



An
Coimisiún
Pleanála

Inspector's Report ABP-322615-25

Development	Change of use from office to 46 no. apartments
Location	An Dreoilin (Block B), Bettystown Town Centre, Bettystown, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2560008
Applicant(s)	Shannon Homes (Drogheda) Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party – Conditions 22 – 25 - Financial Contribution only
Site Visit	22 August 2025
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site on a stated area of 0.166hectares, comprises of a four storey building located on the southern side of the R150 road approximately 290m to the south west of central Bettystown, Co. Meath or approximately 360m to the south west of Bettystown Beach.
- 1.2. This block consists of retail/ commercial floor space on the ground level and the upper three floors are currently vacant. The building is constructed over an access only road which serves a large Tesco supermarket. To the front of the site is an area of surface car parking, with the building set back from the roadside edge. There is a taller five storey section to the western corner and through its design this acts as a local landmark.
- 1.3. The surrounding area is predominately in residential uses, though there are significant different uses/ building types found here. Similar type three/ four storey mixed use blocks are located to the west of the site. To the east is a small single storey retail/ commercial block. To the north, on the opposite side of the R150 road are single storey thatched roof buildings in use as a public house/ cafe. An access road to the north serves a large campervan/ mobile home site. There is a bus stop to the west of the site, which is served by the D1 bus route from Laytown to Drogheda via Bettystown and the 910/ 912 which provide a service to Dublin City Centre.

2.0 Proposed Development

The development consists of:

- Change of use from permitted office to residential use on the first, second, third and fourth floors resulting in the formation of 25 No. one bed apartments and 21 No. two bed apartments.
- Permission is also sought for the completion of balcony railings on the existing permitted elevation and for the change of use of the permitted office entrance foyer to residential entrance foyer.
- All associated site works.

The overall height, width or shape of the existing permitted building remains unaltered. Significant further information/revised plans submitted on this application.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, following the receipt of significant further information. The conditions are generally standard. I note the following:

2. 'The development hereby permitted shall contain 46 no. residential units. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.'
5. Details to be clarified and agreed in relation to surface water drainage and the provision of suitable SuDS measures on site.

The following are those relevant to this appeal:

'22. The developer shall pay the sum of €110,400.00 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 Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. 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 2025 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.

23. The developer shall pay the sum of €151,800.00 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 benefiting 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 Acts 2000 - 2023. 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 2025 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.

24. The developer shall pay the sum of €13,800.00 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 benefiting 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 Acts 2000 - 2023. 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 2025 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 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.

25. The developer shall lodge with the Planning Authority a cash deposit of €188,000.00 as a security for the satisfactory completion and maintenance until taken in charge by

the Council of roads, footpaths, surface water drains, public lighting, open space, landscaping and any other services required with the development. In the event of the non-completion or maintenance of the services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

26. The developer shall pay the sum of €9,200.00 as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development. The above sum shall apply until 31st December 2025 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: It is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development.'

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions.

Three of the residential units were not proposed to be provided with private open space due to the layout of the development. Additional floor areas and Juliet

balconies were proposed in compensation. Adequate communal space was also proposed here. Revised details are provided in relation to storage provision and landscaping, all to the general satisfaction of the Planning Authority. Adequate provision is made for refuse storage/ removal, energy efficiency within the proposed block, provision of a suitable water supply and suitable surface water drainage is proposed here. The Planning Authority consider that the issue of suitable telecommunications/ broadband can be addressed by way of condition. A recommendation to grant permission was made and it was considered that the 'development would not seriously injure the visual amenities of the area or the residential amenities of the properties in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area.'

Section 13.0 of the Planning Authority report provides details on 'Development Contributions' and the following is noted:

It Is noted that development contributions were not paid for works relating to either planning Ref: SA/20192 or planning Ref: Sa/60559. Contributions in the order of what is set out below are due based on the current Meath County Development Contributions Scheme 2024-2029. These have been calculated based on 46no. units which each have floor areas lower than 100sq. m and amount to the following:

Surface water	€13,800.00
Roads	€151,800.00
Social Infrastructure	€110,400.00
Bond	€188,000.00
Estate Monitoring	€9,200.00
Total	€473,200.00'

3.2.2. Other Technical Reports

Housing Department: Part V requirement to be met by the provision of units on this site.

Environment Flooding-Surface Water Section: Site is in Flood Zone C; there is no objection to the development subject to conditions.

Broadband Officer: Details to be agreed with the developer.

Environment Waste Section: Further requested on a number of matters which was issued to the application. Subsequent report raised no objection subject to conditions.

Transportation Department: Further requested on a number of matters which was responded to in full and subsequent report raised no objection subject to recommended conditions.

3.2.3. **Prescribed Bodies Reports**

HSE: Details to be considered in relation to open space, bin storage and details in relation to climate action. Additional comments were made on receipt of the further information response from the applicant.

3.2.4. **Submissions**

None received.

4.0 **Planning History**

PA Ref. SA/60559 refers to a February 2007 decision to grant permission for the demolition of an existing bungalow and associated structures, amendments to previously approved planning register reference Sa20192 (PL17.202898), SA/40285, SA/40482, SA/60037 consisting of 1767sqm retail and 5451sqm office in the location of previously approved Block B and extension to Block C of Bettystown Neighbourhood Centre ranging from 1-6 storeys in height, together with signage including 1 no. low level signage board, basement carparking with 159 bays and access points, covered canopy and vehicular access off Eastham Road (R150), amendments to landscape of development to accommodate revised layouts, at site south of Eastham road (R150) incorporating bungalow site, at Bettystown.

ABP Ref-17.202898/ PA Ref. SA/20192 refers to an October 2003 decision to grant permission for a mixed-use development on a 6.16 hectares site, to south of Eastham Road (R150), bounded to east by Anchorage Development, immediately west of Bettystown, in townland of Betaghstown Co Meath comprising of 177 residential units (25 no 1 bed units;137 no 2 bed units and 15 no 3 bed units) an 82 bedroom hotel containing function room, bar, restaurant (6071 sqm);11 no retail units

(1293 sqm); office space (2722sqm); betting office (120 sqm); licensed premises (359 sqm); 2 no restaurants (209 sqm); creche (426.7 sqm) community facilities (214.5 sqm); in 11 buildings (ranging from 1 to 4 storeys in height) around a central pedestrianised plaza; 4 no electrical sub-stations; 690 no car parking spaces; 201 cycle parking stands; internal road network; associated landscaping and site works as well as site access roads to north, south and west of the site; and proposed attenuation pond and storm water sewer.

PA Ref. SA/40482 refers to a March 2005 decision to grant permission for modification and extension to previously approved 82 bedroom hotel and siteworks - planning ref no. SA20192 (PL17.202898) and the construction of a 120 bedroom hotel (additional 38 rooms from previous planning) and leisure centre, containing gym and swimming pool with one level of underground carpark comprising 288 no. carparking spaces. An adjacent block consists of three levels of overground carparking with 369 no. carparking spaces, enclosed on two sides by a two storey building comprising 8 no. retail units at ground floor level (totalling 1017sq m) with 8 no. office units at first floor level (totalling 1017sq m). This block together with modifications to the hotel and site arrangement has resulted in the removal of 211 no. previously approved car parking bays. The site has been extended to allow for 38 no. surface bays and the realignment of the access road resulting in a total additional 484 no. bays on the site. Amendments to landscape to development to accommodate revised layouts.

5.0 Policy and Context

5.1. Meath County Development Plan

- 5.1.1. The Meath County Development Plan 2021 – 2027 is the relevant operative plan. The subject site is zoned B1 – ‘Commercial Town or Village Centre’ as per Sheet No:5.3(a) Land Use Zoning. The B1 zoning has an objective ‘To protect, provide for and/ or improve town and village centre facilities and uses’.
- 5.1.2. For the B1 zoned lands the following guidance is provided:
‘Town and Village centres are characterised by a concentration of shops, services, meeting points, and places of employment. Centres in the upper tier of the

settlement hierarchy have a more comprehensive range of shops and services than smaller settlements.

The majority of new commercial and retail uses will be accommodated on B1 lands in towns and villages. Whilst the principle of a retail outlet on town/village centre lands is acceptable in principle, the size and scale of any such development should be reflective of the role and function of the town and village in the settlement hierarchy. Such developments will be assessed against the relevant policies and objectives in the Retail Strategy in Appendix 4, retail policy in Chapter 4 of this Plan, the DECLG 'Guidelines for Planning Authorities Retail Planning' (2012) and Section 6 of this Chapter.

The primary land use in B1 zones is employment generating, service and retail provision. In order to achieve balanced development and create vibrant urban communities, residential use can also be considered on these lands. In order to ensure the delivery of commercial uses commensurate with the status of the settlement while also encouraging increased residential occupancy within our towns, the percentage of residential development in B1 zones shall generally not exceed 50 % of the quantum of a development site in any development proposal in Key Towns, Self- sustaining Growth Towns, Self-Sustaining Towns. Exceptions may be facilitated on a case by case basis where a clear evidence base has been demonstrated. Where an applicant proposes a high percentage of residential uses on B1 zoned land, it must be demonstrated;

- a) that such development proposals have regard to the Asset Test set out in Section 9.3 Housing and Regeneration and Appendix A of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) that there are substantial commercial vacancies in the area and that there is no demand or need for additional commercial uses.'

Within the 'Permitted Uses Category' are 'Residential/ Sheltered housing, Restaurant/ Café, Supermarket/ Superstore and Shop'.

5.1.3. Section 11.5.17 of the development plan refers to Apartments and states:

'Please note this section must be considered in conjunction with Sections 4, 9 and 14 of this chapter.

DM POL 12: Apartment schemes shall generally be encouraged in appropriate, sustainable, locations, accessible to public transport in the following settlements: Drogheda, Navan, Dunboyne, Kilcock, Maynooth, Ashbourne and Dunshaughlin.

DM POL 13: In towns and villages, there will be a general presumption against apartment developments however there are opportunities for infill developments and consolidation which would contribute to the regeneration of these settlements.

DM POL 14: All planning applications for apartments are required to demonstrate compliance with ‘**Sustainable Urban Housing; Design Standards for New Apartments**’ (2023), Department of Housing, Local Government and Heritage and any updates thereof. While these Guidelines set out minimum design standards, the Council strongly encourage the provision of apartments above these standards, in the interest of creating attractive living environments and sustainable communities.

DM OBJ 39: An appropriate mix of units shall be provided to cater for a variety of household types and tenures. Apartment development proposals will be assessed having regard to the following requirements:

- Aspect-dual aspect units are encouraged;
- Mix of units- to cater for different size households;
- Floor areas and room widths;
- Private and communal amenity space;
- Floor to ceiling height;
- Car and bicycle parking;
- EV Charging points;
- Lift/ stair core access;
- Storage provision;
- Adaptability.

All planning applications for apartment development shall be accompanied by a statement which sets out how the scheme complies with this objective.

DM OBJ 40: A Design Statement is required to be submitted with any planning application for apartment development.’

- 5.1.4. Chapter 11 refers to ‘Development Management Standards and Land Use Zoning Objectives’ and includes Section 11 – ‘Development Contributions’ and the following are noted as relevant:

‘11.11.2 General Development Contributions

These contributions apply in respect of public infrastructure and facilities provided by or on behalf of the Planning Authority that benefit development in its functional area, as noted above. Section 48 (1) of the Act outlines that a Planning Authority when making a grant of permission, may include a condition requiring the payment of a contribution in respect of public infrastructure and facilities such as open spaces, community and recreational facilities and amenities and landscaping works; infrastructure to facilitate public transport, cycle and pedestrian facilities; refurbishment, upgrading, enlargement or replacement of roads and surface water drainage infrastructure.’

‘11.11.3 Special Development Contributions

In circumstances where additional specific infrastructure for an area is required, the Council may attach a special contribution.

Developers may also be required to carry out works at their own expense to facilitate their development and this would be specified as a condition of the planning permission.’

5.2. Meath County Council Development Contribution Scheme 2024 – 2029

Section 6. of the contribution scheme provides the ‘Schedule of Charges’ and I have included a copy of the following table here:

Residential Development

Residential Development	Floor area (rounded to nearest m²)	New Residential Contribution	Residential Extensions
	< 100 sq. m.	€6,000	Exempt
	100 - 140 sq. m.	€6,500	€3,250
	141 - 200 sq. m.	€7,500	€3,750
	201 - 300 sq. m.	€9,000	€4,500
	> 300 sq. m.	€11,000	€5,500

A separate table is included in the scheme for non-residential development and Section 7. details 'Exemptions and Reduced Contributions' with section 7.2 referring to 'Residential and Non-Residential Development' and which includes the following:

'Changes of Use from existing permitted residential or non-residential use 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.'

5.3. National Guidance

- **Development Contributions – Guidelines for Planning Authorities, 2013**

Planning Authorities and An Coimisiún 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.

- **Development Management – Guidelines for Planning Authorities, 2007**

Section 8.11 of these guidelines states 'in appeals relating to section 48/section 49 financial contributions conditions only, the Board is restricted to consideration of the matters under appeal.' Section 8.12 refers to Contribution Condition and states, 'An appeal cannot be made against a contribution condition attached to a decision on an application where the contribution is in accordance with a Development Contribution Scheme or Supplementary Development Contribution Scheme made under section 48 or section 49 of the Planning Act, except where the applicant contends that the terms of the contribution scheme have not been properly applied' and 'An appeal is allowed in the case of a condition regarding the payment of a special contribution.'

5.4. Natural Heritage Designations

- The Boyne Coast and Estuary (site code 001957) is located to 340m to the north east of the subject site.
- The North-West Irish Sea SPA (site code 004236) is located 420m to the east of the subject site.

6.0 Natural Heritage Designations

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- The North-West Irish Sea SPA (site code 004236) is located 420m to the east of the subject site.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The appellant has submitted an appeal against the decision of the Planning Authority to include Condition no. 22 to 25 in the final grant of permission. The following points are made:

1. The Appellant considers that conditions no. 22, 23 and 24 are in breach of Section 7.2 of the Meath County Council Development Contribution Scheme 2024 – 2029, as a change of use, where a contribution has been paid, should not be subject to a new contribution. The Planning Authority have not demonstrated that a contribution has not already been paid.
2. The appellant does not know why Condition No. 25 (cash deposit in case works are not completed) was attached. The developer is only purchasing the upper floors of this development and not the overall Bettystown Town Centre development.
3. No roads, footpaths, drainage, public lighting, open space or other infrastructure is proposed as part of this development.
4. It is not proposed that this development be taken in charge. Uncertainty as to how the condition would operate or how the money will be released by Meath County Council back to the developer.
5. Appellant understands that a bond was paid under PA Ref. SA/20192 and there is no basis for the imposition of a further bond/ financial burden on the developer.

6. The PA issued two reports with that on the 20th of February 2025 requiring a Bond of €121,200 and on the 21st of April 2025 the Bond was calculated to be €188,000.
7. The appellant states that there is an obligation on the Planning Authority to be transparent when imposing financial contributions. Conditions no. 22, 23 and 24 are considered to be onerous and there is no justification for condition no.25.

Supporting documentation is provided with the appeal and includes letters from Meath County Council dated April 2019 and September 2006.

7.2. Planning Authority Response

- 7.2.1. No additional comments to make to what was already provided in their reports dated 20th February 2025 and 28th April 2025. I note the PA refer to ABP Ref. ABP-320881-24 in their report and this refers to an appeal in relation to the construction of a bungalow in Rathkenny, Co. Meath and has no relevance to the subject site.

8.0 Assessment

8.1. Background

- 8.1.1. This is an appeal made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000 as amended, and therefore the Commission is restricted to consideration of Condition No. 4 only and cannot consider the proposed development de novo. The assessment is therefore confined to the application of the terms of the Meath County Council Development Contribution Scheme 2024 – 2029 and any index related increase that may be in place. Meath County Council have provided no additional information in support of their decision to include these conditions in the grant of permission.
- 8.1.2. I consider that this appeal can be broken down into two separate sections – a consideration of the inclusion of Conditions no. 22, 23 and 24, and secondly the inclusion of Condition no. 25. In the interest of clarity, the development is primarily for the change of use of approved office space to use as 46 no. apartment units in Bettystown, Co. Meath. The building structure is complete and the permitted office units are currently vacant.

8.2. Inclusion of Conditions no. 22, 23 and 24:

8.2.1. The appellant outlines that the proposed works are for the change of use from approved office to residential use. From the available information the appellant, who proposes to carry the subject development is not the original applicant. The three listed conditions are for financial contributions under Section 48 of the Planning and Development Act 2000 as amended and are for the provision of social infrastructure/ amenity provision, road/ transport works and surface water drainage infrastructure. I would consider the wording and intent of these to be standard for a development of this nature.

8.2.2. Attached to the file is a letter from Meath County Council, dated 18th April 2019, and which states 'all the financial contributions pertaining to Planning permission reference nos. SA20192 and SA40482 have been complied with in full in respect of:- Bettystown Court Hotel, Bettystown, Co. Meath.'

From reading this information, the financial conditions have been paid in full. The Planning Authority have not identified any non-payment of contributions for the permitted development to date, except through their planning report which conflicts with the letter dated 18th of April 2019. Section 7.2 of the Meath County Council Development Contribution Scheme 2024 – 2029 makes clear that the change of use from an existing permitted residential or a non-residential use is exempt from having to pay development contributions in the case that contributions have been paid in full for the existing use. The appeal provides details of where contributions have been paid for development on site.

8.2.3. I therefore consider that from the available information, including the letter dated 18th of April 2019, that contributions were paid in full for the development as permitted under PA Ref. SA20192, and that the change of use from non-residential to residential use does not result in a requirement for additional or any contributions to be paid.

8.2.4. I therefore consider that the Planning Authority in conditioning (Conditions nos. 22, 23 and 24) contributions under Section 48 have incorrectly applied the terms of the Meath County Council Development Contribution Scheme 2024 – 2029. These

conditions, therefore, should be omitted and the appellant to be advised accordingly of this.

8.3. Inclusion of Condition no. 25:

8.3.1. Condition no. 25 is for the lodging of a cash deposit of €188,000 for security to ensure that certain infrastructure is provided in accordance with Meath County Council requirements. The condition refers to security for the provision of roads, footpaths, surface water drains, public lighting, open space, landscaping and other services associated with the development. The appellants contests this on the basis that the building and infrastructure is in place and the development is for the change of use from office to residential units. There is no indication or intention that any part of the subject development will be taken in charge and this in turn makes the return of the cash deposit difficult to achieve in the absence of a suitable demonstrable mechanism to do so.

8.3.2. From the site visit it was evident that the building is constructed with just finishing off works required on the upper floors. The building is weather tight with windows in place. At ground level, access roads, footpaths and landscaping are in place. The development is for the change of use from approved office space to residential use. There are no proposals to change the road or footpath layouts, and the Planning Authority have accepted the proposed landscaping plan to serve this development.

8.3.3. I note condition no. 5 that the Planning Authority included in their decision, and which indicates that they are not fully satisfied with the surface water drainage layout/network to serve this development. Condition no.25 includes security for the surface water drainage network and as such the inadequate provision of this could be remedied through the use of this cash deposit.

8.3.4. I note the appeal comments regarding the increase in the Bond Surety from €121,000 to €188,000; an increase in the cost is allowed for under the scheme through the indexation process and I have no objection to this increase in the overall cost in terms of how it was implemented.

8.3.5. I note the table in Section 5. of the Meath County Council Development Contribution Scheme 2024 – 2029 which indicates the proportion of each contribution to be allocated to the three categories of Surface Water Drainage, Roads and Social

Infrastructure. In terms of Surface Water Drainage, the allocation for a Residential Development is 5% of the total.

8.3.6. Therefore, I consider that as the roads, footpaths and landscaping are effectively in place and are not part of this development, then Condition no. 25 should not be included for these elements of the development. As there are potential works to be undertaken in terms of surface water drainage, then condition no. 25 should be included only as relevant to this element of the development. The total Bond Surety to be reduced from €188,000 to €9,400 i.e. 5% of the total amount included in this condition in accordance with the table in Section 5 of the Meath County Council Development Contribution Scheme 2024 – 2029.

8.4. Environmental Considerations

As this is an appeal in relation to financial contributions, there is no requirement to consider the impact of the development on the environment or biodiversity or water quality. The revisions or otherwise of the recommended conditions do not give rise to any Appropriate Assessment, Environmental Impact or Water Framework Directive issues.

9.0 Recommendation

- 9.1. It is considered that the Planning Authority have incorrectly applied the terms of the Meath County Council Development Contribution Scheme 2024 – 2029 in terms of Condition nos. 22, 23 and 24 of PA Ref. 2560008, in requiring a contribution towards the provision of social infrastructure/ amenity provision, road/ transport works and surface water drainage infrastructure. In the case of developments that involve the change of use from one use to residential use and where the development contribution has been paid previously, the use is exempt from an additional contribution. Meath County Council have not demonstrated that the contribution has not been paid, and the appellant has provided details indicating that the contributions have been paid.
- 9.2. In terms of Condition no. 25, as there are no road, footpath or landscaping works of significance proposed, this element of the Bond Surety should be omitted and only that element which refers to surface water drainage be included due to the fact that Condition no.5 refers to surface water drainage works that may be required and this bond will ensure that works are carried out to the satisfaction of the Planning Authority.

The total of the bond to be €9,400 as per the 5% requirement for surface water drainage for residential development of the nature permitted.

- 9.3. I therefore recommend that Conditions No. 22, 23 and 24 of PA Ref. 2560008 be omitted in their entirety and that Condition No. 25 be revised to only include for the Surface Water Drainage element at a cost of €9,400 only and not the PA figure of €188,000. The figure of €9,400 is calculated in accordance with the Table in Section 5 of the Meath County Council Development Contribution Scheme 2024 – 2029.

10.0 Reasons and Considerations

- 10.1. Having regard to the nature of the development which is for the change of use of approved office space to use as residential development in the form of 46 no. apartment units and all associated site works, I consider that the Planning Authority have incorrectly applied the terms of the Meath County Council Development Contribution Scheme 2024 – 2029 by including conditions no. 22, 23 and 24 for the provision of social infrastructure/ amenity provision, road/ transport works and surface water drainage infrastructure, when the scheme clearly states that in the case of change of use to residential development, there should be no additional contributions levied when the original contributions have been paid. From the available information the contributions have been paid on the original development under SA/20192, and as there is no requirement for further contributions, conditions no. 22, 23 and 24 shall be omitted in their entirety.
- 10.2. As the works are primarily for the change of use from office to residential use and there is no proposal for taking in charge of the proposed development, I recommend that condition no. 25 be revised to only include the Surety Bond for the surface water drainage element. The developer may be required to undertake works directly related to surface water drainage and as such it is considered appropriate that this provided for. I therefore recommend that Condition No. 25 (as appropriately renumbered) be revised as follows:

The developer shall lodge with the Planning Authority a cash deposit of €9,400.00

as a security for the satisfactory completion and maintenance until taken in charge by the Council of surface water drains required with the development. In the event of the non-completion or maintenance of these services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

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

Paul O'Brien

Inspectorate

25th August 2025