

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Louth County**

**Planning Register Reference Number: 15/233**

An Bord Pleanála Reference Number: PL 15.245408

**APPEAL** by Gerry McGuinness care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan in relation to the application by Louth County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 6 of its decision made on the 30<sup>th</sup> day of July, 2015.

**PROPOSED DEVELOPMENT:** Construction of three number poultry houses and two number egg/general purpose stores, together with all ancillary structures, (to include meal storage bin(s) and soiled water tanks), and all associated site works associated with the proposed development, at Glebe, Ardee, County Louth.

## **DECISION**

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 6 and directs the said Council to AMEND condition number 6 so that it shall be as follows for the reason stated.**

6. 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, 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 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 2010-2014. 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.

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this      day of                      2016.**