Inspector's Report

PL-501570-OY-26

Development	The backfilling of a permitted sand and gravel pit (QY75) with Article 27 by product soil and stone; all associated ancillary facilities, including, wheelwash, small portacabin office/canteen and chemical toilet all within an application area of c.3.2 Ha. The applicant is seeking a 10-year permission for infilling and associated activities, with an additional 2 years for final site restoration.
Location	Clonaderg Townland, Ballinahown, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2560524
Applicant(s)	Hinch Plant Hire Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions

Type of Appeal	First Party v. Conditions
Appellant(s)	Hinch Plant Hire Ltd.
Observer(s)	None.
Date of Site Inspection	11th September, 2026
Inspector	Robert Speer

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1.0 Introduction

1.1. This report relates to a first party appeal made under S.48 of the Planning and Development Act, 2000, as amended, in respect of Condition Nos. 17 & 18 as attached to the notification of the decision to grant permission for the proposed development

2.0 Site Location and Description

2.1. The proposed development site is located in the rural townland of Clonaderg, Co. Offaly, approximately 3.2km southwest of Ballinahown and 11km southeast of Athlone, in an area which is typically rural in character and dominated by an undulating topography comprising a mix of agricultural fields, forestry plantations, and cutover bogland (primarily used for the commercial extraction of peat) interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings, as well as several sand and gravel pits (both historical and operational). The site itself has a stated site area of c. 3.2 hectares, is irregularly shaped, and comprises a disused sand and gravel quarry excavated below the surrounding landscape. Access to the site is obtained via an existing entrance arrangement from Local Road No. L3008 which extends between its junction with the R444 Regional Road at Mannion's Crossroads approximately 285m to the southwest and the N62 National Road which passes through the village of Ballinahown c. 3.2km to the northeast.

3.0 Proposed Development

3.1. The proposed development consists of the backfilling of a permitted sand and gravel pit (Quarry Reg. No. QY75) through the importation of approximately 270,000 No. tonnes (150,000m^3) of uncontaminated inert soil and stone classified as a by-product under Article 27 of the European Waste Framework Directive with a view to restoring the site to near its original ground levels and to return the land in question to agricultural use and natural habitat. The proposed backfilling and site will progress eastwards using only Article 27 inert soil and stone materials imported from external,

pre-approved development sites. The existing site entrance and internal road network will be used to accommodate the works.

3.2. Although the exact locations from where the infill material will be sourced have not been identified, it is expected that the material will be emanate from construction and development projects within the region. It is anticipated that material will be imported to the site over a period of 10 No. years at an average intake rate of 50,000 No. tonnes per annum which equates to approximately 10 No. HGV trips per day.

3.3. The proposal also includes for all associated ancillary facilities, including the provision of a wheelwash, small portacabin office / canteen, and chemical toilet.

3.4. A 10-year permission has been sought for the infilling and associated activities with an additional 2 No. years for final site restoration.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 29th May, 2026 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 19 No. conditions. Condition Nos. 17 & 18 (the subject of this appeal) state the following:

4.1.2. Condition No. 17:

> The developer shall pay to the Planning Authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of additional HGV traffic on [the] public road. The amount of the contribution shall be €10,000 per annum between commencement of operations and completion of full restoration of the site. The contribution shall be paid prior to the commencement of the development or in such phased payments as the Planning Authority may facilitate.
>
> Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning

authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

4.1.3. Condition No. 18:

Prior to commencement of development, a contribution shall be payable to Offaly County Council, in accordance with the Council's Development Contribution Scheme, in respect of public infrastructure and facilities benefiting development in County Offaly, that is provided or that is intended will be provided by, or on behalf of, the Council.

The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

Class of Infrastructure	Area	TOTAL
Land use for: (a) the winning and/or working of minerals (b) deposit of refuse or waste (c) land filling (inert material) €2,000 per 0.1 hectare of site area subject to a minimum charge of €15,000.	3.2 hectares	€64,000

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Offaly County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.

4.2. Planning Authority Reports

4.2.1. Planning Reports:

An initial report details the site context, planning history, and the applicable policy considerations with the subsequent analysis noting that while the proposed development involves the infilling of a disused quarry, cognisance should be taken of the provisions of DMS-112: '*Quarries and Ancillary Developments'* (including the

restoration and after care proposals referenced therein) and DMS-115: '*Waste Recovery / Disposition Sites'.* It proceeds to reference the site location in an '*Area of High Amenity'* and its designation as a '*High Sensitivity Landscape Area'* in the Offaly County Council Development Plan, 2021-2027 before stating that the site is largely shielded from public view and that the infilling of the land will have limited visual impact. The remainder of the report considers issues such as road & traffic safety, ecology, public health & services, noise & dust, invasive species, siting & design, and the application of development contributions, before recommending that further information be sought in relation to a number of matters, including the contents of the report prepared by the Birr Municipal District Office, the ecological mitigation measures, the water supply and wastewater management arrangements for the site office, and the phasing of the reinstatement programme.

Following the receipt of a response to a request for further information (along with the publication of revised public notices pursuant to a request for clarification of further information), a final report was prepared which concluded that the proposal would not conflict with the provisions of the County Development Plan, would not seriously injure the visual amenities of the area, would not be likely to have significant effects on the environment or the ecology of the area, and would accord with the proper planning and sustainable development of the area. It proceeds to recommend a grant of permission, subject to conditions.

4.2.2. **Other Technical Reports:**

Birr Municipal District: An initial report recommended that further information be sought in relation to sightlines, the operation of the proposed wheelwash, details of traffic generation (including the number of delivery vehicles and their expected loadings), and the identification of haulage routes. Following consideration of the applicant's response to a request for further information, a final report was prepared which stated that there was no objection to the proposed development before recommending a series of conditions, including the imposition of an annual special contribution of €10,000 towards the light road maintenance of (i) L-3008-1 Mannion's Cross to Ballinahown, and (ii) R-444 Mannion's Cross to Shannonbridge.

Enforcement Advice Note: Advises that the site in question was previously the subject of enforcement action which involved the investigation of a failure to comply

with Condition No. 9 as imposed under Section 6(a)(ii) of Section 261 of the Planning and Development Act, 2000, as amended, due to the required information having not been submitted. Those enforcement proceedings were subsequently closed on 27th February, 2007.

Environment & Water Services: No objection, subject to conditions.

4.3. Prescribed Bodies

4.3.1. *Geological Survey Ireland*: States that there are concerns over the protection and promotion of the county geological sites listed in the Offaly County Development Plan before noting that the proposed development site falls within such a designation i.e. the Clonmacnoise Esker, which is described as the longest esker system in the country and a superb example of a relict subglacial conduit system. It is further submitted that although the Clonmacnoise Esker is recommended as a County Geological Site, it is of international importance and is also recommended as a Geological Natural Heritage Area. The report continues by asserting that the proposed development will remove the geological heritage value of the site in terms of scientific and educational interest and recommends that the planning authority support GSI's geological heritage goals as follows (ideally as a condition of planning and written into the restoration / closure plan by the operator):

1. Access to be allowed to faces by appropriate scientists (upon request and with due regard to health and safety requirements) during quarrying to check for interesting new stratigraphies / relationships should such features be exposed, and to establish if the sand and gravel pit is worthy of recognition post extraction and through aftercare / restoration planning.
2. If deemed appropriate in (1) above, leaving a representative section of the quarry face at the end of the quarry life or the inclusion of information panels to promote the geology to the public or develop tourism or educational resources if appropriate depending on the future use of the site. Natural exposures are few, or deeply weathered, and this measure would permit on-going improvement of geological knowledge of the subsurface.
3. To encourage discussion on end-of-life plans for the quarry with GSI to promote the geology to the public or to develop tourism or educational

resources if appropriate. GSI would like to offer help with interpretive signs where interesting geological features have been exposed, if appropriate.

Reference is also made to the Geoheritage Programme which tries to promote a partnership between geological heritage and active quarrying, with such measures as those outlined in the 'Geological Heritage Guidelines for the Extractive Industry'. It is further stated that should the development proceed, GSI would appreciate a copy of any reports detailing site investigations for addition to its national database of site investigation boreholes.

4.4. Third Party Observations

4.4.1. None.

5.0 Planning History

5.1. On Site:

5.1.1. PA Ref. No. 232. Application by Dermot Nally Stone Ltd. for permission for the importation of inert waste consisting of soil and stone material for the site restoration of a former gravel pit (area: 3.3 hectares), at a maximum rate of 20,000 tonnes per annum (150,000 tonnes total) along with permission to construct a wheel bath, office and welfare facilities and use of existing entrance (previously granted under P17/408 and ABP-300919-18) and all associated ancillary works. This application was subsequently withdrawn.

5.1.2. PA Ref. No. 17408 / ABP Ref. No. ABP-300919-18. Was granted on appeal on 19th November, 2018 permitting Dermot Nally Stone Ltd. permission for the retention of the extraction of material over an area of 0.95 hectares and planning permission for the restoration to agricultural use of the same 0.95 hectares.

5.1.3. PA Ref. No. EUQY75. A determination under Section 261A in relation to EIA and AA that no further action was required in relation to Quarry EUQY075.

5.1.4. PA Ref. No. QY75. Registration of a gravel and sand pit under Section 261 subject to 16 No. conditions.

5.1.5. PA Ref. No. 87224. Was granted on 13th October, 1987 permitting ML. Daly permission for the retention of a gravel pit & the provision of a new entrance.

6.0 Policy Context

6.1. Local Policy

6.1.1. Offaly County Development Plan, 2021-2027:

Chapter 4: Biodiversity and Landscape:

Section 4.6.1: *Geology:*

The Irish Geological Heritage (IGH) Programme has identified sites of national or local geological heritage importance, which are classed as County Geological Sites (CGS) which have been adopted into the National Heritage Plan. Table 4.11 below includes a schedule of CGS identified by the IGH Programme for Protection in County Offaly in 2016.

Table 4.11: '*Schedule of County Geological Sites identified by the Irish Geological Heritage Programme for Protection in County Offaly in 2016'*:

Site Name	*Designation*	*Irish Transverse Mercator (ITM) Co-ordinates*
Clonmacnoise Esker	County Geological Site; recommended for Geological NHA	600870E 730650N (centre of esker at Clonmacnoise)

Section 4.6.2: *Eskers:*

Eskers are glacial features composed of ridges of sand and gravel deposited at the end of the Ice Age. The Council recognises the unique importance of Offaly's Esker Landscape deriving from its geological, zoological, botanical, scientific and landscape value.

An Offaly Esker Study published in 2006 is a valuable source of information regarding the existing eskers in part of the county. There are twenty esker systems in Offaly containing 208 segments. Each esker system comprises a landform or series of landforms (esker segments) having a single process history, in a specific zone. The esker system covers over 4,000 acres in Offaly. The esker system examined by this survey, the Clonmacnoise Esker, is the largest esker system in the county, covering 5.79 km² and comprising one-third of the area of all eskers in the

county. The study found that the Clonmacnoise esker system is of international importance due to its high habitat and species diversity and supports the designation of the Clomacnoise esker system as a pNHA. The Study also confirms the importance of including policies in the Offaly Development Plan to restrict exploitation on eskers and suggested a further focus on pit restoration. In addition, the Study recommends the Clonmacnoise esker system, as well as many of its adjacent esker systems in Offaly, has the potential to host a portion of a Geopark spanning the Westmeath-Offaly region.

Section 4.6.3: *Quarries:*

Offaly has a number of exhausted or worked out quarries and sand and gravel pits, where activity has ceased. It is now recognised that worked out quarries have potential as rich habitat and nesting sites. The Council encourages operators to consult with the Irish Concrete Federation (ICF) and the National Parks and Wildlife Service (NPWS) document “Guidelines for the Protection of Biodiversity within the Extractive Industry” which advises how biodiversity can be catered for from planning applications through to operations and rehabilitation of a quarry.

Section 4.13: *Areas of High Amenity:*

Areas of High Amenity (AHA) are areas worthy of special protection / enhancement due to their uniqueness and scenic / amenity value. These designations are additional to statutory national and European designations which may overlap with these AHA. It is a priority of the Council to protect and preserve the AHAs in Table 4.17 and Figure 4.18.

Table 4.17: ‘*Areas of High Amenity in County Offaly: 11. Other Eskers’*

Section 4.13.4: *Areas of High Amenity – Eskers:*

The Eiscir Riada which traverses the north-western corner of County Offaly in a more or less continuous line from Shannonbridge to Clonmacnoise and on to Clara, Durrow and Rahugh (County Westmeath), is worthy of conservation due to its geomorphologic, scientific, historical, recreational and amenity value and uniqueness. The Council recognises the potential that the esker landscape in the north and northwest of the county has to be a UNESCO Geopark, to promote the unique geological heritage of the area.

Section 4.14: *Landscape:*

Section 4.14.1: *Landscape Sensitivity:*

Table 4.20: '*High Sensitivity Areas in County Offaly':*

High Sensitivity Areas:

High Sensitivity Areas are vulnerable landscapes with the ability to accommodate limited development pressure. In this category of landscape, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscapes limitations the character of the landscape may change.

The following include identified features or areas of natural beauty or interest which have extremely low capacity to absorb new development. Areas included within this class are designated Areas of High Amenity.

G) THE ESKER LANDSCAPE

Characteristics

- Eskers were built up under the ice cap about ten thousand years ago and have archaeological significance, as they formed the early highways in Ireland.
- In old Irish, 'eiscir' means divide while 'riada' means road.

Sensitivities

- The eskers have geomorphologic, scientific, historical, cultural, recreational and amenity value and uniqueness.
- In particular, the esker system north of Clara bog is critically important, as it is most likely the source of nutrient rich water, which feeds the bog's soak systems.
- There is a need to balance the conservation of the important landscape features associated with eskers providing educational / tourism and recreational potential with the requirements of aggregate extraction and economic development. Hence, the esker landscape is highly sensitive to any future development and the opening up of new pits for sand and

gravel extraction will be strongly resisted (refer to Chapter 5, Economic Development Strategy).

Section 4.16: *Biodiversity and Landscape Policies:*

BLP-09: It is Council policy to protect from inappropriate development and maintain the character, integrity and conservation value of features or areas of geological interest as contained in the scheduled list of geological heritage sites identified in Table 4.11 Offaly Geological Sites.

BLP-11: It is Council policy to protect and conserve the landscape, natural heritage and biodiversity value of esker systems in the county as identified in the Offaly Esker Study, 2006.

BLP-12: It is Council policy to assess the impact of proposals for quarry development on nearby eskers, with reference to their status or relative importance, for example, amenity, landscape and scientific value in the context of the overall esker system.

BLP-13: It is Council policy to recognise the natural heritage value of disused quarries as rich habitats and to encourage landowners to preserve quarries post extraction as habitats rather than levelling or infilling the quarry area where possible subject to health and safety considerations and the protection of the relevant conservation objectives, qualifying interests and integrity of Natura 2000 sites.

BLP-35: It is Council policy to protect and preserve the county's Areas of High Amenity namely the Slieve Bloom Mountains, Clonmacnoise Heritage Zone, Durrow High Cross, Abbey and surrounding area, the River Shannon, Lough Boora Discovery Park, Grand Canal, Croghan Hill, Raheenmore Bog, Pallas Lake, Clara Bog, Clara eskers, Eiscir Riada and other eskers. Notwithstanding the location of certain settlements, or parts of, for which there are settlement plans (Towns, Villages, Sráids), within the Areas of High Amenity, it is not the intention of this policy to hinder appropriate sustainable levels of development (as set out in the plans and subject to proper planning). Further, it is policy to facilitate the sustainable extension and expansion of existing visitor,

tourist related or other rural enterprises within the Areas of High Amenity, where such development is appropriate and where it can be demonstrated that it gives 'added value' to the extending activity and to the immediate area which is the subject of the 'Area of High Amenity' designation.

BLP-36: It is Council policy, to ensure that issues of scale, siting, design and overall compatibility (including particular regard to environmental sensitivities) with a site's location within an Area of High Amenity are of paramount importance when assessing any application for planning permission. The merits of each proposal will be examined on a case-by case basis.

BLP-38: It is Council policy to protect and enhance the county's landscape, by ensuring that development retains, protects and where necessary, enhances the appearance and character of the county's existing landscape.

BLP-40: It is Council policy to ensure that consideration of landscape sensitivity is an important factor in determining development uses.

Section 4.17: *Biodiversity and Landscape Objectives:*

BLO-07: It is an objective of the Council to protect county geological sites and mushroom stones identified in Table 4.11 Schedule of County Geological Sites identified by the Irish Geological Heritage Programme for Protection in County Offaly.

BLO-22: It is an objective of the Council to ensure that new development, whether individually or cumulatively, does not impinge in any significant way on the character, integrity and distinctiveness of or the scenic value of the Areas of High Amenity listed in Table 4.17. New development in Areas of High Amenity shall not be permitted if it;

- Causes unacceptable visual harm;
- Introduces incongruous landscape elements; and
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness; (ii) historic elements that

contribute significantly to landscape character and quality such as field or road patterns; (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

BLO-24: It is an objective of the Council to have regard to the Landscape Sensitivity Areas in Tables 4.18, 4.19 and 4.20 in the consideration of planning applications.

Chapter 5: Economic Development Strategy

Section 5.7: *Rural Economic Strategy:*

Section 5.7.8: *Aggregates and Minerals:*

The Council recognises the importance of sand and gravel extractions in the economic life of the county and its importance as a valuable source of employment in parts of the county. It is also recognised, however, that exploitation of deposits can have a seriously damaging environmental impact on the county's natural landscape, in particular its esker network. Offaly County Council acknowledges that a satisfactory balance is required between the needs of the building industry and the need to protect the environment.

The Council recognises the importance of ensuring that those extractions which would result in a reduction of the visual amenity of areas of high amenity or damage to areas of scientific importance or of geological, botanical, zoological and other natural significance including all designated European Sites are not be permitted.

The Council requires that all such workings should be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority. The use of these rehabilitated sites shall be limited to wastes such as soil, stone and subsoils and sites shall be authorised under the appropriate waste regulations.

Section 5.11: *Rural Economic Development Policies:*

REDP–19: It is Council policy to ensure those extractions (quarries / sand and gravel pits) which would result in a reduction of the visual amenity of Areas of High Amenity, eskers, esker landscapes, protected views or damage to designated sites, habitat types or species shall not be permitted. It is Council policy that all such workings should be

subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Council which could include recreational, biodiversity, amenity or other end-of-life uses. Planning applications for extraction shall be assessed against section 28 Ministerial Guidelines. The use of these rehabilitated sites shall be limited to wastes such as soil, stone and subsoils and sites shall be authorised under the appropriate waste regulations. Where the Council considers and accepts that in cases where inert material (for example soil, stones and subsoil) cannot be recycled or otherwise sold, such materials may be considered for the phased restoration and landscaping of the site in line with planning conditions imposed.

Chapter 13: Development Management Standards:

Section 13.9.14: *Extractive Industries*:

DMS-112: 'Quarries and Ancillary Developments'

When assessing planning applications for quarry and ancillary developments, the Council will have regard to;

- Section 261 and Section 261A of the Planning and Development Act, 2000 (as amended);
- the Quarries and Ancillary Activities Guidelines 2004 and any amendments to the Guidelines which may be made, and
- Environmental Protection Agency's (EPA) publication 'Environmental Management in the Extractive Industry (non-scheduled minerals)' 2006.

In addition to the above, all planning applications for quarry and ancillary developments, such as batching plants, crushing, screening, shall appropriately detail the environmental baseline of the area in which extraction is proposed, likely impacts and proposed mitigation measures relating to;

- Human health;
- Groundwater, surface water and important aquifers and compliance with the objectives of the Water Framework Directive;

- Natura 2000 sites (Special Areas of Conservation and Special Protection Areas), Natural Heritage Areas, proposed Natural Heritage Areas and other sites for environmental or ecological protection such as Statutory Nature Reserves, Ramsar Sites, Wildfowl Sanctuary and Biogenetic Reserves;
- Flora and fauna;
- Sensitive local receptors such as residences, Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects, and Key Amenity Routes as outlined in Chapter 4 of this Plan;
- Landscaping, berms and screening proposals;
- Local transportation network with particular reference to details of haul routes, trip movements and articulated lorry weights;
- Noise, vibration and dust emissions; and
- Archaeological and architectural heritage of the area.

Planning applications shall also include general details on the proposed development such as:

- Project description including:
  - Description of aggregate to be extracted or processed;
  - Method of extraction and equipment to be used;
  - Details of storage of materials and overburden;
  - Total and annual tonnage of material extracted or processed;
  - Details of any blasting;
  - Fuel and chemical storage;
  - Floor levels showing depths of extraction.
- Phasing programme for extraction and rehabilitation;
- Restoration and after care proposals for the site (plans and section drawings), including long-term quarry face stability, long-term water pollution potential and control, removal of buildings, plant and machinery, fencing and security and a demonstration of how emerging biodiversity and habitats have been incorporated into proposals.

In order to facilitate the sustainable development of the extractive industry, the Council will require the lodgement of a financial bond to ensure the satisfactory reinstatement of the site following the completion of extraction and the payment of an adequate contribution towards the upgrading or repair of the local road network.

Traffic Assessments and Road Safety Audits may be required in accordance with DMO-105.

Proposals for batching plants, crushing and screening on exhausted quarry sites are required to provide details on the source of aggregate and also the number of expected trips from source to plant and then from plant to offsite.

Note:

- The Council favours the use of existing licensed quarries over proposals for extraction from green field sites. There is a presumption against new quarry developments on the county's eskers.
- The Planning Authority, may in certain instances, depending on the size and characteristics of the proposed development, require the preparation of a Natura Impact Statement, Environmental Impact Statement and other assessments as listed in Section 13.8 of this Chapter.
- This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise.

Section 13.9.15: *Waste Management:*

DMS-115: 'Waste Recovery / Disposition Sites':

Planning applications for waste related facilities shall:

- Ensure that the proposed development does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), sensitive landscape

areas, visual amenity, geology, heritage or cultural value, or areas at risk of flooding;

- Detail the type, source and volume of waste material to be processed and its method of processing, including hours of operation and duration of permission sought;
- Phasing programme showing the development in layout drawings and site sectional drawings for each phase of development including the restoration of the site;
- Show by the submission of a Traffic and Transport Assessment indicating details of road access, sightlines / visibility, vehicle turning manoeuvres, parking areas, pull-in areas, the number and types of vehicles which will frequent the site, the carrying loads of vehicles, and haul routes and that the roads infrastructure in the area can accommodate the proposed development;
- Submit evidence that the proposed development is in accordance with the requirements of the EU Water Framework Directive and associated River Basin Management Plans;
- Ensure that environmental emissions such as noise, fumes, odours, dust, grit, vibration and lighting, along with controls and monitoring of same are adequately mitigated and do not impact significantly upon residences in close proximity to the proposed development;
- Provide for adequate screening of the proposed development through the submission of detailed landscaping plans and boundary treatment proposals; and
- Ensure that sufficient detail is submitted in relation to restoration and remediation measures following cessation of the proposed development, including a timeframe for implementation and anticipated finished landform.

*6.1.2. **Offaly County Council Development Contribution Scheme, 2026-2032:***

This Development Contribution Scheme was adopted on 23rd March, 2026 and came into effect on the same date. It includes an indicative list of the public infrastructure and facilities (please refer to Appendix A of same) which are considered to comprise projects that may benefit from development contributions received under the

Scheme. The Scheme sets out the basis for the determination of the relevant development contributions, including those instances where a reduction or exemption in the contribution rate may apply, with Section 15 detailing the rates of contribution / schedule of charges applicable in respect of specified categories of development.

Table 2 – Levels of Contribution – Other Categories of Development:

	Category	**Amount of Contribution**
C	Land use for: (a) the winning and / or working of minerals (b) deposit of refuse of waste (c) land filling (inert material)	€2,000 per 0.1 hectare of site area subject to a minimum charge of €15,000
E	Raising of sites (inert material)	€0.52 per m^2

In addition to the foregoing, Section 17: '*Extractive Industries / Quarries / Infilling'* states the following:

> *'Contributions will be calculated on site areas. Where the site is <5 hectares, the development contributions must be paid in full, prior to commencement of development. Where the site is >5 hectares, it may be possible to agree a phased payment arrangement with the local authority. This is due to the nature of such developments where activity is continuous throughout the lifetime of the permission. If the terms of any such agreement are not adhered to, the local authority reserves the right to initiate enforcement action in respect of unpaid contributions'.*

With respect to '*Special Development Contributions'* imposed pursuant to Section 48(2)(c) of the Planning and Development Act, 2000, as amended, Section 3 of the Scheme states the following:

> *'Section 48(2)(c) of the Act, as amended, provides for a Special Development Contribution where exceptional costs not covered by the general contribution scheme are incurred by a local authority in the provision of a specific public infrastructure facility. Such special development contributions do not have to be adopted by the Council. The Planning Authority may require the payment of a Special Development Contribution in addition to a contribution under the*

General Scheme. These contributions apply only to development which will benefit directly from the public infrastructure facility in question.

Section 48(12)(b) states that where these works are not commenced within five years of the date of payment to the authority of the total contribution or have commenced but not completed within seven years of the date of payment of the contribution or where the County Council decides not to proceed with the proposed works or part thereof, the special contribution (or an amount in proportion to those works which have not been carried out) shall be refunded to the applicant together with any interest that may have accrued over the period while held by the County Council'.

6.2. National Guidance

6.2.1. The '*Development Contributions, Guidelines for Planning Authorities'* published by the Department of the Environment, Community and Local Government in January, 2013 aim to provide non-statutory guidance on the drawing up of development contributions to reflect the radical economic changes that have impacted across all sectors since guidance was last issued in 2007.

6.2.2. The '*Development Management, Guidelines for Planning Authorities'* issued by the Department of the Environment, Heritage and Local Government in June, 2007 are intended to promote best practice at every stage in the development management process and Section 7.12 of this document provides guidance regarding the attachment of planning conditions pertaining to Sections 48 & 49 of the Planning and Development Act, 2000, as amended.

6.3. Natural Heritage Designations

6.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Doon Esker Wood Proposed Natural Heritage Area (Site Code: 001830), approximately 1.9km east-northeast of the site.
- Pilgrim's Road Esker Special Area of Conservation (Site Code: 001776), approximately 2.3km west of the site.

- Clonlyon Glebe Bog Proposed Natural Heritage Area (Site Code: 000893), approximately 2.7km south of the site.
- Clonfinlough Esker Proposed Natural Heritage Area (Site Code: 000892), approximately 2.7km southwest of the site.
- Pilgrim's Road Esker Proposed Natural Heritage Area (Site Code: 001776), approximately 3.0km west of the site.
- Middle Shannon Callows Special Protection Area (Site Code: 004096), approximately 3.1km west-northwest of the site.
- River Shannon Callows Special Area of Conservation (Site Code:000216), approximately 3.1km west-northwest of the site.
- River Shannon Callows Proposed Natural Heritage Area (Site Code:000216), approximately 3.1km west-northwest of the site.
- Mongan Bog Special Area of Conservation (Site Code: 000580), approximately 3.1km west of the site.
- Mongan Bog Proposed Natural Heritage Area (Site Code: 000580), approximately 3.1km west of the site.
- Mongan Bog Special Protection Area (Site Code: 004017), approximately 3.3km west of the site.
- Fin Lough (Offaly) Proposed Natural Heritage Area (Site Code: 000576), approximately 4km southwest of the site.
- Fin Lough (Offaly) Special Area of Conservation (Site Code: 000576), approximately 4km southwest of the site.
- Clonydonnin Bog Natural Heritage Area (Site Code: 000565), approximately 4.8km northeast of the site.

7.0 The Appeal

7.1. Grounds of Appeal

Condition No. 17:

- This condition requires the payment of a special development contribution of €10,000 per annum in respect of additional HGVs traffic on the public road network and thus relates to routine maintenance rather than exceptional infrastructure works.

  - The report of the case planner explains that the annual contribution is intended to fund additional 'light road maintenance' comprising pothole & water-cut repairs (having been calculated on the basis of 25 No. maintenance visits per year). No defined road reconstruction, strengthening, resurfacing, widening, drainage, or junction improvement projects have been identified. Therefore, the contribution is based on recurring maintenance rather than on any specific exceptional infrastructure works.

    Condition No. 17 also fails to identify the particular works (including the location, extent, specification, capital cost or implementation programme) as required by Section 48(12)(a) of the Planning and Development Act, 2000, as amended. A general expectation that pothole or water-cut repairs may be required does not amount to the identification of specific exceptional works. Furthermore, it has not been demonstrated that the annual contribution sought falls outside the adopted Development Contribution Scheme.

    The foregoing approach is supported by the Commission's determination of ABP Ref. No. ABP-322092-25 wherein the reporting inspector concluded that an ongoing annual road-related special contribution effectively amounted to a maintenance levy rather than a contribution towards specific road restoration or improvement works.

    The special development contribution sought would equate to the payment of up to €120,000 over the lifetime of the permission without reference to any defined infrastructure project or cost.

- The amount of the special contribution has not been properly attributed or apportioned to the permitted development:

  - Despite the haul routes for the subject proposal comprising public roads which are also utilised by a variety of residential, agricultural, commercial

and other HGV traffic, the entirety of the assumed cost of €10,000 per annum has been attributed to the proposed development.

- The report of the case planner has not identified existing traffic volumes, the proportion of road use represented by the proposed development, the existing maintenance requirement, the current condition of the road network, or the proportion of any future deterioration reasonably attributable to traffic consequent on the proposed development.
- No explanation has been provided as to why the traffic generation attributable to the permitted development would require 25 No. additional maintenance visits every year.
- The contribution sought has not been shown to be proportionate to, caused by, or properly attributable to the permitted development.

- The resolution of any actual road damage is addressed by other conditions:
  - Condition Nos. 7 & 8 of the notification of the decision to grant permission require detailed road condition surveys (including video, photographic, road condition and Falling Weight Deflectometer surveys) to be carried out before and after the development.
  - Condition No. 19 as imposed by the Planning Authority requires the submission of a road bond / security and allows the Council to apply that security where damage to public roads has occurred as a result of the development.
  - The aforementioned conditions provide an objective mechanism by which to establish the existing road condition, identify any subsequent deterioration, determine any damage attributable to development traffic, and to secure the reasonable cost of any necessary repairs. The existence of these measures reinforces the earlier submission that an additional annual contribution for assumed routine maintenance is unnecessary and duplicative.
- On the basis of the foregoing, Condition No. 17 should be omitted in its entirety.

Condition No. 18:

- This condition requires the payment of a standard development contribution in the amount of €64,000 pursuant to the Offaly County Council Development Contribution Scheme, 2026-2032, however, it is considered that Category 'E': 'Raising of sites (inert material)' is the appropriate classification for the proposed development and that the contribution should be calculated by reference to the area within which the permitted site-raising activity will occur.
    - The permitted development does not involve the winning or working of minerals or the deposit of refuse or waste. Mineral extraction has ceased and the imported soil & stone is required to comprise non-waste Article 27 by-product material.

      The purpose of the development is to raise and grade the former pit to provide a restored landform rather than to operate a mineral extraction or waste disposal facility.
    - Although the overall site area extends to approximately 3.2 hectares, the area within which the Article 27 soil & stone will be deposited (and the ground level will be raised) is limited to c. 2.3 hectares (with the balance of the site area comprising the entrance & access arrangements, retained margins & boundary vegetation, the retained pond / ecological area, and land occupied by ancillary facilities, none of which will be subject to site raising activities). In this regard, the Commission is referred to its previous determination of ABP Ref. No. ABP-312650-22 wherein it was held that calculation of the relevant development contribution was to be made by reference to the identified infill area.
    - By applying the Category 'E' rate of €0.52 per square metre to the 2.3 hectares site area subject to site-raising activities, the applicable development contribution can be calculated as follows

      23,000m^2 (Site Area) x €0.52 / m^2 (Rate of Contribution) =

      Therefore, Condition No. 18 should be amended by reducing the amount of the development contribution from €64,000 to €11,960.

In the alternative, should the Commission consider that Category 'E' must be applied to the full 3.2-hectare site area, the resulting contribution would €16,640.

In the event the Commission determines that Category 'C' is the applicable classification, a further alternative is that it should only be applied only to the c. 2.3 hectare footprint of the infill / deposition works which would result in a contribution calculation of €46,000.

7.2. Planning Authority Response

- Condition No. 17 should be retained to facilitate the expected extra light road maintenance (in the form of pothole repairs by the patching-unit crew and water-cut repairs by the JCB crew) which will be required as a result of additional HGV traffic on sections of the following routes:

  i) L-3008-1 Mannion's Cross to Ballinahown; and

  ii) R-444 Mannion's Cross to Shannonbridge.

- The special development contribution in the amount of €10,000 per annum has been calculated as follows:

  - Approximately 25 No. visits per year from the Birr Municipal District JCB crew or the patching-unit crew to both Local Road No. L-3008-1 (Mannion's Cross to Ballinahown) and Regional Road No. R-444 (Mannion's Cross to Shannonbridge) every fortnight for a half-day (4 hours).
    - 4 No. crew staff for 4 No. hours = 16 No. man-hours per visit
    - 16 No. man-hours @ €25 / hr = €400 per visit
    - €400 per visit x 25 No. visits per annum = €10,000 per annum.

  (The Commission is requested to note that no charge has been applied as regards the following items: Traffic management (supply & install); patching-unit equipment hire; JCB hire; van hire; or material supply (tar, chippings, broken stone).

- In relation to Condition No. 18, Category ‘E’ of the Offaly County Council Development Contribution Scheme relates to the raising of sites to allow for the building of structures. The scheme provides for a distinction between land infilling of inert material and the raising of sites with inert material depending on the ancillary uses specified in a planning application.

7.3. Observations

None.

7.4. Further Responses

None.

8.0 Assessment

8.1. Condition No. 17:

8.1.1. In accordance with Section 48(13)(a) of the Planning and Development Act, 2000, as amended, where an appeal is received by the Commission which relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under section 37 of the decision of the planning authority under that section, the Commission cannot determine the application as if it had been made to it in the first instance and can only determine the matters under appeal. Therefore, given that the subject appeal has been lodged under Section 48 of the Act as regards the imposition of a special contribution through the attachment of Condition No. 17 to the notification of the decision to grant permission, the Commission is restricted to the consideration of that condition and cannot assess the application *de novo*. I have therefore confined my assessment to the condition that has been appealed.

8.1.2. (*N.B.* Notwithstanding that the applicant has also appealed Condition No. 18, the scope of that aspect of the appeal is curtailed by Section 48(10)(b) of the Act to a determination as to whether the terms of the Development Contribution Scheme have been properly applied in respect of that condition).

8.1.3. Condition No. 17 requires the payment of a special development contribution pursuant to Section 48(2)(c) of the Planning and Development Act, 2000, as

amended, in respect of the *"additional HGV traffic on [the] public road"* attributable to the proposed development and has been imposed on the basis that it is considered reasonable that the developer should contribute towards specific exceptional costs to be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development. It is further stated that the contribution will amount to the annual payment of €10,000 for the duration of the development between the commencement of operations and final completion of the site restoration works.

8.1.4. From a review of the available information, it is evident that the rationale for the special contribution sought by Condition No. 17 derives from a recommendation contained in the final report of the Birr Municipal District Office which states that a levy of €10,000 per annum will be required to cover the costs of the additional *'light road maintenance'* as a result of the increased HGV traffic consequent on the proposed development. More specifically, it states that the monies are to be allocated towards the light road maintenance of both (i) the L-3008-1 Mannion's Cross to Ballinahown, and (ii) the R-444 Mannion's Cross to Shannonbridge. It also includes a breakdown of the nature and costs of the anticipated works.

8.1.5. Within the grounds of appeal, it has been asserted that Condition No. 17 effectively requires the payment of monies towards routine road maintenance as opposed to any specific exceptional infrastructure works. In this regard, reference is made to the failure of the condition to identify the particular works (including the location, extent, specification, capital cost, and implementation programme) proposed to be carried out by the local authority and to which the special contribution relates as required by Section 48(12)(a) of the Act. It is further submitted that a general expectation that pothole or water-cut repairs may be required does not amount to the identification of specific exceptional works and that it has not been demonstrated that the annual contribution sought falls outside the adopted Development Contribution Scheme. Additionally, the case has been put forward that the contribution has not been properly apportioned or attributed to the proposed development in the context of existing road usage. Moreover, it has been suggested that the resolution of any actual road damage attributable to the proposed development will be satisfactorily addressed by other conditions attached to the grant of permission given that Condition Nos. 7 & 8 require detailed road condition surveys to be carried out before

and after the development while Condition No. 19 empowers the Planning Authority to apply the security lodged (or part thereof) for the satisfactory repair of public roads.

8.1.6. In assessing the merits of Condition No. 17, it is to be noted that Section 48(2)(c) of the Act states that a planning authority may require the payment of a special development contribution in respect of a particular development where *'specific exceptional costs'* not covered by the General Contribution Scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development. Further provisions as regards the payment of any such special contribution are set out in Section 48(12) as follows:

> *'Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply—*
>
> *(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,*
>
> *(b) where the works in question—*
>
> *(i) are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)),*
>
> *(ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)), or*
>
> *(iii) where the local authority decides not to proceed with the proposed works or part thereof.*
>
> *the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,*
>
> *(c) where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund*

shall be in proportion to those proposed works which have not been carried out'.

8.1.7. Notably, although the condition itself states that the special contribution is in respect of the "*additional HGV traffic on [the] public road*" consequent on the proposed development, it fails to specify the particular works proposed to be carried out. It is only by reference to the report of the Birr Municipal District Office (in addition to the 'Chief Executive Order' authorising the levying of the special contribution which is separate to the 'Chief Executive Order' granting permission) that it can be ascertained that the monies are to be allocated towards light road maintenance along (i) the L-3008-1 Mannion's Cross to Ballinahown, and (ii) the R-444 Mannion's Cross to Shannonbridge. In effect, the condition as imposed fails to establish any causative relationship between the impact of '*additional HGV traffic'* and the need for *'particular works'* as specified in separate documentation. Accordingly, I would have reservations as to whether Condition No. 17 complies with Section 48(12)(a) of the Act in the first instance.

8.1.8. Notwithstanding the foregoing, no explanation has been provided as to how the monies sought amount to '*specific exceptional costs'*. Indeed, both the report of the Birr Municipal District Office and the Planning Authority's response to the grounds of appeal state that the contribution is intended to fund additional '*light road maintenance*' (comprising pothole and water-cut repairs) attributable to the increase in HGV traffic expected to be generated by the proposed development. In this regard, I would suggest that any 'additional' road maintenance requirement arising from new development would typically have been accounted for in the adopted Development Contribution Scheme thus negating any requirement for the payment of a special contribution for such purposes. By extension, it is my opinion that any additional 'light road maintenance' over the lifetime of the development does not involve 'specific exceptional costs' not already covered by the Scheme and that the per annum payment sought by Condition No. 17 effectively amounts to a continuous maintenance levy. At this point, I would draw the Commission's attention to Section 48(12) of the Act wherein provision has been included for a mechanism by which an applicant may be refunded monies paid by way of special contribution should the 'particular works': i) not be commenced within 5 years of the date of payment of the contribution (or final instalment thereof, if paid by phased payment); ii) have

commenced, but have not been completed within 7 years of the date of payment of the contribution (or final instalment thereof, if paid by phased payment); or iii) the local authority has decided not to proceed with the proposed works or part thereof. The fact that the Act has set specific time limits for the 'particular works' to be commenced and completed (as well as referring to the payment of a 'final' instalment) implies a finality to the works themselves with the result that Section 48(2)(c) is not intended to accommodate ongoing payments which are incapable of refund. In the subject instance, the application of Condition No. 17 as a per annum payment serves to deny the applicant any prospect of availing of the prescribed refund mechanism.

8.1.9. Further difficulties arise as regards the application of a special development contribution for road maintenance purposes given the problematic nature of seeking to discern the impact of any additional HGV traffic attributable to a particular development from the routine maintenance requirements deriving from normal traffic usage. Given the inherent complexities in seeking to distinguish between the aforementioned sources of any maintenance arising and the subsequent apportionment of costs, I am inclined to suggest that this serves to reaffirm my opinion that special development contributions are not intended to function as a mechanism by which to accommodate recurring maintenance but are instead intended to relate solely to the specific and exceptional costs of particular works (both identifiable and limited).

8.1.10. The need for any special contribution towards maintenance of the public road is also undermined by the attachment of Condition Nos. 7 & 8 which require detailed road condition surveys to be carried out before and after the development and, more particularly, by Condition No. 19 which requires the developer to lodge a cash deposit or other security and also empowers the Planning Authority to apply the said funds or part thereof for the satisfactory repair of any damage to public roads as a result of the development. This development bond / security is clearly intended to ensure that the applicant / developer is held accountable for any damage to public roads attributable to the proposed development and its inclusion would not be uncommon given the nature of the development proposed. In this respect, the inclusion of Condition No. 19 would seem to negate any requirement for the special 'maintenance' contribution sought by Condition No. 17.

8.1.11. Therefore, on the basis that Condition No. 17 fails to specify the particular works proposed to be carried out; as any 'additional' light road maintenance requirement arising over the lifetime of the development would not involve 'specific exceptional costs' as per Section 48(2)(c) of the Planning and Development Act, 2000, as amended; and as the attachment of Condition No. 19 would negate any requirement for the special contribution sought, it is my opinion that the special development contribution required by Condition No. 17 is unwarranted and should be removed.

8.2. **Condition No. 18:**

8.2.1. This aspect of the appeal has been lodged under the provisions of Section 48(10)(b) of the Act and therefore I have confined my assessment accordingly.

8.2.2. Following a review of the grounds of appeal, it is clear that the key issue in respect of Condition No. 18 concerns whether or not the Planning Authority has properly applied the terms of its Development Contribution Scheme in seeking the payment of a development contribution in the amount of €64,000. More specifically, the matter arising can be summarised as whether or not the Planning Authority has correctly categorised the nature of the development proposed for the purposes of calculating the applicable development contribution.

8.2.3. It is apparent from the report of the case planner that in calculating the applicable development contribution, a determination was made that the proposal amounts to a land use for the purposes of '*land filling (inert material)'* as per Category 'C' *('Land use for: (a) the winning and/or working of minerals (b) deposit of refuse or waste (c) land filling (inert material)'*) of Table 2: *'Levels of Contributions – Other Categories of Development'* of the Development Contribution Scheme. However, the applicant has disputed this conclusion and asserted that the proposed development can be more appropriately classified as Category '*E': 'Raising of sites (inert material)*' and that the contribution should be calculated by reference to the site area within which the permitted site-raising activity will occur.

8.2.4. In assessing the subject proposal, it is of relevance in the first instance to note that the proposed development is described in the public notices as comprising the following:

> *'The **backfilling** of a permitted sand and gravel pit (QY75) with Article 27 by product soil and stone; all associated ancillary facilities,*

*including, wheelwash, small portacabin office/canteen and chemical toilet all within an application area of c.3.2 Ha. The applicant is seeking a 10-year permission for **infilling** and associated activities, with an additional 2 years for final site restoration'.*

8.2.5. Accordingly, it is clear that the activity for which permission has been sought amounts to the 'filling' of land. This is corroborated by the supporting plans and particulars which state that the proposed development will involve the importation of 150,000m^3 / c. 270,000 No. tonnes of Article 27 by-product (comprising uncontaminated inert soil & stone) to raise the ground level over an extent of the site area within the confines of the existing disused sand & gravel quarry with a view to returning the land in question to agricultural use and natural habitat. Therefore, it is the use for '*land filling (inert material)*' which is reckonable for the purposes of calculating the applicable development contribution by reference to Category C: (c) of Table 2 of the current Development Contribution Scheme. Such a conclusion is supported by the Commission's previous determination of ABP Ref. No. ABP-312650-22 wherein it was held that the importation of inert material (comprising soil, topsoil and stone) for the infilling of a disused sand & gravel quarry so that it could be returned to agricultural use amounted to an activity accommodated by Table 2: Category D, Subsection (c) – land filling (inert material) of the Development Contribution Scheme then applicable (noting that the same provision is included in the current Offaly County Council Development Contribution Scheme, 2026-2032). A comparable determination was also made in respect of ABP Ref. No. ABP-306717-20

8.2.6. Therefore, I am satisfied that it is appropriate to classify the proposed development as 'land filling (inert material)' and to apply a development contribution in accordance with Category 'C' of Table 2: '*Levels of Contributions – Other Categories of Development'* of the Offaly County Council Development Contribution Scheme, 2026-2032.

8.2.7. Having established the appropriate classification of the proposed development, it is necessary to determine the site area reckonable for the purposes of calculating the applicable development contribution. In this regard, the applicant has submitted that although the overall site area extends to approximately 3.2 hectares, the area within which the Article 27 soil & stone will be deposited (and the lands infilled) is limited to

c. 2.3 hectares (with the balance of the site area comprising the entrance & access arrangements, retained margins & boundary vegetation, the retained pond / ecological area, and land occupied by ancillary facilities, none of which will be subject to site raising activities). By extension, reference has been made to the Commission's previous determination of ABP Ref. No. ABP-312650-22 wherein it was held that calculation of the relevant development contribution was to be made by reference to the identified infill area only rather than the full extent of the site.

8.2.8. On the basis of the foregoing, it is my opinion that the applicable development contribution can be calculated as follows based on the 'infilling' area identified by the applicant in the grounds of appeal (the extent of which has not been disputed by the Planning Authority):

Site (Infill) Area: 2.3 hectares @ €2,000 per 0.1 hectare = €46,000

8.2.9. Therefore, the amount of the development contribution sought by Condition No. 18 should be reduced in line with the aforementioned calculation.

9.0 Recommendation

9.1. Having regard to the foregoing, it is my recommendation that the Planning Authority should be directed to **REMOVE** Condition No. 17 based on the reasons and considerations marked (1) hereunder and to **AMEND** Condition No. 18 for the reasons and considerations marked (2) hereunder.

Reasons and Considerations (1)

The Commission is not satisfied that the public infrastructure and facilities the subject of the special development contribution condition are so exceptional as to meet the requirements of Section 48(2)(c) of the Planning and Development Act, 2000, as amended. The planning authority is, therefore, directed to remove condition number 17 from the decision to grant permission.

Reasons and Considerations (2)

The Commission considered that in calculating the amount to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Offaly County Council Development Contribution Scheme, 2026-2032, as adopted, had been improperly applied in respect of

condition number 18 as regards the site area reckonable for the purposes of calculating the applicable development contribution. The planning authority is, therefore, directed to amend condition number 18 accordingly.

CONDITION

18. Prior to commencement of development, a contribution shall be payable to Offaly County Council, in accordance with the Council's Development Contribution Scheme, in respect of public infrastructure and facilities benefiting development in County Offaly, that is provided or that is intended will be provided by, or on behalf of, the Council.

    The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

Class of Infrastructure	Area	TOTAL
Land use for: (a) the winning and/or working of minerals (b) deposit of refuse or waste (c) land filling (inert material) €2,000 per 0.1 hectare of site area subject to a minimum charge of €15,000.	2.3 hectares	€46,000

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Offaly County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.

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.

Robert Speer
Senior Planning Inspector

17th September, 2026