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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 19/568**

**Appeal** by Geared Up Limited care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin 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 13 of its decision made on the 2<sup>nd</sup> day of December, 2019.

**Proposed Development:** Change of use from a general warehouse to a warehouse with ancillary trade counters (for the sale of building related products principally to trade) and external amendments to the property including additional car parking spaces towards the rear of the building. On the south-east elevation, filling in of existing goods ramp and existing goods-in door and construction of two new ramps to service a new customer entrance to the trade counters and a new goods entrance. On the north-east of the building, include security bollards and mark out a hatched pedestrian route. On the south-west elevation, include an area for mechanical plant. On the north-west elevation, cladding of either side of the door and insert new doors. The proposal includes all associated works to facilitate the development, all at Unit 1, Lismard Business Park, New Road, Portlaoise, County Laois.

## 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 13 and directs the Council to AMEND condition number 13 so that it shall be as follows for the reason stated.**

13. The developer shall pay to the planning authority a financial contribution of €3,366 (three thousand three hundred and sixty six 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:

- the established, authorised, nature of the existing building,
- Section 9.9 (Double-Charging/Allowance for previous Use) of the Laois County Council Development Contribution Scheme 2017-2023,
- Section 12.10 (Change of Use) of that scheme, and
- the 99 square metres area the subject of the change of use floorspace,

the Board considered that the terms of the Development Contribution Scheme have not been properly applied and that condition number 13 should be amended as set out above.

