



An
Bord
Pleanála

Board Direction
BD-001676-18
ABP-302064-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 16th 2018.

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, generally as recommended by the Inspector, and for the reasons and considerations set out below, to amend condition number 3, so that it reads as follows:

3. (a) The developer shall pay to the planning authority a financial contribution of €6,385.50 (six thousand, three hundred and eighty-five euro and fifty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order 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 An Bord Pleanála to determine.

(b) The developer shall pay to the planning authority a financial contribution of €48,990 (forty-eight thousand, nine hundred and ninety euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution 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. 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 An Bord Pleanála to determine.

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

Reasons and Considerations

The Board considered the Louth County Council Development Contribution Scheme 2016-2021 is the applicable contribution scheme in this case and that it had not been properly applied by the planning authority. The Board considered that the appropriate rate of payment to be applied in this case is that set out in Table 1 (non-residential development) of the scheme as amended by the rate reduction set out in Section 6.2(7) and Appendix III of the Schedule. The Board further considered that the 75% reduction provided for Section 6.2(7) of the Scheme does not apply to the proposed external storage, as the class “open storage areas/commercial hard surface/open port storage” is not included in Section 6.2 (7) of the Scheme, but that the areas concerned are measured as nett areas, as provided for in Appendix III. In

the case of the retention of existing storage, the Board noted that the Scheme specifically provides that reductions and exemptions shall not apply to permissions for retention, and therefore the full contribution is payable in respect of these areas, without any reduction.

Board Member

Date: 19th November 2018

Philip Jones