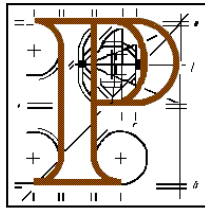


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Carlow County Council

Planning Register Reference Number: 17/168

An Bord Pleanála Reference Number: ABP-300132-17

APPEAL by David Horan care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in relation to the application by Carlow County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 18 of its decision made on the 17th day of October, 2017.

PROPOSED DEVELOPMENT: (1) The erection of a dwellinghouse, (2) installation of a treatment system with soil polishing filter, (3) seven number glamping tent sites, (4) toilet block to service glamping sites, (5) storage of porta cabin on-site and future relocation for use as site office for glamping sites and all associated site works, all at Kilcoltrim, Borris, County Carlow.

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 18 and directs the said Council to **AMEND** condition number 18 so that it shall be as follows for the reason stated.

18. The developer shall pay to the planning authority a financial contribution of €3,599 (Three thousand, five hundred and ninety nine 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

Having regard to:

- (a) the nature of the development which relates to a single house and a commercial development consisting of seven number glamping sites for bell tents and ancillary toilet block and office, and
- (b) the provisions of the Carlow County Council Development Contribution Scheme 2017-2021,

the Board considers that the terms of the Development Contribution Scheme have not been properly applied by the planning authority. The Board considered that the proposed glamping sites/pitches do not fall within the remit of class 5 (commercial) of the Development Contributions Scheme and that the ancillary toilet block and porta cabin (office) fall within the remit of Class 5 as they ancillary to the commercial business. A contribution under class 1 for the house applies. The development, therefore, would be subject to a development contribution under class 1 and class 5 in accordance with the terms of the Development Contribution 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.

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

Dated this day of 2018.