



An
Bord
Pleanála

Board Direction
BD-009332-21
ABP-310577-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/10/2021.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Amend condition number 2 and condition number 15 as follows:

2. (a) The proposed southern boundary shall be constructed in accordance with Drawing No. L(99)07A submitted to the Planning Authority on the 19th day of March 2021. Details of the proposed 'green wall' system, including a planting and maintenance schedule, shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development.
- (b) The proposed high-level windows in the southern façade of Apartment No.'s 4 & 5 shall be replaced with windows of standard size and height, details of which shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development.

Reason: In the interests of residential amenity.

15. The developer shall pay to the planning authority a financial contribution of €3,420 (three thousand, four hundred and twenty 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 Castlebar Town Council Development Contribution Scheme 2011 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 for determination.

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.

Attach further condition(s) as follows:

- 16 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to the amount of €20,000 (twenty thousand euro) to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Reasons and Considerations

The proposed southern boundary would not be excessive in scale or height and would not detract from the residential amenity of existing properties or the proposed apartments. In addition, it is considered that high-level windows are not required in the southern façade of apartments 4 and 5 and that the installation of standard windows would ensure a suitable level of daylight and sunlight within the proposed apartments and would not result in overlooking of the adjoining property to the south. Therefore, the omission of apartments 4 and 5 is unwarranted and condition number 2 has been amended accordingly.

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 15.

Furthermore, the requirement for a security bond does not fall within the scope of a scheme adopted under section 48 of the Planning and Development Act 2000, as amended and the inclusion of same under condition number 15 is unwarranted and should properly be attached as a standalone condition.

Board Member:



Michelle Fagan

Date: 27/10/2021

