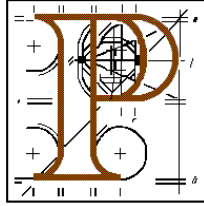


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Louth County**

**Planning Register Reference Number: 04/441**

An Bord Pleanala Reference Number: 15.RP.2133

**WHEREAS** by order dated the 21<sup>st</sup> day of July, 2004, Louth County Council, under planning register reference number 04/441, granted subject to conditions a permission to John McCann care of Delahunty and Laverty Architects of 43 Downshire Road, Newry, County Down for development comprising a distribution facility 16,287 square metres with an attached two-storey office block 1,214 square metres and associated car parking, lorry parking and turning and provision of access roads with associated site development works at Haggardstown, Dublin Road, Dundalk, County Louth:

**AND WHEREAS** conditions 5 and 6 attached to the permission required the developer to pay to the planning authority specified financial contributions towards the cost of provision of road improvements, sanitary services, water supply and community, recreational and amenity facilities and the conditions required that the specified contributions were to be paid in full prior to commencement of development unless otherwise agreed with the planning authority:

**AND WHEREAS** the developer and the planning authority failed to reach agreement in respect of conditions 5 and 6 and the matter was referred by the developer to An Bord Pleanála on the 12<sup>th</sup> day of August, 2016 for determination:

**AND WHEREAS** An Bord Pleanála had regard to the following -

- (a) the provisions of Sections 34 and 48 of the Planning and Development Act, 2000, as amended,
- (b) the provisions of the Louth County Council Development Contribution Scheme (February 2004) including Table 4 of Appendix A setting out the level of general contributions for non-residential development in respect of roads, water, sewerage and recreational community facilities and amenities, and the rates payable per square metre of development, as applied to warehousing and to general commercial development,
- (c) planning authority register reference number 04/441 in respect of an application made in April, 2004 for a distribution facility of 16,287 square metres and attached office block of 1,214 square metres, and the nature of conditions 5 and 6 attached to the permission under 04/441, which required the developer to pay to the planning authority specified financial contributions towards the cost of provision of public services and community, recreational and amenity facilities; these contributions were to be paid in full before the commencement of development unless otherwise agreed in advance with the planning authority,
- (d) planning authority register reference number 98/986 in respect of site development works for a proposed industrial development, and the conditions attached, and
- (e) the submissions on file and the report of the Inspector:

**AND WHEREAS** the Board concluded that -

- (i) the specific sums set out in conditions 5 and 6 were in accordance with the rates set out in the Development Contribution Scheme for the nature and scale of the development permitted, and
- (ii) the contributions were paid in full in accordance with the alternative payment arrangements that were made with the Council:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, determines that the terms of the Development Contribution Scheme were correctly applied by the planning authority; furthermore, all contributions were paid in full following agreement by the Council to alternative payment arrangements, and it is considered that there is no other matter under conditions 5 or 6 that comes within the remit of the Board under Section 34(5) of the Planning and Development Act, 2000, as amended.

### **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.

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

**Dated this                      day of                      2017.**