



Planning and Development Acts 2000 to 2018

Planning Authority: Monaghan County Council

Planning Register Reference Number: 18/11

Appeal by Ciaran Cassidy care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan in relation to the application by Monaghan County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 1 of its decision made on the 6th day of March, 2018.

Proposed Development: Construction of two number poultry units, insertion of holding tanks, meal bins and all associated works and open new entrance on to public road. Previous permission – planning register reference number 14/391. This application relates to a development that is for the purpose of an activity requiring a licence under Part IV of the Environmental Protection Agency Acts 1994/2013. All at Derryartry, Scotstown, County Monaghan.

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 1 and directs the said Council to AMEND condition number 1 so that it shall be as follows for the reason stated.

1. The developer shall pay to the planning authority a financial contribution of €9,915.00 (nine thousand, nine hundred and fifteen 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 the 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

It is considered that the terms of the Monaghan County Council Development Contribution Scheme 2013 to 2019 have not been properly applied. The subject development comes within the scope of the Scheme, which under Category 3(g) applies a general development contribution on buildings or other structures for the purposes of agriculture and which, in Section 8, defines floor area as the internal dimensions of the proposed buildings. Previous application of the Scheme on the subject site included the floorspace of the proposed structures and excluded the external concrete yard. It is considered reasonable, therefore, and in accordance with the provisions of the Scheme and the application of the Scheme previously on the site, that condition number 1(a) of the permission is amended to reflect the floorspace provided by the two poultry units and that the external concrete yard area is excluded from the calculated floor area.

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.

Terry Ó Niadh

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

Dated this day of 2019.