



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 18222

Appeal by Tom Condon care of Brady Hughes Consulting 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 3 of its decision made on the 22nd day of June, 2018.

Proposed Development: Retention permission and permission for a development consisting of alterations to a development approved under planning register reference number 17/254 including: 1. Permission to extend the site area. 2. Permission for alteration to car parking and entrance arrangements, including a set down area. 3. Permission to enclose an approved covered storage area for use as part of the manufacturing unit (191 square metres). 4. Permission for an extension to the approved office area (171 square metres). 5. Permission for an additional 191 square metres extension to manufacturing area. 6. Permission for external storage in existing service yard (1562 square metres). 7. Permission for new external storage/hardstand area, (7,830 square metres) and all associated site development works. Together with retention permission for the placement of granular filling (av depth 400 millimetres, area 3,715 square metres) and

retention permission for an existing external storage area (709.5 square metres) at Condon Engineering, Collon Business Park, Ballyboni , Collon, Co 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 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reason stated.

3. (a) The developer shall pay to the planning authority a financial contribution of €6,385.50 (six thousand, three hundred and eighty-five euro and fifty 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 within three months of the date of this order 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.

- (b) The developer shall pay to the planning authority a financial contribution of €48,990 (forty-eight thousand, nine hundred and ninety 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

The Board considered the Louth County Council Development Contribution Scheme 2016-2021 is the applicable contribution scheme in this case and that it had not been properly applied by the planning authority. The Board considered that the appropriate rate of payment to be applied in this case is that set out in Table 1 (non-residential development) of the scheme as amended by the rate reduction set out in Section 6.2(7) and Appendix III of the Schedule. The Board further considered that the 75% reduction provided for in Section 6.2(7) of the Scheme does not apply to the proposed external storage, as the class “open storage areas/commercial hard surface/open port

storage” is not included in Section 6.2(7) of the Scheme, but that the areas concerned are measured as nett areas, as provided for in Appendix III. In the case of the retention of existing storage, the Board noted that the Scheme specifically provides that reductions and exemptions shall not apply to permissions for retention, and therefore the full contribution is payable in respect of these areas, without any reduction.

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.

Philip Jones

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

Dated this day of 2018.