of development.

Reason: *In the interests of pedestrian safety and the proper planning and sustainable development of the area. (TRANSPORTATION).*

6.1.3. Condition No. 14 states the following,

In accordance with Section 48(2)(c) of Planning and Development Acts 2000 to 2021 and related to Planning Condition 07 above, the applicant is advised that a special levy of €140,000 will be applied as a contribution towards the construction of footpaths and pedestrian crossings to link the proposed development to the M3 Parkway Train Station. This levy will help to construct approximately 2 kilometres of footpath linking that proposed development to the M3 Parkway Train Station. These works will include but are not limited to,

- i. Digging out of grass verge*
- ii. Construction of a 2m wide footpath*
- iii. Provision of road drainage along the new footpath*
- iv. Provision of public lighting along the new footpath*
- v. The relocation of services*
- vi. Traffic management to facilitate the works.*

Reason: *in the interests of pedestrian safety and the proper planning and sustainable development of the area.*

6.1.4. The grounds of appeal include the following,

- Condition No. 14 does not provide any estimate of the total cost of the construction of the 2km of footpath and pedestrian crossing and states that it will merely help to construct the link to the M3 Parkway Train Station. Therefore it is not possible to gauge whether the amount of 140,000 is a fair contribution or not.

- The wording of the condition is also non-specific as it relates to 2km of footpath and does not state whether this is for both sides of the road or just one. The phrase 'not limited to' points to other works that are specified which is in contravention of Section 48(12)(a) of the Planning Acts.
- Condition No. 14 fails to comply with Section 7.12 of the Development Management Guidelines (2007) which states that for such a condition to be attached, it is essential that the basis for the calculation is explained in the planning decision.
- In the absence of clarity regarding the calculation of the levy and the scope of works required, the provisions of Section 48(12)(b) of the Act cannot be applied, which allows for a reimbursement if the works are not carried out.
- Condition No. 7 requires the developer to construct 600m of footpath, which could amount to double charging.

6.2. Planning Authority Response

A response was received from the PA on the 19th of July 2022 and includes the following,

- The PA considers the Dunboyne and Environs Transportation Study to be of relevance to the appeal. References to subject site and the lack of existing connectivity / linkages is of particular relevance.
- The application documentation submits that the use of public transport, including the M3 Parkway Train Station, should be utilised by construction workers and employees to reduce the demand for parking on the site. However the necessary infrastructure to allow safe pedestrian and cycle movements is not in place.
- The Meath County Development Contribution Scheme 2016-2021 does not include funding for the construction of the required infrastructure. Therefore the payment of a payment of a special contribution is a specific, exceptional cost which is not covered by the scheme.

- It is anticipated that the infrastructure to the M3 Parkway Train Station will be delivered in tandem with the development of the surrounding E2 – General Enterprise and Employment Lands.
- Information submitted with the application indicates that there may be a shortfall in the car parking provision, should all staff members drive to work, which would necessitate the use of public transport. The Mobility Management Plan seeks to encourage the use of public transport, as does the Outline Construction Stage Traffic Management Plan.
- As the infrastructure is development driven, the costs of its construction should be distributed between all the owners of adjacent lands who would benefit from the works. The amount payable by any landowner is calculated based on the area of land within their ownership as a percentage of the total area of zoned land.
- The total area of E2 zoned land is 20.37ha, of which Kilsaran occupy 20.37ha, which translates to approximately 29%.
- The PA estimates that the cost to deliver 2km of infrastructure would be in the order of €475,000. This amount was based on the cost of similar type construction projects and a full list of the costs is provided in the correspondence. The amount of €140,000 represents 29% of the total cost.
- The special levy is a contribution towards the cost of providing the necessary footpaths and pedestrian crossings between the proposed development and the M3 Parkway Train Station. These works are on lands outside the site boundary and are not in the control of the applicant. The PA intends to complete these works following payment of the special levy.
- Condition No. 7 requires the applicant to construct a new footpath along the boundary of the site. This footpath is within the control of the applicant and will facilitate safe access to the local bus stop. It is entirely different to the works to be facilitated by the special levy. Therefore, there is no double charging as suggested in the appeal.

6.3. Observations

- No observers.

6.4. Further Responses

6.4.1. A further response was received from the applicant on the 11th of August 2022 and includes the following,

- The Mobility Management Plan clearly states that it should be considered as a dynamic process where a package of measures is identified, piloted, and monitored on an ongoing basis. The nature of the Plan therefore changes during its implementation.
- The larger Kilsaran site at Piercetown has an additional 139 marked car parking spaces which can facilitate any overflow at the office car park both during and after the construction phase.
- In the unlikely event that construction traffic needs to use the M3 Parkway car park, Kilsaran will provide a shuttle bus service.
- The provision of the Condition No. 7 footpath will give access to the bus network. The M3 Parkway car park is park and ride facility that is principally used by commuters to Dublin from the south Meath hinterland and not the other way around.
- Putting aside their position that the proposed development will not benefit from the M3 Parkway so should not be liable for a contribution to provide access to it, the applicant is of the opinion that the basis for the PA's calculation is factually incorrect.
- The PA states that the M3 Parkway is 2km from the subject site. However the applicant states that the actual distance to the Parkway, via an existing pedestrian underpass, is c. 1,150m. Furthermore, this route also has pedestrian pavements part of the way over the M3 interchange.
- The applicant estimates that 760m of new pavement, plus one pedestrian crossing, should form the basis of the PA's calculation. On a pro rata basis,

using a linear distance of 760m instead of 2,000m, the resultant contribution should be 38% of €140,000, which is €53,000.

- Section 48(2)(c) provides for the payment of a special contribution where specific exceptional costs are incurred by the Local Authority, that are not covered by the general Development Contribution Scheme. Crucially, the infrastructure or facilities must be of benefit to the proposed development. The applicant is of the opinion that the works to be carried out by the PA will not be of benefit to the proposed development.

7.0 Assessment

7.1. This is a first-party appeal against Condition No. 14 attached to the Planning Authority's notification of decision to grant permission. Condition No. 14 relates to a Section 48(2)(c) development contribution only and is not subject to any other appeal. Under the provision of Section 48(13)(a) of the Planning and Development Act 2000 (as amended), hereinafter referred to as the Act, the Board should consider only the matters under appeal and should not determine the relevant application as it had been made to it in the first instance.

7.2. Condition No. 14 states the following –

In accordance with Section 48(2)(c) of Planning and Development Acts 2000 to 2021 and related to Planning Condition 07 above, the applicant is advised that a special levy of €140,000 will be applied as a contribution towards the construction of footpaths and pedestrian crossings to link the proposed development to the M3 Parkway Train Station. This levy will help to construct approximately 2 kilometres of footpath linking that proposed development to the M3 Parkway Train Station. These works will include but are not limited to,

- Digging out of grass verge*
- Construction of a 2m wide footpath*
- Provision of road drainage along the new footpath*
- Provision of public lighting along the new footpath*

- v. *The relocation of services*
- vi. *Traffic management to facilitate the works.*

Reason: *in the interests of pedestrian safety and the proper planning and sustainable development of the area.*

- 7.3. The grounds of appeal also reference Condition No. 7. The applicant is of the opinion that the application of Condition No. 7 and Condition No. 14 could relate to double charging. Condition No. 7 requires the developer to construct a footpath as follows,

The Applicant/Developer shall construct a new 2-metre-wide concrete footpath along the Southern and Western boundaries of the site running along the L-5026 and R-147 respectively. The design, layout and extent of the footpath shall be agreed with the Transportation Department of Meath County Council prior to the commencement of development.

Reason: *In the interests of pedestrian safety and the proper planning and sustainable development of the area. (TRANSPORTATION).*

- 7.4. The grounds of appeal argue that Condition No. 14 does not comply with the requirements of Section 48(2)(c) as the wording 'not limited to' infers the inclusion of additional non-specified works which is not in accordance with Section 48(12)(a). The location and extent of the works are also non-specific. It is also argued that Condition No. 14 fails to comply with Section 7.12 of the Development Management Guidelines (2007) as no explanation is given as to how the figure of €140,000 was calculated. Without clarity of detail required by Section 48(12)(a) of the Act, a reimbursement under Section 48(12)(b) cannot be made. The applicant is also of the opinion that the stated 2km length is incorrect as the route to the M3 Parkway station has a footpath along some sections already. Should the Board consider the special contribution to be appropriate, that the actual length of new infrastructure would be in the order of 700m rather than 2 km.
- 7.5. In their response to the grounds of appeal the PA stated that the infrastructure required to provide safe pedestrian and cycle access to the M3 Parkway train station and nearby bus stops was not in place, and the Meath County Development Contribution Scheme does not include funding for same. Therefore the delivery of

the infrastructure is a specific and exceptional cost. The response also outlined the methodology applied to calculate the figure stated. A list of the works required to deliver c. 2km of the required infrastructure was provide by the PA along with an estimate of the total cost of the works, (€475,000), based on similar construction projects at the time of the application. The total figure was then divided on a pro rata basis, between all landowners within the E2 zoned lands with the amount to be levied expressed as a percentage of the total zoned lands within the applicant's ownership. The subject landholding represents 29% of the total zoned land which would equate to €140,000.

- 7.6. The PA's response also clarifies that Condition No. 7 does not represent a duplication of works or double charging as it relates to a different footpath. Condition No. 7 requires the applicant to construct a new footpath along the southern and western site boundaries. These lands are within the control of the applicant and the footpath would facilitate safe access to the local bus stop.
- 7.7. I note that the applicant has not objected to, or appealed Condition No. 7. This condition is mentioned only in terms of the potential for double charging with respect to Condition No. 14. Having reviewed the response of the PA, I am satisfied that the footpath required under Condition No. 7 is entirely separate to that referred to in Condition No. 14. As per the PA's response, this footpath is on lands within the ownership of the applicant and can be delivered. Therefore, I am satisfied that, with regard to Condition No. 14, the requirements of Condition No. 7 would not amount to double charging.
- 7.8. In terms of the application of the Section 48(2)(c), the sub-section allows for the provision of a special contribution in respect of,
- (a) a particular development, in circumstances where,*
 - (b) specific exceptional costs are incurred, and where,*
 - (c) these costs are not covered by a scheme made under this section.*
- 7.9. Regarding the wording of the condition, the Development Management Guidelines for Planning Authorities (2007) states that a condition requiring a special contribution under the terms of Section 48(12) of the Planning Act should explain the basis for the calculation of the contribution in the planning decision. This means that it will be

necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. I am satisfied that the scope of works has been identified but the details are lacking. The exact location of where this infrastructure would be installed, and how the connection would be made has not been provided.

- 7.10. The expenditure involved, the basis for the calculation and how it is apportioned to the development was not included in the planning decision or in the wording of the condition. This was addressed in the PA's response to the appeal and details were provided regarding how the figure of €140,000 was calculated and how it was apportioned to the proposed development. Whilst I accept the basis of the calculation and how it was attributed, I am not satisfied that the content of the planning decision and the wording of the condition complies with the requirements set out in the Development Management Guidelines, (2007). In the absence of specific details, it would be difficult to apply the provisions of Section 48(12) should that circumstance arise.
- 7.11. The delivery of pedestrian and cycle infrastructure to the wider E2 lands would benefit not only the subject site but also the other lands within the zoning. Therefore, the infrastructure is not specific to the development. Furthermore the proposal is an extension to existing uses on the site and as such the development is not dependent on the infrastructure to operate. On this basis I do not consider that the development would directly incur costs because of, or in order to facilitate, the development in question and that are properly attributable to it. The delivery of pedestrian and cycle infrastructure on lands outside of the control of the applicant does not represent a specific exceptional cost that has been incurred by the development.
- 7.12. I am also satisfied that the infrastructure subject to Condition No. 14 is covered in the Meath County Development Contribution Scheme 2024-2029 which was prepared under Section 48 of the Planning Act. Section 3.2 of the Scheme states that, '*A special contribution shall be applied to a planning permission where it is considered that the development (or part thereof) is exceptional and / or different based on the nature, scale, extent, intensification or unforeseen impact(s) as a result of the construction or operation of the development, and as such would not be covered by the projects listed under Appendix A*'. Projects listed in Appendix A include,

- Public Lighting
- Design and implementation of Active Travel and Public Realm Projects,
- Footpath Improvement Schemes and
- Improved Pedestrian Linkages.

7.13. On this basis, I consider that the infrastructure works required to connect the E2 lands and the subject site, are included in the standard contribution scheme and that the application of a special contribution to fund their delivery would amount to double charging.

7.14. With reference to the criteria of Section 48(2)(c), a special contribution for the delivery of pedestrian and cycle infrastructure to connect with the M3 Parkway Train Station would not be appropriate. The costs incurred are not exceptional insofar as they relate to the development proposal, which is an extension to a business that is already in operation, and the works outlined in Condition No.14 are already covered in the Meath County Development Contribution Scheme 2024-2029, which was prepared in accordance with Section 48 of the Planning and Development Act 2000, (as amended).

8.0 Recommendation

8.1. I recommend that Condition No. 14 is removed.

9.0 Reasons and Considerations

Having regard to the nature of the condition which is the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended:

To **REMOVE** Condition No. 14 for the reasons and considerations hereunder:

Reasons and Considerations

It is considered that Condition No. 14 is not in accordance with the requirements of Section 48(2)(c) of the Planning and Development Act as the development referenced in the condition is not exceptional or specific to the proposed development and that the works listed in Condition No. 14 are covered by the Meath County Development Contribution Scheme 2024-2029, which was prepared in accordance with Section 48 of the Planning and Development Act 2000, (as amended).

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Sullivan
Planning Inspector

15th January 2024.