



Planning and Development Acts 2000 to 2018

Planning Authority: Carlow County Council

Planning Register Reference Number: 06/882

WHEREAS by order dated the 23rd day of February, 2007 Carlow County Council, under planning register reference number 06/882, granted subject to conditions a permission to Byrne and Byrne Limited care of Raymund Kelly Architects of 80 South Main Street, Wexford for development comprising construction of 130 number dwellings, one number creche and 20 number serviced sites and an element of inner relief road to facilitate the proposed development and all associated site works with connection to existing public services, at Mortarstown, Carlow. An Extension of Duration of Permission was granted under planning register reference number 11/334 on the 10th day of February, 2012 to extend the permission until the 15th day of January, 2017, with a further Extension of Duration of Permission subsequently being granted under planning register reference number 17/243 on the 6th day of October, 2017, to extend the permission until the 31st day of December, 2021, and construction commenced under planning register reference number 06/882:

AND WHEREAS conditions numbers 20, 21, 22, 23 and 24 attached to the permission required the developer to pay to the planning authority financial contributions in the sum of €1,295,363.58, being the appropriate contributions to be applied to this development in accordance with the Carlow County Council Development Contribution Scheme, 2003, as adopted by Carlow County Council with effect from 1st May, 2003 in accordance with section 48 of the Planning and Development Act, 2000, as amended:

AND WHEREAS the developer and the planning authority failed to agree on the amount of the contributions to be paid in compliance with the terms of condition numbers 20, 21, 22, 23 and 24 and the matter was referred by the developer to An Bord Pleanála on the 9th day of January, 2019 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that that the amount of the development contributions payable under the terms of condition numbers 20, 21, 22, 23 and 24, as reduced in accordance with the Carlow County Council Development Contribution Scheme, 2017-2021 adopted on the 13th February, 2017 pursuant to the provisions of section 48(3A)(b) – (3B) of the Planning and Development Act, 2000, as amended, in respect of any house or houses that have not been constructed and any house or houses that have been constructed but have not been rented, leased, occupied or sold, shall be exclusive of any interest charge sought to be imposed under the terms of the current Development Contribution Scheme.

Reasons and Considerations

Having regard to:

- (a) sections 34(5) and 48 of the Planning and Development Act, 2000, as amended,
- (b) the Carlow County Council Development Contributions Schemes, 2003 and 2017-2021,
- (c) section 29 (3(A) – 3(C)) of Part 4 of the Urban Regeneration and Housing Act 2015,
- (d) the planning history of the site,
- (e) the specific wording of condition numbers 20, 21, 22, 23 and 24 of the permission granted by Carlow County Council under planning register reference number 06/882, and
- (f) the submissions on file,

the Board considered that the amounts payable in accordance with the terms and conditions of the permission under condition numbers 20, 21, 22, 23 and 24 should be reduced in accordance with the Carlow County Council Development Contribution Scheme, 2017-2021 exclusive of any interest sought to be imposed under the terms of that Development Contribution Scheme, but only in respect of any house or houses that have not been constructed and any house or houses that have been constructed but have that not been rented, leased, occupied or sold.

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.

Terry Ó Niadh

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

Dated this day of 2019.