

An
Bord
Pleanála

Board Order
ABP-309810-21

Planning and Development Acts 2000 to 2021

Planning Authority: Sligo County Council

Planning Register Reference Number: PL20/369

Appeal by Blackmud Developments Limited care of Bury Architects of Bury Street, Ballina, County Mayo in relation to the application by Sligo 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 1st day of March, 2021.

Proposed Development: Retain alterations to development that consisted of 76 houses granted under PL04/1514 as follows: (1) extension of the internal roadway to include footpaths, retaining walls, fencing and services as constructed, (2) omit mini roundabout on internal roadway as outlined in condition 4b at Farranacardy Td, Calry Road, Sligo, County Sligo.

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. (a) Within six months of the date of this order, the developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the proposed construction of a footpath to the south-west of the site along public road R278. The contribution shall be in accordance with the breakdown of costs provided by the planning authority with the exception to the public lighting element of the cost breakdown.
- (b) No house shall be occupied until such time as the contribution has been paid in full and the footpath to the south-west of the site along the public road has been constructed.

Reasons and Considerations

Having regard to the nature of the subject application, which comprises the retention of alterations to the development granted under PL04/1514, the Board considered that Condition 2 requiring the payment of a special development contribution for the construction of a footpath to the south-west of the site along the R279 public road is in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act 2000, as amended, as it constitutes a specific exceptional cost to be incurred by the planning authority in the provision of the footpath which will benefit the proposed

development in relation to this particular amended development. In the interests of clarity, the contribution shall be in accordance with the breakdown of costs provided by the planning authority with the exception to the public lighting element of the cost breakdown provided at Appendix 1 to the response to the appeal submission from the planning authority dated the 23rd day of April, 2021.

In deciding not to accept the Inspector's recommendation to omit the condition, the Board noted that the construction of a footpath along the public road was a condition of the parent permission PL04/1514 for which retention and alterations are sought and considered that the footpath in question was a specific exceptional cost which would benefit the proposed development. Furthermore, the Board did not concur with the Inspector that the proposed footpath would be of general benefit to other houses in the vicinity and in noting that the site is now subject to a strategic zoning reserve where no development can take place during the plan period, concluded that it would not be appropriate in these circumstances that the contribution be reduced on a pro rata basis.

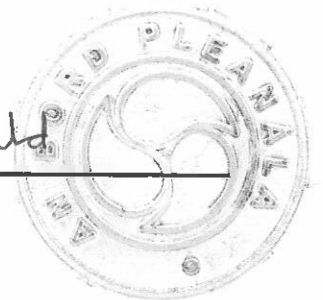
Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 19th day of July 2022