

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Mayo County

Planning Register Reference Number: 10/25

An Bord Pleanála Reference Number: PL 16.236955

APPEAL by MMM Partnership Limited care of Michael Rowley and Associates of Cloonfinish, Swinford, County Mayo in relation to the application by Mayo 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 19th day of May, 2010.

PROPOSED DEVELOPMENT: Construction of proposed extension to the existing “Queen of Peace” Nursing Home consisting of 23 new ensuite bedrooms complete with communal spaces, sluice rooms, staff facilities and plant room, together with all associated site works and services at Churchfield, Knock, County Mayo.

DECISION

The Board 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 said Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000 to AMEND the said 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 €38,688 (thirty eight thousand six hundred and eighty eight 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. 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.

REASONS AND CONSIDERATIONS

It is considered that Mayo County Council has not correctly applied its development contribution scheme in condition number 13, as it calculated the amount based on the water requirements of a nursing home bedroom being the same as the water requirements (dwelling house equivalent) for a single house. The Board did not consider that the water requirements would be the same and amended the calculation accordingly.

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.

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

Dated this day of 2010.