



An  
Bord  
Pleanála

## Inspector's Report PL15.248273

### Development

The erection of two light industrial/storage and warehouse buildings (1,860m<sup>2</sup>), new roadway and hard standing areas, attenuation pond, landscaping and associated site development works.

### Location

Clermont Business Park, Haynestown, Dundalk, County Louth.

### Planning Authority

Louth County Council

### Planning Authority Reg. Ref.

16/653

### Applicant(s)

Loughran Stores Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant with conditions

### Type of Appeal

Applicant vs Condition 10

Loughran Stores Ltd

### Observer(s)

None

### Date of Site Inspection

None

### Inspector

Hugh Mannion

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## 1.2. **Site Location and Description**

1.3. The proposed development is located to the south of Dundalk town in County Louth. To the east of the site is the western relief road, to the east is first agricultural land and then the existing development in Clermont Business Park. To the south is agricultural land.

## 2.0 **Proposed Development**

2.1. The erection of two light industrial/storage and warehouse buildings (1,860m<sup>2</sup> each), new roadway and hard standing areas, attenuation pond, landscaping and associated site development works at Clermont Business Park, Haynestown, Dundalk, County Louth.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

The planning authority decided to grant permission subject to condition number 10 which required the payment of a contribution of €223,200; made up of €178,560 for the provision of infrastructure (roads and surface water) and €44,640 for amenity (parks, recreation, amenity and community facilities).

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The planning reports state that the development is subject to the Louth County Development Contribution Scheme 2016- 2021 and that the applicant has not demonstrated that the reductions in this scheme should apply.

#### 3.2.2. Other Technical Reports

None relevant.

### **3.3. Prescribed Bodies**

There are no relevant submissions from prescribed bodies.

### **3.4. Third Party Observations**

There are no third party observations.

## **4.0 Planning History**

4.1. There is no relevant planning history

## **5.0 Policy Context**

### **5.1. Development Plan**

The Louth County Development Plan is the relevant development plan for the area and the Louth County Council Development Contribution Scheme 2016-20121 is the relevant development contribution scheme.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The proposed development is located in Clermont Business Park and allows for the expansion of a small business related to the drinks industry.
- The applicant understood that because the proposed development is supported by the Louth Local Enterprise Office full development contributions would not be payable.
- The application was subject to a request for further information which asked if the proposed development was supported by the enterprise board or other agencies. The applicant responded that the proposed development is supported by the Louth Local Enterprise Board and it therefore qualifies for a

reduced contribution levy in accordance with item 3 under article 6.2 of the Development Contribution Scheme.

- The planner's report stated that confirmation that the development was supported by Louth Local Enterprise Board was not received and that therefore the standard development contribution should apply. The applicant was never asked for specific confirmation that the proposed development was supported by Louth Local Enterprise Board. A reduced rate of 75% is applied in circumstances such as this.
- Letters are submitted with the appeal demonstrating Louth Local Enterprise Board's support for the proposed development.

## **6.2. Planning Authority Response**

The planning authority responded as follows;

- Loughran's Stores Limited was supported by Louth Local Enterprise Board on two occasions, once for a study and once for a grain mill and dehumidifying chamber. Other business activities, grain storage and ancillary farming services are not eligible for grant aid from Louth Local Enterprise Board.
- The application and business plan submitted to Louth Local Enterprise Board made no reference to two new buildings. It was always assumed that the activity would be confined to existing buildings.
- The local enterprise board does not consider that the proposed development meets the criteria for exemption set out in the Louth Development Contribution Scheme. The planning authority is satisfied that it has applied the contribution scheme correctly.

### 6.3. Further Responses

The applicant responded to the planning authority's submission stating that;

- The planning authority confirms that the applicant's business is supported by Louth Local Enterprise Board and it therefore qualifies for reduced levy of 75%.
- The applicant owns and operates adjoining authorised industrial/manufacturing operations. There is no doubt that the present application is an expansion of authorised development.

### 7.0 Assessment

7.1. The proposed development comprises the erection of two light industrial/storage and warehouse buildings (1,860m<sup>2</sup> each), new roadway and hard standing areas, attenuation pond, landscaping and associated site development works at Clermont Business Park, Haynestown, Dundalk, County Louth. The applicant is Loughran Stores Limited and the application (see Boylan Engineering further information response submitted 7<sup>th</sup> February 2016) states that 'the applicant intends to vary the use of the buildings on an on-going basis within the definitions of light industrial/storage warehousing as is the nature of their business'. The appeal includes a letter dated 28<sup>th</sup> March 2017 addressed to Mt James Loughran, Mr Anthony Loughran and Ms Mary Loughran Directors Loughrans Stores Ltd., trading as Loughran Family Malt at Clermont Park, Haggardstown, Dundalk confirming that a grant of €19,000 is offered subject to some conditions. These conditions do not impact on the point at issue in this appeal.

7.2. The site layout plan outlines the site in red and the application form states that Loughran Stores Limited are the landowner.

7.3. The Louth County Council Development Contribution Scheme 2016 - 2021 is the relevant contribution scheme for the area where the proposed development is located. Table 1 requires the payment of €48 per m<sup>2</sup> of non-residential development for Class 1 infrastructure (including roads and surface water) and €12 per m<sup>2</sup> of

non-residential development for Class 2 Amenity (including parks, recreation, amenity & community facilities). Applying these figures to the proposed development the contributions have been calculated as  $3,720\text{m}^2/\text{€}48/\text{m}^2 = \text{€}178,560$  for roads and surface water and  $3,720\text{m}^2/\text{€}12/\text{m}^2 = \text{€}44,640$  for parks, recreation, amenity and community facilities.

- 7.4. Paragraph 6.2 of the Contribution Scheme sets out in a table categories of development (excluding retention applications) which will qualify for a reduced development contribution. Class 3 in table states “reduced rate of development contributions for businesses grant aided or supported by IDA/Enterprise Ireland/LEO Louth”. In the column beside that is a figure of 75%. I understand this to mean that where businesses are grant aided by Louth Local Enterprise Office contributions will be reduced by 75%. The key point is that the adopted scheme refers to ‘businesses’, the applicant in this case is a business and that business is Loughrans Stores Ltd and, on the basis of the submissions on file and circulated to the planning authority for comment is grant aided by Louth Local Enterprise Office.
- 7.5. The planning authority makes the point that the application and business plan submitted to Louth Local Enterprise Board made no reference to two new buildings and that it was always assumed that the activity would be confined to existing buildings. This point does not contradict the adopted scheme’s commitment to offer a reduction to businesses grant aided by Louth Local Enterprise Office. The planning authority makes the point that the local enterprise board does not consider that the proposed development meets the criteria for exemption set out in the Louth Development Contribution Scheme. The view of the Louth Local Enterprise Office on the provisions of the contribution scheme is not a determining factor in this case.
- 7.6. Having regard to the foregoing I conclude that a reduced rate of 25% is applicable in this case. The calculations therefore would be  $3,720\text{m}^2/\text{€}48/\text{m}^2 = \text{€}178,560$  @25% for a sum of  $\text{€}44,640$  for roads and surface water and  $3,720\text{m}^2/\text{€}12/\text{m}^2 = \text{€}44,640$  @25% for a sum of  $\text{€}11,160$  for parks, recreation, amenity and community facilities.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend that the Board attach an amended condition as set out below.

## 9.0 Reasons and Considerations

- 9.1. 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 correctly applied by the planning authority. The Board considered that the appropriate rate of payment to be applied is that set out in Table 1 of the scheme as amended by the rate reductions set out in the table at paragraph 6.2 of the scheme. The applicant is a business grant aided by the Louth Local Enterprise Office and, therefore, a rate of 25% of the standard contribution rate set out in Table 1 is applicable. Accordingly, it concluded that the contribution applicable to the proposed development is as set out in the amended condition 10 set out below.

## 10.0 Condition

- 10 The developer shall pay to the planning authority a financial contribution of €44,640 (forty four thousand six hundred and forty euro) in respect of Class 1 Infrastructure (including roads and surface water and €11,160 (eleven thousand one hundred and sixty euro) in respect of Class 2 Amenity (including parks, recreation, amenity and community 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. 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 the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Hugh Mannion  
Senior Planning Inspector

29<sup>th</sup> June 2017