



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 17/395

Appeal by BAM Building Limited (on behalf of and in partnership with the Department of Education and Skills) care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin in relation to the inclusion of special contribution condition number 9 by Waterford City and County Council in its decision made on the 23rd day of January, 2018.

Proposed Development: Modifications and extensions to the existing school building. The proposed works will consist of: the construction of a three-storey extension to the school building, the addition of a first floor mezzanine within the existing school building, an extension to provide fire escape stairs to the new mezzanine level, an extension of the existing ballstop netting, an increase in height of the ballcourt fencing, additional accessible car parking spaces and all ancillary landscaping and site development works at Ardscoil na Mara, Ballycarnane, Tramore, County Waterford.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 9 and the reason therefor.

Reasons and Considerations

It is considered that the imposition of a special development contribution, condition number 9, has not been justified by the planning authority, having regard to fact the proposal is an extension to an established use subordinate in scale to the existing development on site, the proposed junction upgrade is not considered essential to facilitate the proposed development and would constitute works that would be beneficial for the wider area and the failure to provide sufficient information regarding the justification for the costs proposed and how it is apportioned to the proposed development. It has, therefore, not been demonstrated that the condition comes within the scope of section 48(2) of the Planning and Development Act 2000, as amended.

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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.