



Planning and Development Acts 2000 to 2018

Planning Authority: Mayo County Council

Planning Register Reference Number: P18/983

Appeal by Gerry Coleman of Craftsman Furniture, Swinford Road, Foxford, 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 5 of its decision made on the 28th day of January, 2019.

Proposed Development: Provision of two number ground floor fire escape doors to eastern elevation; one number ground floor fire escape door to western elevation; one number first floor fire escape door and associated external staircase to western elevation; and associated and ancillary development and works including internal reconfiguration; and permission for retention for: (1) as constructed changes to east and west elevations of front extension permitted under planning register reference number P06/414; (2) construction of a single storey (high bay) extension to rear of premises; (3) construction of single storey external stores to eastern elevation; (4) provision of external plant/equipment; (5) construction of internal mezzanine area; and all associated and ancillary development and works at Craftsman Furniture, Swinford Road, Foxford, County Mayo.

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 5 and directs the said Council to AMEND condition number 5 so that it shall be as follows for the reason stated.

5. The developer shall pay to the planning authority a financial contribution of €942.92 (nine hundred and forty two euros and ninety two cent) 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 5 in that the applicant has been charged for the dwelling equivalent of 1 and not 0.44.

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.