

An  
Bord  
Pleanála

**Board Direction**  
**BD-017919-24**  
**ABP-320081-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/10/2024.

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:

**REMOVE** Condition Number two and reason therefor

### **Reasons and Considerations**

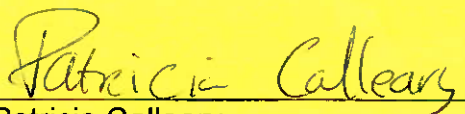
The Board noted the proposed development would comprise a customer car-park together and an open area, both which will exclusively serve the established adjoining garden centre. The Board was satisfied that the relevant category of development for the purpose of the assessment of the applicability of the development contribution scheme is that of Category 2 which incorporates retail and retail warehousing development. This category of development attracts development contributions on the basis of gross floor area of building space. In this instance, there is no building proposed and therefore, in accordance with the terms of the scheme, no development contribution is liable under this category in accordance with the terms of the scheme. The Board was also satisfied that no other category of the adopted scheme is applicable in respect of the proposed development. The Board concluded that the terms of the applicable development contribution scheme were

not properly applied in this instance and accordingly directs the planning authority to **REMOVE** Condition Number two and reason therefor.

In deciding not to accept the inspector's recommendation to Attach Condition Number 2 and the reason therefor, the Board did not share the view of the inspector that the development contribution scheme had been properly applied in this instance on the basis that the proposed development type would fall within Category 10 (Non-Building Storage). Within the Louth County Council Development Contribution Scheme this category is defined as 'The provision on, in, over, or under land of plant or machinery or of tanks or other structures (other than buildings) for storage purposes'.

Having regard to the totality of the information on file, the Board noted that the proposed development would comprise a customer car-park together and an open area, both which will exclusively serve the established adjoining garden centre. The Board was satisfied that the relevant category of development for the purpose of the assessment of the applicability of the development contribution scheme is that of Category 2 which incorporates retail and retail warehousing development. This category of development attracts development contributions on the basis of gross floor area of building space. In this instance, there is no building proposed and therefore, in accordance with the terms of the scheme, no development contribution is liable under this category in accordance with the terms of the scheme. Where no building is proposed, it is not necessary to apply a development contribution based on a different category, unless such a category is applicable. Having regard to the nature of the development, essentially an expansion of an established garden centre, not incorporating any building, the Board was satisfied that no other category of the adopted scheme, including Category 10, is applicable in this instance.

**Board Member:**

  
Patricia Calleary.

**Date:** 21/10/2024