



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 17/897

Appeal by Industrial and Farm Machinery Limited care of Brady Hughes Consulting Engineers Limited of 26 Magdalene Street, Drogheda, County Louth 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 10 of its decision made on the 12th day of March, 2018.

Proposed Development: Alterations to an existing commercial premises including demolition of part of the building and reconstruction on the same footprint that will result in a gross floor area increase of 408.7 square metres. The proposed development will result in an increase in office space of 116.35 square metres, an increase in the shop floor area of 192.3 square metres and an increase in the storage area of 100.05 square metres. The proposed development also includes for new signage, new shop front, upgrading of the on-site wastewater treatment system, revised parking layout and all associated site development works at Mullins Cross, Dunleer, County Louth. Further public notices were received by the planning authority on the 15th day of February, 2018.

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 10 and directs the said Council to AMEND condition number 10 so that it shall be as follows for the reason stated.

10. The developer shall pay to the planning authority a financial contribution of €12,960 (twelve thousand, nine hundred and sixty 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

The Board considered that the basis on which the financial contribution was calculated did not take into account Article 6.2(7) of the Louth County Council Development Contribution Scheme 2016-2021 which allows for a 75% reduction on expansions to authorised industrial and manufacturing operations. The Board considered that 256 square metres of the proposed expansion of the existing building would attract the reduced financial contribution in accordance with the Louth County Council Development Contribution Scheme 2016-2021. On this basis, the Board calculated the revised financial contribution to be €12,960.

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.

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

Dated this day of 2018.