



An
Bord
Pleanála

Board Order ABP-320081-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/60205

Appeal by Haggardstown Landscaping Limited care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, 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 2 of its decision made on the 20th day of June, 2024.

Proposed Development: Works to lands for the purposes of a logistics yard, for the existing garden centre, including new vehicular entrance, gates, erection of boundary fencing and the installation of a permeable gravel yard surface, all at Haynestown, Dundalk, County 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 2 and directs the said Council to REMOVE condition number 2 and the reason therefor.

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Reasons and Considerations

The Board noted that the proposed development would comprise a customer car park and an open area, both of which will exclusively serve the established adjoining garden centre. The Board was satisfied that the relevant category of development for the purpose of the assessment of the applicability of the development contribution scheme is that of Category 2 which incorporates retail and retail warehousing development. This category of development attracts development contributions on the basis of gross floor area of building space. In this instance, there is no building proposed and, therefore, in accordance with the terms of the scheme, no development contribution is liable under this category in accordance with the terms of the scheme. The Board was also satisfied that no other category of the adopted scheme is applicable in respect of the proposed development. The Board concluded that the terms of the applicable development contribution scheme were not properly applied in this instance and, accordingly, directs the planning authority to remove condition number two and the reason therefor.

In deciding not to accept the Inspector's recommendation to attach condition number 2 and the reason therefor, the Board did not share the view of the Inspector that the development contribution scheme had been properly applied in this instance on the basis that the proposed development type would fall within Category 10 (Non-Building Storage). Within the Louth County Council Development Contribution Scheme this category is defined as 'The provision on, in, over, or under land of plant or machinery or of tanks or other structures (other than buildings) for storage purposes'. Having regard to the totality of the information on file, the Board noted that the proposed development would comprise a customer car park and an open area, both of which will exclusively serve the established adjoining garden centre. The Board was satisfied that the relevant category of development for the purpose of the assessment of the applicability of the development contribution scheme is that of Category 2 which incorporates retail and retail warehousing development. This category of development attracts development contributions on the basis of gross

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floor area of building space. In this instance, there is no building proposed and, therefore, in accordance with the terms of the scheme, no development contribution is liable under this category in accordance with the terms of the scheme. Where no building is proposed, it is not necessary to apply a development contribution based on a different category, unless such a category is applicable. Having regard to the nature of the proposed development, essentially an expansion of an established garden centre, not incorporating any building, the Board was satisfied that no other category of the adopted scheme, including Category 10, is applicable in this instance.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 7th day of November 2024.