

An
Bord
Pleanála

Board Order
ABP-310873-21

Planning and Development Acts 2000 to 2021

Planning Authority: Mayo County Council

Planning Register Reference Number: P20/1041

Appeal by Declan McGrath care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 23rd day of June, 2021 by Mayo County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council

Proposed Development: Four number two-storey, two bed town houses together with all associated demolitions and all ancillary site works, services, landscaping and parking at Riverside, Newtown, Garryduff, County Mayo. Further public notices were received by the planning authority on the 31st day of May, 2021.

Decision

Having regard to the nature of the conditions, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reasons therefor, AMEND condition number 14 so that it shall be as follows for the reasons set out, ATTACH a further conditions so that it shall be as follows for the reasons set out.

14. The developer shall pay to the planning authority a financial contribution of €5,220 (five thousand two hundred and twenty 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.

New Condition

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, and the location within the built-up urban area and to the pattern of development in the vicinity, and the zoning objective pertaining, it is considered that the proposed development would represent an appropriate densification of the site, would not impact unduly on the residential amenities of dwellings in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

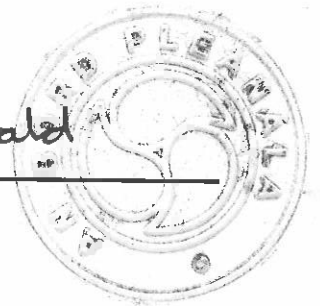
The planning authority did not properly apply the terms of the development contribution scheme adopted under section 48 of the Planning and Development Act 2000, as amended, being the Castlebar Town Council Development Contribution Scheme 2011, and it is necessary therefore to amend the contribution figure applied under condition number 14. It is considered reasonable, therefore, and would be in accordance with the provisions of this scheme to reflect the nature and scale of the proposed development and its location in Castlebar Town.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *8th* day of *June* 2022