



Planning and Development Acts 2000 to 2019

Planning Authority: Mayo County Council

Planning Register Reference Number: P19/84

Appeal by Burren Rock Limited (care of Michael Kelly, Accountants) care of The Planning Partnership of McHale Retail Park, 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 3 of its decision made on the 9th day of July, 2019.

Proposed Development: Change of use of existing ground floor office, reception area, seminar room and launderette area (part of) to two number one bedroom apartments and reduced launderette area including new access door to laundrette area at Block 'B', Lannagh Court, Old Westport Road, Graveyard Road, Castlebar, County Mayo as revised by the further public notices received by the planning authority on the 21st day of June, 2019.

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 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reason stated.

3. The developer shall pay to the planning authority a financial contribution of €3,086 (three thousand and eighty six 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.

Reasons and Considerations

The planning authority did not properly apply the terms of the development contribution scheme adopted under section 48 of the Planning and Development Act 2000, as amended, being the Castlebar Town Council Development Contribution Scheme 2011, and it is necessary therefore to amend the contribution figure applied under condition number 3. It is considered reasonable, therefore, and in accordance with the provisions of this scheme to reflect the nature and scale of the proposed development and its location in Castlebar Town.

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 2020