



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-324353-26

#### Development

Large-Scale Residential Development (LRD) for 356 dwelling units and all site works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been submitted to the planning authority with the application.

#### Location

Principally located in Bennetstown (townland) to the west of the R157 and North of Kennedy Road and also extending into Pace and Dunboyne (townlands), Dunboyne North, Co. Meath

#### Planning Authority

Meath County Council

#### Planning Authority Reg. Ref.

2660001

#### Applicant(s)

Marina Quarter Limited

#### Type of Application

Large Scale Residential Development (LRD)

#### Planning Authority Decision

Grant with conditions

|                                |                              |
|--------------------------------|------------------------------|
| <b>Type of Appeal</b>          | First Party                  |
| <b>Appellant(s)</b>            | Marina Quarter Limited       |
| <b>Observer(s)</b>             | None                         |
| <b>Date of Site Inspection</b> | 24 <sup>th</sup> August 2026 |
| <b>Inspector</b>               | Lorraine Dockery             |

## **1.0 Introduction**

- 1.1 An Coimisiún should note that this is a first-party appeal against Condition 39 of the decision of Meath County Council (MCC) to grant permission for a large-scale residential development (LRD). The appeal relates solely to the imposition of a supplementary development contribution under Section 49 (1) of the Planning & Development Act, 2000 (as amended). No appeal has been brought by any other person against the decision of the planning authority, and therefore, in accordance with section 49 (3A) of the Act, An Coimisiún shall not determine this application as if it had been made to it in the first instance but shall determine only the matter under appeal.
- 1.2 I highlight to An Coimisiún that a third-party appeal was withdrawn on 28<sup>th</sup> August 2026.

## **2.0 Site Location and Description**

- 2.1. The subject site, which has a stated gross area of 17.22 hectares, is located mainly within the townlands of Bennetstown, Pace and Dunboyne, approximately 1.4km north of the centre of Dunboyne, Co. Meath. The site is located a short distance west of Junction 5 on the M3 motorway. It is located to the west of the Dunboyne to Clonsilla Rail Line and M3 Parkway rail station (approximately 195m distant). It is accessible via the R157 which is located to the east of the site.
- 2.2. The site is Phase 3 of a larger masterplan area. Phases 1 and 2 are situated to the east and north of the site and are currently under construction.
- 2.3. The site is greenfield in nature and currently in agricultural use. It slopes gently from north to south. A drainage ditch is located centrally on the site, which drains to River Tolka (located to the east).
- 2.4. St. Paul's Gaelic Football Club with pitch and club facilities is located in the south western portion of the site, accessed off Kennedy Road.

### **3.0 Proposed Development**

3.1. The proposed development is for a Large- Scale Residential Development (LRD) consisting of:

- demolition of existing agricultural farm sheds / removal of GAA pitch and associated structures;
- construction of 356 no. residential units
- a two-storey creche;
- modifications to the R157 regional road including changes to the existing carriageway/traffic lanes, the replacement of an existing roundabout with a new signalised junction and the provision of a northern arm off the new signalised junction;
- a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road;
- the provision of footpaths, cycle lanes and 2 no. pedestrian crossings on the existing M3 Parkway access road,
- a foul pumping station and connection to the existing public sewerage system via the Old Navan Road;
- a watermain connection to the north of the site at Pace (townland);
- 4 no. ESB substation/kiosks;
- construction of conveyance swales and a surface water runoff retention area as part of pluvial flood mitigation measures; and
- all ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site

3.2. The principal development statistics are outlined below:

Table 1:

|                          |                                                                                                                                                                                                                                                                                     |                               |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Site Area                | 17.22 ha (red line boundary)                                                                                                                                                                                                                                                        |                               |
| Net Development Area     | 7.13 ha                                                                                                                                                                                                                                                                             |                               |
| No of Units              | 356 units                                                                                                                                                                                                                                                                           |                               |
| Net Density              | 50 uph (units per hectare)                                                                                                                                                                                                                                                          |                               |
| Building Height          | 2-4 storeys                                                                                                                                                                                                                                                                         |                               |
| Access                   | 2 no. new signalised junctions on to the R157 comprising 1 no. new vehicular access point to the SE along the R157 and 1 no. new vehicular access point to the north along a new northern arm off a new signalised junction which will replace the existing roundabout on the R157. |                               |
| Parking                  | 511 car spaces (of which 19 spaces are provided for creche)<br>873 cycle parking spaces                                                                                                                                                                                             |                               |
| Public Open Space        | 15% of the site (compliance with CDP)                                                                                                                                                                                                                                               |                               |
| Private Open Space       | Provided to all residential units                                                                                                                                                                                                                                                   |                               |
| Part V                   | 48 units (30 x 1-bed; 9 x 2-bed; 9 x 3-bed)                                                                                                                                                                                                                                         |                               |
| <b>Unit Type</b>         | <b>No of Units</b>                                                                                                                                                                                                                                                                  | <b>Height</b>                 |
| <i>Houses</i>            | <b>252 (70.7%)</b>                                                                                                                                                                                                                                                                  | <b>2-3 storeys</b>            |
| <i>Apartments/Duplex</i> | <b>104 (29.3%)</b>                                                                                                                                                                                                                                                                  | <b>3-4 storeys (4 blocks)</b> |
|                          |                                                                                                                                                                                                                                                                                     |                               |
| <b>Unit Mix</b>          |                                                                                                                                                                                                                                                                                     |                               |
| 1 Bed                    | 76 (21.34%)                                                                                                                                                                                                                                                                         |                               |
| 2 Bed                    | 142 (39.86%)                                                                                                                                                                                                                                                                        |                               |
| 3 Bed                    | 117 (32.86%)                                                                                                                                                                                                                                                                        |                               |
| 4 Bed                    | 21 (5.89%)                                                                                                                                                                                                                                                                          |                               |

|                   |                          |                              |
|-------------------|--------------------------|------------------------------|
| <b>Total</b>      | <b>356</b>               |                              |
| <b>Other Uses</b> |                          |                              |
| <b>Unit Type</b>  |                          | <b>Gross Floor Space sqm</b> |
| Creche            | Accommodate 136 children | 628 m <sup>2</sup>           |

3.3. Previously permitted infrastructural works (permitted in the previous phases of development) are included in this application. These include for alterations to the permitted bridge over the River Tolka to accommodate the realigned South Link Road between the R157 and old Navan Road. The main alterations relate to its span, design and increased height with the overall length remaining similar.

#### 3.4. Planning Authority Opinion

3.4.1. A Section 247 Meeting was held on the 23<sup>rd</sup> September 2025. A pre-application LRD Meeting was held on the 16<sup>th</sup> October 2025 (Teams) and the LRD Opinion was issued by the Local Authority on the 11<sup>th</sup> November 2025.

3.4.2. In summary, the Meath County Council LRD Opinion concluded that the documents submitted required further consideration and amendment to constitute a reasonable basis on which to make an application.

3.4.3. Furthermore, in accordance with Article 16A (7) of the Planning and Development Regulations 2001-2024, and in addition to the requirements as specified in Articles 20A, 22 and 23, the planning authority stated that the following information should be submitted with any LRD application for permission relating to:

- Zoning, Density, Phasing, Social Infrastructure
- Design, Layout including Residential Unit Mix & Childcare Facilities
- Landscaping & Boundary Treatment
- Part V
- Traffic and Transport

- Water & Wastewater
- Flood Risk Management
- Archaeology
- Environmental Assessments
- Other Matters

## **4.0 Planning Authority Decision**

### **4.1. Decision**

GRANT permission subject to 39 no. conditions

Further Information was requested by the planning authority in relation to (i) EIA- Lands, Soils, Geology; Hydrology and Hydrogeology; Air Quality; Climate Change; Noise and Vibration; Waste (ii) additional detail/clarification relating to NIS (iii) and content of 3<sup>rd</sup> party submissions.

The Planning Authority considered that the Further Information contained significant additional data which required the publication of revised public notices - these revised public notices were duly received from the applicant.

### **4.2. Planning Authority Reports**

#### **4.2.1. Planning Reports**

There are two Planners' Reports relating to this file. The first report (dated 20/02/2026) sets out the initial analysis of the LRD and recommends Further Information (FI) be submitted. The report notes that development contributions are based on the Meath County Council Development Contributions Scheme 2024-2029 (section 12.0) and that calculations will be calculated upon any future grant of planning permission.

The second Planner's Report (dated 08/05/2026) refers to the submitted Further Information and recommends a grant of permission, subject to conditions. Section 11.0 deals with Development Contributions. It states that the 'development falls within the referral corridor for the Navan to Dublin Railway Line Phase 1, Clonsilla to

Dunboyne (Pace). The net residential area is 17.22Ha therefore a contribution would be sought of €2,884,493.61 (residential rate)'.

#### 4.2.2. Other Technical Reports

- Broadband Officer: Confirmation of delivery required (08/01/2026)
- Ecologist Report: Further Information requested (30/01/26)
- Public Lighting: Condition attached (undated)
- Environment Flooding Report, Surface Water Section: No objections, subject to conditions (18/02/26)
- Executive Engineer, Transportation Section: No objections, subject to conditions (20/02/26)
- Housing Report: Part V requirements to be met by delivery of units on site (08/01/26)

#### 4.2.3. Relevant Conditions

##### Condition No. 39:

The developer shall pay to the Planning Authority a financial contribution of €2,884,493.61 in respect of the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE) in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under Section 49 of the Planning and Development Act 2000-2023.

The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to the An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000-2023 that a condition requiring a contribution in accordance with the Supplementary

Development Contribution Scheme made under Section 49 of the Act be applied to the permission.

#### **4.3. Prescribed Bodies**

The Supplementary Development Contribution Scheme was not referenced in any Prescribed Body report received.

#### **4.4. Third Party Observations**

Three no. third-party observations were received by the planning authority (with further responses on foot of the applicant's FI response). These do not reference the Supplementary Development Contribution Scheme.

### **5.0 Planning History**

#### Overall lands

#### ACP-324557-26 (26/6067)

Permission GRANTED for Large-Scale Residential Development (LRD) comprising of i) the construction of 124 no. apartments and all site works. An Environmental Impact Assessment Report (EIAR) addendum report has been submitted to the planning authority with the application. The proposed development will replace 76 no. apartments previously permitted under Meath County Council Ref. 23/60290 (An Coimisiún Pleanála Ref. ABP-320049-24). Currently on APPEAL- decision PENDING

#### ABP-320049-24 (PA Ref. 23/60290)

Permission GRANTED for LRD consisting of 267 residential units, creche, road improvements and associated site development works

#### 25/61001

Permission GRANTED for modifications to LRD permitted under ABP-320049-24 (PA Ref. 23/60290)

24/60805

Permission GRANTED for LRD consisting of 309 residential units, creche, road improvements and associated site development works

Applications of Note:

The attention of the Coimisiún is drawn to the fact that a significant number of permissions have been granted within the wider area for both LRD developments, railway development and road upgrade works.

## **6.0 Policy Context**

### **6.1. Section 28 Guidance (with reference to Development Contributions)**

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) - These guidelines are intended to promote best practice at every stage in the development management process. Whilst the guidelines' primary focus is on process, the underlying objective of that process is to contribute towards a sustainable and high-quality environment. It is outlined (at Section 8.11) that in appeals relating to section 48/section 49 financial contributions conditions only, An Coimisiún is restricted to consideration of the matters under appeal.

### **6.2. Development Plan**

The **Meath County Development Plan 2021-2027** applies.

Zoning: 'A2 New Residential' which seeks 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate.

A section of lands along the eastern boundary of the site are zoned 'F1 Open Space'

which seeks 'to provide for and improve open spaces for active and passive recreational amenities'

Meath County Council **Development Contribution Scheme 2024-2029** (effective 1<sup>st</sup> January 2024) applies.

Section 3.3 of the Development Contribution Scheme 2024-2029 relates to Supplementary Development Contributions – Section 49 of the Act 2000 – 2022.

This Scheme determines the amount and manner of payment of the contribution and specifies the area to which it relates. Meath County Council has adopted Supplementary Development Contribution Schemes for the following projects:

1. Navan to Dublin Railway Line – Phase 1 - Clonsilla to Dunboyne (Pace) and
2. The Kells Backlands.

Meath County Council **Supplementary Development Contribution Scheme for Re-opening of the Navan to Dublin Railway line- Phase 1-Clonsilla to Dunboyne (Pace)**

7. The amount of the contribution to be paid under this scheme (January 2006 prices) is as follows: -

Residential - €144,700 per gross hectare

Commercial - €329,900 per gross hectare

The amounts in this paragraph will increase on 1 January each year at the compound interest rate of 5% per year. The contributions must be paid at the rate in effect at the time of payment.

### **6.3. Natural Heritage Designations**

The site is not located within or adjacent to any European sites.

### **6.4. Legislative Context**

**Planning & Development Act, 2000 (as amended)**

Section 49 (1) states that a planning authority may, when granting a permission, include conditions requiring the payment of a contribution in respect of any public infrastructure service or project specified in a scheme made by the planning authority i.e. a supplementary development contribution scheme.

Section 49 (2) states that the amount, and manner of payment, of a contribution shall be determined in accordance with a scheme which shall specify the area or areas within the functional area of the planning authority, and the public infrastructure project or service to which it relates.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. A first-party appeal submission was received, which may be summarised as follows:

- Appeal against Condition No. 39 of planning authority decision
- Contends that this Supplementary Development Contribution condition in respect of the reopening of the Navan to Dublin Railway Line has been miscalculated by the planning authority
- Contends that the fee was calculated based on the site's gross area rather than its gross residential area (stated as being 7.25ha)
- Acknowledges that the subject lands fall within the area identified under Meath County Council's Supplementary Development Contribution Scheme for the Reopening of the Navan to Dublin Railway Line - Phase 1 - Clonsilla to Dunboyne (Pace) and that a supplementary development contribution in principle applies to the proposed LRD development.
- States that a review of the previous permitted adjoining developments on overall lands namely Phase 1 (Planning Ref. 23/60290 and ACP Ref: 320049-24) and Phase 2 (Planning Ref. 24/60805), both which fall within the area subject to the Supplementary Development Contribution Scheme, demonstrate a clear and consistent methodology for calculating the applicable special contributions.
- The current contribution has been calculated by reference to the full 17.22 ha site/scheme area, rather than the relevant gross residential area applicable to

Phase 3 (stated to be 7.25ha). This differs from the approach taken for permitted Phases 1 and 2, where the supplementary development contribution was calculated by applying the indexed residential rate to the relevant residential area for each phase- states that both Phase 1 and Phase 2 were calculated using the net residential area

- In this regard, Phase 3 has been derived by reference to the entirety of the 17.22ha site (overall scheme area), rather than being based on the gross residential development attributable solely to Phase 3, with the exclusion of any overlapping or previously assessed areas associated with Phase 2. Overlap areas between Phase 2 and 3 already accounted for have been set out in an attached map.
- Gives rise to a duplication of charges in respect of lands and development quantum already accounted for under the previous permission under Phase 2 (24/60805).
- Considers that the levy should have been applied to an area of 7.25ha at a rate of €167,508.34 giving a revised calculation, based on the correct application of the Scheme, for payment of a contribution of €1,214.435.46.

## **7.2. Applicant Response**

A response was received to a now-withdrawn third-party appeal submission.

## **7.3. Planning Authority Response**

A response was received from the planning authority which states that they are satisfied that the proposal was appropriately considered throughout the course of the assessment of the planning application, as detailed in the respective Planning Officer's reports dated 20 Feb 2026 and 08 May 2026. Requests that ACP uphold the decision to grant permission for the said development.

## **7.4. Observations**

None

## **7.5. Further Responses**

None

## **8.0 Assessment**

- 8.1. This is an appeal against Condition No. 39 of the planning authority's grant of permission requiring the payment of a contribution in accordance with the adopted Meath County Council Supplementary Development Contribution Scheme (adopted on 4th December 2023 and came into effect from 1st January 2024). Section 49 of the Planning and Development Act 2000, as amended, makes provision for planning authorities to adopt section 49 Supplementary Development Contribution Schemes and as this is an appeal in respect of a supplementary financial contribution, the provisions of Section 49 of the Act apply, whereby An Coimisiún is restricted to considering this condition alone. An Coimisiún cannot therefore consider the proposed development de novo and as a result, I have confined my assessment to the condition (No. 39) that has been appealed.
- 8.2. The legislation in this case provides that An Coimisiún, in considering this type of appeal, has to decide whether or not the terms of the Development Contribution Scheme have been properly applied by the planning authority in this instance. It cannot enquire into, nor determine, any issue relating to the rights or wrongs of the Scheme itself. Therefore, the main issue in this case is whether the development contribution scheme has been correctly applied.
- 8.3. At the outset, I note that all parties acknowledge that the subject lands fall within the area identified under the Meath County Council's Supplementary Development Contribution Scheme for the Re-opening of the Navan to Dublin Railway Line - Phase 1 - Clonsilla to Dunboyne (Pace) and that a supplementary development contribution in principle applies to the proposed LRD development.
- 8.4. The first-party appeal submission contends that the Supplementary Development Contribution condition (Condition No. 39) in respect of the reopening of the Navan to Dublin Railway Line has been mis-calculated by the planning authority. They state that it appears the fee was calculated based on the site's gross area (17.22ha) rather than its gross residential area (stated as being 7.25ha). Furthermore, they contend

that a review of the previous permitted adjoining developments on the overall lands namely Phase 1 (Planning Ref. 23/60290 and ACP Ref: 320049-24) and Phase 2 (Planning Ref. 24/60805), both of which fall within the area subject to the supplementary Development Contribution Scheme, demonstrate a clear and consistent methodology for calculating the applicable special contributions, based on the gross residential development area. They also note the lack of exclusion of any overlapping or previously assessed areas associated with Phase 2. Overlap areas between Phase 2 and 3 already accounted for have been set out in a map attached to their appeal submission. The first party further state that this calculation gives rise to a duplication of charges in respect of lands and development quantum already accounted for under the previous permission under Phase 2 Ref: 24/60805. They consider that the levy should have been applied to an area of 7.25ha at a rate of €167,508.34 giving a revised calculation for payment of a contribution of €1,214.435.46.

- 8.5. Section 11.0 of the Planner's Report (2<sup>nd</sup> report, dated 13/05/2026) deals with Development Contributions. It states that the development falls within the referral corridor for the Navan to Dublin Railway Line Phase 1, Clonsilla to Dunboyne (Pace). The net residential area is 17.22Ha therefore a contribution would be sought of €2,884,493.61 (residential rate). I consider this statement to be incorrect in that the net residential area is not 17.22 ha- this figure represents the gross site area (numerous references to same within submitted documentation are noted, including section 1.4 of submitted EIAR). The net developable area is stated as being 7.13 hectares within the submitted documentation, although various references to 7.25ha are also made. I note the planning authority response to the appeal. It states that they are satisfied that the proposal was appropriately considered throughout the course of the assessment of the planning application, as detailed in the respective Planning Officer's reports dated 20 Feb 2026 and 08 May 2026 and they request that ACP uphold the decision to grant permission for the said development.

- 8.6. Condition No. 39 is as follows:

The developer shall pay to the Planning Authority a financial contribution of €2,884,493.61 in respect of the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE) in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning

Authority under Section 49 of the Planning and Development Act 2000-2023. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to the An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000-2023 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under Section 49 of the Act be applied to the permission.

- 8.7. I have examined the Meath County Council Development Contribution Scheme 2024-2029 (effective from 1<sup>st</sup> January 2024). Section 3.3 of the Development Contribution Scheme 2024-2029 relates to Supplementary Development Contributions – Section 49 of the Act 2000 – 2022. Meath County Council has adopted Supplementary Development Contribution Schemes for two projects including the Navan to Dublin Railway Line – Phase 1 - Clonsilla to Dunboyne (Pace). The subject site is located within the area for which the Scheme is adopted and contributions are payable and all parties acknowledge this. It is the amount payable which is under dispute in this current appeal. The applicants state that the gross site area is 17.22 hectares while the net area is 7.25 hectares. As stated above, I note that this figure of 7.25ha is referenced as being 7.13 ha elsewhere within the documentation.
- 8.8. I have also examined the Supplementary Development Contribution Scheme for the Navan to Dublin Railway Line Phase 1, Clonsilla to Dunboyne (Pace)- dated September 4<sup>th</sup>, 2006. The Scheme states that the amount of contribution to be paid (January 2006 prices) is €144,700 per gross hectare. The Scheme further states that the amounts will increase on 1 January each year at the compound interest rate of 5% per year. The contributions must be paid at the rate in effect at the time of payment. All parties would appear to accept that the current indexed rate is €167,508.34 per hectare.

- 8.9. I note Condition No. 29 of the decision to grant permission for Phase 1 (ABP-320049-24) which attached a Supplementary Development Contribution condition of unspecified amount, to be agreed with the planning authority. Based on the information before me, and the lack of any further correspondence with ACP relating to same, it appears that there was no disagreement between parties in relation to the amount payable under this unspecified amount condition. For the Phase 2 LRD development (Reg. Ref. 24/60805), the planning authority attached a Supplementary Development Contribution financial contribution of €993,324.46 in respect of the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE) (Condition No. 41). In that application, the gross site area was stated as being 16.42 ha with net site area of 5.93 ha. It appears that the contribution was calculated based on net site area.
- 8.10. I have examined all of the information before me in this regard, including, inter alia, the Scheme itself, the first-party appeal submission including Drg. No. DBN3-SP-00-DR-JFA-AR-P1000 attached to the appeal submission, together with the reports of the planning authority.
- 8.11. Notwithstanding the basis for the calculation by the planning authority in the previous Phase 2 application on the wider lands (of which there is some overlap with this current site), I note that the wording of the Scheme as adopted by the planning authority specifically states that the amount of the contribution to be paid under this scheme (January 2006 prices) is as follows: - Residential - €144,700 **per gross hectare** (my highlighting). The planning authority responded to the appeal submission making no changes to their contribution amount, as applied, stating that they are satisfied that the proposal was appropriately considered. Therefore, based on the explicit wording of the Scheme, I consider that the planning authority were correct to apply the contribution to the gross site area (per gross hectare) and not the net site area, as argued by the first-party.
- 8.12. However, as has been stated elsewhere, I note that there is overlap between the Phase 2 site previously permitted (Reg. Ref. 24/60805) and this current appeal. The overlap (as shown on Drg. No. DBN3-SP-00-DR-JFA-AR-P1000 attached to the appeal submission) is stated to represent 1.7 hectares. The planning authority have not disputed this figure. Therefore, ordinarily I would consider that this figure of 1.7 ha should be omitted from the current calculation as it has already been applied (in

order to avoid double-accounting). However, given that it appears that the planning authority only levied the net site area in Phase 2 and not the overall gross area of 16.42 ha, then it is unclear if this area was included in the calculation, or not.

Therefore, based on all of the above, I consider that the amount payable should be based on the total gross area of 17.22 hectares.

8.13. To conclude, having regard to Section 49 of the Planning & Development Act, 2000 (as amended), to the location of the subject site within the boundary of the 'Section 49 – Supplementary Development Contribution Scheme for the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE)', and the specific wording of the Scheme, I consider that the subject application is liable to a supplementary development contribution as set out in Condition 39 of the planning authority's decision and that the supplementary development contribution has been properly applied.

8.14. Having regard to all of the above, I recommend to ATTACH Condition No. 39 of the decision of the planning authority.

## **9.0 Environmental Impact Assessment**

9.1. This case is a first party appeal against a supplementary development contribution condition. This does not come within the definition of a 'project' for the purposes of EIA i.e. it does not comprise construction works, demolition or intervention in the natural surroundings.

## **10.0 Recommendation**

I recommend that Condition 39 be attached to the grant of permission.

## **11.0 Reasons and Considerations**

Having regard to Section 49 of the Planning & Development Act, 2000 (as amended), to the location of the subject site within the boundary of the 'Section 49 – Supplementary Development Contribution Scheme for the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE)', and the provisions of the Scheme, I consider that the subject application is liable to a supplementary

development contribution as set out in Condition 39 of the planning authority's decision and that the supplementary development contribution has been properly applied.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Lorraine Dockery

Senior Planning Inspector

01<sup>st</sup> September 2026