



Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Planning Register Reference Number: 17/464

Appeal by John Fletcher Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in relation to the application by Laois County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 21 of its decision made on the 21st day of March, 2018.

Proposed Development: A development consisting of:

Site A: Demolition of part of existing retail warehouse over ground and first floor level (1,490 square metres). Demolition of two-storey vacant apartment block and single storey vacant apartment within the curtilage of a Protected Structure, RPS Number 112 (combined area of 585 square metres). Replacement of demolished floor space with larger retail warehouse extension (2,490 square metres gross floor area) including ground and first floor level. The net increase in floor area will be 414 square metres. The new retail warehouse floor area will include a dedicated internal storage area at ground floor level (double height) and ancillary office space at first floor level. The building will measure eight metres high at highest point. It is also proposed to provide 30 number car park spaces; new signage on the building

and two number freestanding signs: new boundary treatment and new vehicular entrance at south end with existing vehicular entrance to be blocked up to match existing. The red line boundary includes lands within the ownership of Laois County Council where it is proposed to include a new public footpath and landscaping.

Site B: The applicant seeks to provide a new ancillary storage facility (gross floor area 784 square metres) along with signage, 37 car park spaces, two number freestanding signage and boundary treatment. All on two number sites either side of the Link Road, Portarlinton, County Laois. Site A is located on the west side of the Link Road (currently contains Fletchers Hardware store) and Site B is located on the east side of the Link Road (greenfield site).

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations marked (2) set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 21(b) and directs the said Council to ATTACH condition number 21(b) and the reasons therefor.

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations marked (1) set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 21(a) and directs the said Council to AMEND condition number 21(a) so that it shall be as follows for the reason stated.

21. (a) The developer shall pay to the planning authority a financial contribution of €74,581.72 (seventy-four thousand, five hundred and eighty-one euro and seventy-two cent) 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

- (1) Having regard to the Laois County Council Development Contribution Scheme 2017-2023, and the information provided as part of the planning application and the appeal, it is considered that there are reductions within the Scheme that would apply to the circumstances of this case, and that the development contributions required under condition number 21(a) of this permission are to be amended in respect of the subject development.

- (2) Having regard to the Laois County Council Development Contribution Scheme 2017- 2023, it is considered that there are no exemptions, reductions or waivers within the Scheme that would apply to the circumstances of this case, and that the development contributions required under condition number 21(b) of this permission are payable in respect of the subject development. It is, therefore, considered that the terms of the Scheme have been properly applied in this instance.

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.