



An
Bord
Pleanála

Board Direction
BD-005054-20
ABP-304122-19

The submissions on this file and the Inspector's report were considered at Board meetings held on 16/09/2019, 15/10/2019 and 31/01/2020.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided, by a majority of 6:2, that the planning authority be directed, as follows:

Remove condition 8

Reasons and Considerations:

Having regard to

- the Louth County Development Plan, 2015 – 2021,
- the Dundalk & Environs, Development Plan, 2009-2015,
- the provisions of the Louth Development Contribution Scheme, 2016-2021, in relation to development and car parking within the plan area,
- Article 10 (Special Development Contributions) and Appendix II (Project Lists) of the Development Contribution Scheme which includes the “construction of new car parks” and the “improvement/upgrade of car parks” under the indicative list of infrastructures,
- Section 48(2)(c) of the Planning and Development Act, as amended,
- the wording of Condition No. 8 which specifically refers to Section 48(2)(c) of the Planning and Development Act 2000, as amended,
- The Planning Authority’s response to the Boards Section 132 notice,

- the documentation submitted with this appeal,

The Board considers, in this case, that the terms of the Development Contribution Scheme were incorrectly interpreted and applied by the planning authority in respect of a contribution towards public infrastructure and facilities benefiting development in the area of the planning authority, i.e. car parking spaces and car parks and ancillary works.

In not agreeing with the Inspector's recommendation to attach condition number 8, the Board considered that the works completed, proposed and being considered did not qualify as works to which Section 48(2)(c) of the Planning and Development Act 2000, as amended, applied.

Board Member:

Date: 31/01/2020

Terry Ó Niadh