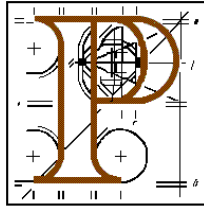


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## Mayo County

**Planning Register Reference Number: P16/589**

An Bord Pleanála Reference Number: PL 16.248176

**APPEAL** by Jackita Limited care of Taylor Architects of Breaffy Road, Castlebar, 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 17 of its decision made on the 17<sup>th</sup> day of February, 2017.

**PROPOSED DEVELOPMENT:** Demolition of the existing derelict two-storey building on Market Street, and the construction of new part two and part three-storey commercial/retail premises. The proposed development also comprises the demolition of the existing outbuildings, boundary walls and fencing, the adaption of the rear boundary wall, the construction of new boundary wall, vehicular drop-off, shopfront, new signage, landscaping, drainage, lighting and all associated site works at Market Street, Castlebar, County Mayo, as amended by the further public notice received by the planning authority on the 24<sup>th</sup> day of January, 2017.

## DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, 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 17 and directs the said Council to **AMEND** condition number 17 so that it shall be as follows for the reason stated.

17. The developer shall pay to the planning authority a financial contribution of €97,069.45 (ninety-seven thousand and sixty-nine euro and forty-five cents) 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 Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered that the terms of the Mayo County Council Development Contribution Scheme for the area had not been properly applied in respect of condition number 17 and directs the said Council to amend the said condition to reflect the accurate reckonable floor area following request for further information, and to give full allowance to the former use of the site in calculating the car parking requirements generated by the new development.

## **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.

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

**Dated this      day of                      2017.**