

An  
Bord  
Pleanála

**Board Direction**  
**BD-012879-23**  
**ABP-313347-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/07/2023.

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 as follows:

#### **Attach revised condition 2**

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of January 2022 and 28<sup>th</sup> day of February 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

#### **Attach revised Condition 13**

The developer shall pay to the planning authority a financial contribution of €9,201 (nine thousand two hundred and one 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.

#### **Attach revised Condition 14**

Please insert wording as per planning authority condition no 14 but replace €8,000 with €12,000.

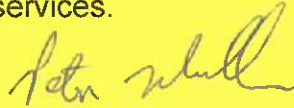
#### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, and the location within the built up urban area and to the pattern of development in the vicinity, and the zoning objective pertaining, it is considered that the proposed development would represent an appropriate densification of the site, would not impact unduly on the residential amenities of dwellings in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

The planning authority correctly applied the terms of the development contribution scheme adopted under section 48 of the Planning and Development Act 2000, as amended, being the Mayo Council Development Contribution Scheme 2004(charges updated 2007). In light of omission of condition 1 reducing the density it is necessary to amend the contribution figure applied under condition number 13. (now condition 12).

The Board noted the Inspector's recommendation that Condition 14 (now condition 13) could be omitted given the small nature of the development. In deciding not to accept the Inspector's recommendation the Board decided to attach a condition requiring a cash deposit of €4,000 per house with the local authority for the provision of roads, footpaths, public lighting and other services as security to ensure the completion of these services.

**Board Member:**



**Date:** 13/07/2023

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Peter Mullan

