



An
Bord
Pleanála

Inspector's Report ABP320787-24 (Section 48 Appeal)

Development	Continuance of operation of existing permitted quarry
Location	Heronstown, Lobinstown, Navan, Co Meath
Planning Authority	Meath Council
Planning Authority Reg. Ref.	2460038
Applicant(s)	Breedon Material Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v Conditions 12, 13 and 14 (Financial Contributions)
Appellant(s)	Breedon Material Ltd
Observer(s)	John and Anne White
Date of Site Inspection	N/A
Inspector	Leah Kenny

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1.0 Site Location and Description

The subject site is an operational quarry located in the townland of Heronstown, along the northern side of the L1603 that links the N51 Slane to Navan and N52 Ardee to Kells roads.

2.0 Proposed Development

The proposed development is for the continuance of operation (for 20 years) of the existing permitted quarry and associated infrastructure permitted under ABP Ref. 17.QD.0017; P.A. Ref. LB200106 & ABP Ref. 309109-21.

An extraction capacity of up to 300,000 tonnes per annum is proposed by extending the extraction area by 1 no. 15 metre bench (from 50m OD to 35m OD) and a lateral extension to the quarry over an area of c. 4.8 ha to a depth of 35m OD.

Ancillary works include provision for aggregates and overburden storage, and restoration of the site to natural habitat after uses following completion of extraction, The stated total site area is c. 18.5 hectares.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant permission on 16th August 2024, subject to 11 no. conditions. Three conditions-imposed development contributions which are the subject matter of this appeal (i.e., Conditions 12, 13 and 14). These are summarised below.

Condition 12: The applicant shall pay the sum of **€444,000** to the planning authority as a contribution towards expenditure that was and/or 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 benefiting development in the area of the Authority, as provided for in the Contributions Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000-2022.

Condition 13: The applicant shall pay the sum of **€138,000** to the planning authority as a contribution towards expenditure that was and/or 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 Contributions Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000-2022.

Condition 14: The applicant shall pay the sum of **€18,000** to the planning authority as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in the provision of surface water drainage infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contributions Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000-2022.

Each of the above conditions also included the following requirement in respect of payment:

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 2024 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 reasons for all conditions was on the basis of it being appropriate that the developer should contribute towards the costs of providing these various services.

4.0 Planning History

The following planning history is considered relevant to the subject appeal:

- **Reg Ref LB200106 & ABP Ref 309109-21:** Permission was GRANTED on 4th December 2020 for continuation of the permitted quarry (QD.0017) and a lateral and vertical extension including the deepening of the quarry extraction area by extractive benches to 50m OD, and an increase in the permitted extraction rate to 200,000 tonnes per annum.

Planning Conditions of relevance included:

- Condition No. 2: limited the lifetime of the permission to 10 years;
- Condition 18: required payment of €83,250 in respect of the provision, refurbishment, upgrading and enlargement or replacement of public roads and public transport infrastructure (under Section 48);
- Condition 19: required payment of €25,875 in respect of the provision of social infrastructure (open space, recreational and community facilities, amenities and landscaping works) (under Section 48));
- Condition 20: required payment of €3,375 in respect of the provision of surface water drainage infrastructure (under Section 48);
- Condition 21: required payment of a special contribution of €150,000 as a special contribution towards expenditure that is proposed to be incurred by the planning authority in respect of strengthening and repairing the local roads affected by the development over the life of operation

A Financial Contribution Appeal was submitted by the Applicant to An Bord Pleanála against Condition 21. The Board considered that the condition failed to meet the requirements of Section 48(2)(c) and omitted it.

- **ABP Ref 17.QD0017:** Planning permission was GRANTED (under Section 37L of the Act) on 3rd May 2017 for continuation of extraction by way of lateral extension of existing benches to the currently established depth of 79m AOD and ancillary development. It was estimated that the volume of material

contained within the identified extraction area was in the order of 330,000m³ which equates to c.720,000 tonnes.

Planning conditions of relevance included:

- a) Condition 3: limited the lifetime of the permission to 10 years;
- b) Condition 4 limited the rate of extraction to 100,000 tonnes per annum; and
- c) Condition 5: limited the depth of the excavation to no lower than 79m AOD.

There was no planning condition requiring payment of a development contribution. In this regard, Section 9.4 of the Inspector's Report advised "*as the quarry development entails vertical rather than lateral expansion the adopted Section 48 financial contribution scheme does not apply (as per footnote 5 to Table 7 in the adopted scheme the levy relates to footprint of surface extraction area only)*".

- SU0066: application for substitute consent lodged on the 14th October 2013 accompanied by a remedial EIS.

The overall quarry area has a stated area of 10.46ha with an extraction area stated to cover an area of 4.9ha.

5.0 Policy and Context

5.1. Development Plan

The Meath County Development Plan 2021 – 2027 was originally adopted on 22nd September 2021. It has since been superseded to include Variations 1 and 2 adopted on the 13th May 2024 and Variation 3 adopted on the 27th January 2025.

Within the Development Plan the site is located in an area zoned 'RA' – Rural Area with the objective to "*protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage*". Extractive Industry/Quarrying is a Permitted Use under this zoning objective. This is also supported by RD POL 23: To support the extractive industry where it would not

unduly compromise the environmental quality of the county and where detailed rehabilitation proposals are provided.

5.2. Meath County Council Development Contribution Scheme 2024 - 2029

The Meath County Council Development Contribution Scheme 2024 – 2029 came into effect on 1st January 2024. It sets out the legislative basis for the three types of development contributions that may be attached as conditions to grants of planning permission as follows:

1. General Development Contributions – Section 48 of the Act 2000 – 2022, requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the functional area of the Planning Authority.
2. Special Development Contributions – Section 48(2)(c) of the Act 2000 – 2022, requiring the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a Scheme are incurred by the Local Authority in respect of public infrastructure and facilities which directly benefit the proposed development.
3. Supplementary Development Contributions – Section 49 of the Act 2000 – 2022, requiring the payment of a contribution in respect of any public infrastructure service or project specified in a “Supplementary Development Contribution Scheme” that will benefit the development to which the planning permission relates.

The schedule of charges is set out in Section 6.

‘Quarry / Extractive Industry’ is identified as non-residential development, and the following contributions are identified as payable.

Non-Residential Development		Contribution
Quarry / Extractive Industry ⁵	Per tonne	€0.10

Note 5 sets out the following: *“Based on volume of material extracted. Development Contributions will be due each year based on the volume of material extracted in the previous calendar year. This does not apply to underground mining.”*

Section 7.2 in respect of Residential and Non-Residential Development, sets out *“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.”*

Section 9 of the Meath County Council Development Contribution Scheme 2024 – 2029 address ‘Payment of Contributions’. Matters relevant to the subject appeal area as follows:

- Item 9(b) sets out:

*Contributions under the Scheme shall be payable in accordance with the conditions of permission. Contributions shall be payable at the index adjusted rate (Wholesale Price Indices - Building and Construction (Capital Goods)) pertaining to the year in which implementation of the planning permission is commenced. **

(The Chief Executive shall, by written order, on or before the 28th of February each year direct whether indexation and / or interest shall be applied for the previous calendar year.)*

- Item 9(e) sets out:

A 10% reduction shall apply where development contributions are paid in full within 28 days of issue of an invoice for the contributions by the Planning Authority. The discount shall apply to the quantum of development defined in the Commencement Notice and is available for each individual phase of multi-phase developments. Retention permissions shall not avail of this discount.

5.3. Development Contributions – Guidelines for Planning Authorities 2013

These guidelines were issued under section 28 of the PDA 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines in performance of their functions under the Planning Acts.

The stated aim of the guidelines is to provide updated guidance on the drawing up of development contribution schemes to reflect radical economic changes and achieve the right balance of generating the revenues required to provide the necessary infrastructure associated with new development but also creating the right conditions to support sustainable development patterns, economic activity and renewal.

The Guidelines set out that the primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed.

Chapter 2 provides Key Messages for Supporting Economic Development. These include: The practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution already.

In respect of ‘Transparency’ the guidelines set out *“a development contribution scheme must state clearly the level of contributions to be payable under the scheme, including any different levels of contributions in respect of different classes or descriptions of developments, the percentage of reduction to be applied to development attracting such reductions and development deemed to be exempt from the payment of development contributions”*.

6.0 The Appeal

6.1. Grounds of Appeal (First Party Appeal)

The appeal from J Sheils Planning & Environmental Limited, agent on behalf of the applicant, Breedon Materials Limited, received by An Bord Pleanála on 11th

September 2024, relates to conditions No. 12, 13 and 14 only, wherein it is submitted that the application of the Development Contribution Scheme has been incorrectly applied to the proposed development in this instance. The following points are put forward by the First Party Appellant:

- In each of the conditions, the Planning Authority's payment requirements contradict its Development Contribution Scheme. Specifically, the conditions require:

*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 2024 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.

Whereas the wording in the Meath County Development Contribution Scheme for the Quarry / Extractive Industry is: ***“Development Contributions will be due each year based on the volume of material extracted in the previous calendar year.”***

Furthermore, the Applicant / First Party Appellant argues there should be no provision for the sum to be subject to annual review given that the contribution is to be paid on an annual basis as per the Meath County Development Contribution Scheme.

- In accordance with item 9(e) of the Meath County Development Contribution Scheme a 10% discount should apply with respect to payment of annual development contributions within 28 days of issue of an invoice for the contributions by the Planning Authority.

- In including the quarry reserves which had previously been subject to planning approval (ABP Ref. 17.QD.0017; P.A. Ref. LB200106 & ABP Ref. 309109-21) the council is effectively double charging. The Applicant / First Party puts forward an adjusted figure to take account of this, reducing the overall €600,000 contribution levied by the Planning Authority (allocated to the different classes of public infrastructure across Conditions 12,13 and 14) to €455,100.

6.2. Planning Authority Response

In a response dated 31st October 2024, the Planning Authority advised it was satisfied that all matters outlined in the appeal were considered during its assessment of the planning application, as detailed in the Planning Officer' Report. It requested An Bord Pleanála to upload the decision subject to the conditions of the extant permission.

The correspondence included a copy of the Meath County Council Development Contributions Scheme 2024 – 2029, and set out a) that the calculations were based on extraction of 300,000 tonnes / annum for 20 years (i.e., a total of 6,000,000 tonnes x €0.10 = €600,000), and b) that Note 5 on Page 7 of the Scheme sets out how the contributions will be invoiced.

6.3. First Party Response to Planning Authority Response

On the 18th November 2024, the First Party responded to the submission made by Meath County Council. It noted that while the Council provided a copy of the calculation sheet on which they based their determination of the Development Contributions together with a copy of the Meath County Council Development Contributions Scheme 2024 – 2029, they did not provide any substantive response to the issues raised in the First Party Appeal. The First Party concluded by reiterating the points raised in their original appeal (as set out above).

6.4. Observations

One submission was made on the First Party Appeal by local residents. Issues related to the ongoing management of the site, which was considered to be poor, and issues relating to excessive road traffic and damage to the road margins, significant dust emissions from the quarrying activities, and lack of stock proof fencing.

7.0 Assessment

- 7.1.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the first-party appeal against Condition Nos. 12, 13 and 14 of Meath County Council's decision to grant planning permission on 16th August 2024 for the continuance of operation (for 20 years) of the existing permitted quarry and associated infrastructure. All conditions relate to payment of a development contribution in accordance with the Meath County Council Development Contribution Scheme 2024-2029.
- 7.1.2. Section 48(10)(b) of the Planning & Development Act, 2000 (as amended) states that an appeal may be brought to the Board where an applicant considers that the terms of the development contribution scheme have not been properly applied.
- 7.1.3. Accordingly, the assessment of the grounds of the First Party appeal below, relate only to aspects of the permitted development which are relevant to the calculation of the financial contribution in this case and the manner in which the terms of the Meath County Council Development Contribution Scheme 2024-2029 were applied by the Planning Authority in this instance. In this regard, Section 48(10) of the Planning and Development Act, 2000 (as amended) provides for the Board to assess a condition in isolation from the overall permission.
- 7.1.4. The issues raised by the observers are noted; however, as they relate to the wider permitted development, they are not a matter to be considered further in the context of this appeal.

7.1.5. The four issues to consider in respect of how and whether Meath County Council has applied the Meath County Council Development Contributions Scheme 2024 – 2029, correctly are:

- Whether the development contribution payment requirements included in each of the conditions complies with the Meath County Council Development Contributions Scheme 2024 – 2029.
- Whether a 10% discount should apply with respect to payment of annual development contributions within 28 days of issue of an invoice for the contributions by the Planning Authority.
- Whether an exemption under Section 7.2 in respect of Residential and Non-Residential Development, applies
- Whether in including the quarry reserves which had previously been subject to planning approval (ABP Ref. 17.QD.0017; P.A. Ref. LB200106 & ABP Ref. 309109-21) the council is effectively double charging.

7.2. Issue No. 1 - Whether the development contribution payment requirements included in each of the conditions complies with the Meath County Council Development Contributions Scheme 2024 – 2029

7.2.1. The First Party Appellant argues the Planning Authority's payment requirements contradict its Development Contribution Scheme. They challenge two matters.

7.2.2. Firstly, the Applicant / Appellant challenges the requirement that "*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.*"

7.2.3. In this regard, I note and agree with the Applicant / First Party Appellant that requiring payment of the development contribution(s) 'prior to commencement of development' contradicts the Meath County Development Contribution Scheme for the Quarry / Extractive Industry which clearly sets out "*Development Contributions will be **due each year based on the volume of material extracted in the previous calendar year.***"

- 7.2.4. However, it could also be argued that this does actually comprise a form of phasing of payments, which could, within the terms of the planning condition, be agreed in writing with the Planning Authority.
- 7.2.5. Notwithstanding the above, I accept that the wording of the condition(s) as currently set out lacks clarity insofar as the payment relates to the Quarry / Extractive Industry, despite it being addressed specifically within the Meath County Development Contribution Scheme. I consider this matter can be addressed through modification of the payment requirements wording the condition(s).
- 7.2.6. Secondly, the Applicant / First Party argues that given that the contribution for quarries is to be paid on an annual basis as per the Meath County Development Contribution, there should be no provision for the sum to be subject to annual review. The part of the condition(s) sets out:

“The above sum shall apply until 31st December 2024 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.”

- 7.2.7. It is the case that planning contributions are generally payable on implementation of a planning permission and commencement of development. As the point at which commencement of development can vary within the lifespan of the planning permission, development contribution schemes generally ensure that the contribution matches inflationary pressures which would have an impact on the cost of providing the public infrastructure and facilities which benefit the proposed development; hence updating the Development Contribution Scheme rates each year in line with the Wholesale Price Index.
- 7.2.8. However, quarrying by its nature involves on-going works that comprise continuous development, and this is reflected in the nature of the payment included within the Meath County Development Contribution Scheme i.e., *“Development Contributions will be due each year based on the volume of material extracted in the previous calendar year.”* Having regard to the fact that the costs of the Planning Authority to provide essential public infrastructure and facilities are subject to inflationary

pressures during the operational lifespan of quarry (as provided for in the grant of planning permission), I consider it reasonable that the amount due each year is an index adjusted rate, if it is determined to be required by the Chief Executive of the Council in accordance with the terms of the Contribution Scheme.

7.3. Issue No. 2 - Whether a 10% discount should apply with respect to payment of annual development contributions within 28 days of issue of an invoice for the contributions by the Planning Authority

7.3.1. The Applicant / Appellant notes that Item 9(e) of the Meath County Development Contribution Scheme sets out:

A 10% reduction shall apply where development contributions are paid in full within 28 days of issue of an invoice for the contributions by the Planning Authority. The discount shall apply to the quantum of development defined in the Commencement Notice and is available for each individual phase of multi-phase developments. Retention permissions shall not avail of this discount.

7.3.2. The Applicant / First Party Appellant argues that a 10% discount should also apply with respect to payment of annual development contributions within 28 days of issue of an invoice for the contributions by the Planning Authority.

7.3.3. Unfortunately, the Meath County Development Contribution Scheme does not set out its rationale for Item 9(e), although I consider it reasonable to presume that such a condition is essentially to incentivise the timely payment of development contributions. In this regard I note it shall apply where development contributions are paid in full within 28 days of ‘*issue of an invoice*’ by the Planning Authority.

7.3.4. I also note that the discount shall apply to the quantum of development defined in the Commencement Notice and is available for each individual phase of multi-phase developments. While the semantics of the specific circumstances may be different to the annual payment development contributions for quarries, I consider the same spirit, and intention apply (i.e., each individual phase of a multi-phase development compared to ‘*the volume of material extracted in the previous calendar year*’ for the operational period of the quarry) and therefore I consider the argument of the Applicant / Appellant to be reasonable – particularly if the focus is to incentivise the timely payment of contributions.

7.3.5. However, I do not consider this matter to come under the remit of whether the terms of the development contribution scheme have been properly applied within the planning conditions attached to the grant. Rather I consider this a matter for the administration of the payment of contributions by the Council (to expedite payment) and the interests of the Applicant to secure a discount.

7.4. Issue No. 3 - Whether an exemption under Section 7.2 in respect of Residential and Non-Residential Development, applies.

7.4.1. Section 7.2 of the Development Contribution Scheme in respect of Residential and Non-Residential Development, set out the following *“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.”*

7.4.2. I note the types of Non-Residential Development are set out in the table on page 6 of the Development Contributions Scheme. It includes specific Classes of Development (1 – 5) whose contributions are based on a sq m basis. Thereafter the table includes various types of other non-residential development not categorised as a class of development per se, where the basis of contribution varies to include per sq m, per ha, per tonne, per mast, per pylon, and per mega watt. It is within this latter section of the table that Quarry / Extractive Industry is identified.

7.4.3. Having regard to the wording of Section 7.2 and the fact that Quarry / Extractive Industry is not specified within the non-residential development included within Classes 1 – 5, I am satisfied that Section 7.2 does not apply.

7.5. Issue No. 4 - Whether in including the quarry reserves which had previously been subject to planning approval the council is effectively double charging.

7.5.1. The Applicant / Appellant argues that as the proposed development will consist of the continuance of the existing permitted quarry and associated infrastructure (permitted under ABP Ref 17.QD0017 and Reg Ref LB200106 / ABP Ref 309109-21) that the Planning Authority should not have included the quarry reserves which had previously been subject to ABP Ref 17.QD0017 and Reg Ref LB200106 / ABP Ref 309109-21. They consider that the contributions payable should only be applied to the additional reserves to be realised over and above what was permitted

previously. The Applicant proposes a readjusted total contribution figure of €455,100 compared to €600,000 for Conditions 12, 13 and 14.

7.5.2. Firstly, I note that the three applications fall under different development contribution schemes, with ABP Ref 17.QD0017 and Reg Ref LB200106 / ABP Ref 309109-21 falling under a previous Meath County Development Contribution Scheme 2016 – 2021.

7.5.3. I note from both the Inspector's Report on ABP Ref 17.QD0017 and the Planner's Report on Reg Ref LB200106 that the development contributions levy for quarries related to the *"footprint of surface extraction only"*. Relevant extracts are provided below:

- Extract from Section 9.4 of the Inspector's Report on ABP Ref 17.QD0017 advised *"as the quarry development entails vertical rather than lateral expansion the adopted Section 48 financial contribution scheme does not apply (as per footnote 5 to Table 7 in the adopted scheme the levy relates to footprint of surface extraction area only)"*.
- Extract from Section 7.0 Development Contributions of the Planners Report on Reg Ref LB200106 dated 26/03/2020 sets out: *"Further to para. 9.1 of the Planning Report (dated 25/03/20)*, a rate of €2,500 is applicable for 0.1ha under current DCS. I consider that a total contribution of €112,500 is applicable based on the proposed extraction area of 4.5ha."*

Note: * This report simply advised that the Development Contributions will be based on the Meath County Development Contribution Scheme 2016 – 2021 (as amended).

7.5.4. In the case of the current Meath County Development Contribution Scheme 2024 – 2029, the basis of financial contribution levy for quarries has changed from 'proposed (surface) extraction area', to 'per tonne of volume of material extracted'.

7.5.5. Although the reserves were not a direct contributing factor in how the previous development contribution scheme was applied to the quarrying activities, reserves were nevertheless part of the proposed and permitted development(s), and it is therefore relevant to consider the matter of equity in respect of development contributions already levied and paid.

- 7.5.6. In this particular case, there have been two recent applications which the Applicant refers to in terms of making a case for a reduction in contributions.
- 7.5.7. In the first application (ABP Ref 17.QD0017) a financial contribution could not be applied as the development entailed *vertical rather than lateral expansion and the Development Scheme levy related to footprint of surface extraction area only*". Accordingly, no financial contribution in respect of public services to facilitate the lateral extension of existing benches and an identified extraction area is in the order of 330,000m³ which equated to c.720,000 tonnes, could be imposed.
- 7.5.8. For the second application (Reg Ref LB200106 / ABP Ref 309109-21), the total contribution levied was €112,000 based on a rate of €2,500 applied for 0.1ha for the proposed surface extraction area of 4.5ha. The total recoverable reserve of rock within the extraction area was in the order of 3,000,000 tonnes with an annual extraction rate of 100,000 – 200,000 tonnes (as set out in the EIAR which accompanied the application).
- 7.5.9. In the current application, the total contribution to be levied is €600,000 based on a rate of €0.10 for a total 6,000,000 tonnes with an annual extraction of up to 300,000 to include opening of the quarry extraction area by 1 no. 15 metre bench from 50m OD to 35m OD, and a lateral extension to the quarry over an area of c. 4.8 ha to a depth of 35m OD.
- 7.5.10. The applicant provides a table in the appeal document which specifically addresses how reserves were treated across the various permissions and adjusted to account for ongoing extractive operations in the intervening period. It identifies that 1,412,166 tonnes of existing quarry reserves were permitted under the two earlier permissions, which I accept. The current permission provides for a '*workable aggregate reserves*' of 5,963,037 tonnes inclusive of the reserves already permitted. The net additional reserves covered by the subject permission is 4,550,871 tonnes.
- 7.5.11. Having regard to the foregoing, I consider the applicant's case to be reasonable that the two previous permissions included for some reserves, and that the total financial contribution to be levied should be reduced accordingly to avoid double counting.

8.0 Recommendation

I recommend that the Planning Authority omit Conditions No. 13. 14 and 15 and replace them by a single condition (Condition No. 13) and that the total Section 48 development contribution to be applied should be €455,100 (based on 4,551,000 tonnes x €0.10).

9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Meath County Council's Section 48 Development Contributions Scheme, and
- (b) the submissions made in the appeal

it is considered that Conditions No. 13. 14 and 15 should be replaced by a single condition (Condition No. 13):

Condition 13: The developer shall pay to the planning authority a financial contribution of **€455,100** 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 will be paid each year based on the volume of material extracted in the previous calendar year and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Leah Kenny
Planning Inspector

28th March 2025

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Continuance of operation of existing permitted quarry Financial Contribution Appeal		
Development Address	Heronstown, Lobinstown, Navan, Co Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	✓
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	✓	Financial Contribution Appeal	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____
Leah Kenny

Date: ____28th March 2025____