



---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/1055**

**Appeal** by Pintarus Limited care of The Planning Partnership of The Bank Building, 52 Oliver Plunkett Street, Mullingar, County Westmeath in relation to the application by Wicklow County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 12<sup>th</sup> day of August, 2020.

**Proposed Development:** Demolition of existing derelict structures; the construction of a part two and part three-storey care home building consisting of 126 beds; external landscaped areas, a roof top landscape garden, 54 car parking spaces, six bicycle parking spaces, pedestrian entrance link to adjacent development, entrance roadway, boundary treatment and all other associated site works on 0.5944 hectares and a modification of the common boundary between the previously approved permission, Register Reference Number 18/87 and this current application at a site located between Brewery Lane to the south, Back Lane to the north, Market Square, and the approved planning development Register Reference Number 18/87, Rathdrum, County Wicklow as revised by the further public notices received by the planning authority on the 17<sup>th</sup> day of July 2020.

## 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 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.**

2. Before development commences the developer shall pay the sum of **€255,376.00** (two hundred and fifty five thousand and three hundred and seventy six euro) to the planning authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000, as amended.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1<sup>st</sup> day of January of each year following the date of the Final Grant.

**Reason:** The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

## **Reasons and Considerations**

Having regard to the provisions of the Wicklow County Council Development Contribution Scheme 2015 (the scheme), the planning history of the site, and the nature of the proposed development, it is considered that the terms of the Wicklow County Council Development Contribution Scheme 2015 have not been properly applied, and the amendment of Condition number 2 would, therefore, be appropriate.

## **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.

---

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

**Dated this            day of            2021**