



Board Direction

Ref: 15.245408

The submissions on this file and the Inspector's report were considered at a Board meeting held on 5th, January 2016.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend condition number 6 and reason, as follows.

The developer shall pay to the planning authority a financial contribution of €14,907.12 (fourteen thousand, nine hundred and seven euro and twelve cents) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000.

The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

REASONS AND CONSIDERATIONS

The Board considered that poultry houses and associated stores do not constitute a piggery or a cattle shed for the purposes of interpretation of the Louth County Council Development Contribution Scheme 2014. The Board further considered that the appropriate category of development for the purposes of levying a financial contribution specified in this scheme is the class 'Farm Building, Hay Shed'. Accordingly, the Board considered that the terms of the scheme had not been properly applied by the Planning Authority and that the proper application of the scheme would result in a financial levy as set out in Condition No. 6, as amended, levied in accordance with the 'Farm Building' class provided for under the terms of the scheme.

Board Member: _____ Date: 7th, January 2016
Paddy Keogh