



An  
Bord  
Pleanála

**Board Direction**  
**BD-004853-20**  
**ABP-305019-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/01/2020.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

**Amend condition 3 as follows:**

3. The developer shall pay to the planning authority a financial contribution of €3086 (three thousand and eighty 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:**

The planning authority did not properly apply the terms of the development contribution scheme adopted under section 48 of the Planning and Development Act 2000, as amended, being the Castlebar Town Council Development Contribution Scheme 2011, and it is necessary therefore to amend the contribution figure applied under condition number 3. It is considered reasonable, therefore, and in accordance with the provisions of this scheme to reflect the nature and scale of the proposed development and its location in Castlebar Town.

**Board Member:****Date:** 03/01/2020

---

Terry Ó Niadh

**Note:** The Board considered that the Castlebar Town Council Development Contribution Scheme, 2011, was the appropriate Scheme but did not accept the Inspectors recommendation that the application of a discretionary reduction was appropriate in this instance. The Board further considered, in the context of the Castlebar Town Council development Contribution Scheme 2011, that a levy per unit, at €238, in respect of footpaths is appropriate in the circumstances (and noted the Inspectors view that this would likely be less than an amount charged per linear meter).