

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: P21/915

APPEAL by James Byrne care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 23rd day of March, 2022 by Mayo Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of three number dwellings with connection to public services and all associated site works at Park Road, Swinford, County Mayo, as revised by the further public notices received by the planning authority on the 28th day of February, 2022.

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 OMIT condition number 1 and to AMEND conditions numbers 2, 13 and 14 so that they shall be as follows for the reasons set out.

PM

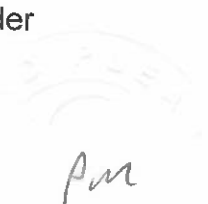
Reasons and Considerations

2. The development for three number houses shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of January 2022 and 28th day of February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

13. The developer shall pay to the planning authority a financial contribution of €9,201 (nine thousand, two hundred and one 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.



14. Before commencement of any development, the developer shall lodge a cash deposit of €4,000 (four thousand euro) per housing unit, totalling €12,000 (twelve thousand euro) with the planning authority as security for the provision and satisfactory completion of roads, footpaths, public lighting, open space, landscaping scheme and other services required in connection with the development coupled with an agreement empowering the said planning authority to apply such security or part thereof for the satisfactory completion as aforesaid of any part of the development.

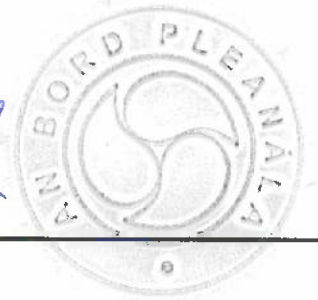
Reason: To ensure satisfactory completion of the estate.

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 correctly applied the terms of the development contribution scheme adopted under section 48 of the Planning and Development Act 2000, as amended, being the Mayo Council Development Contribution Scheme 2004 (charges updated 2007). In light of omission of condition number 1 reducing the density it is necessary to amend the contribution figure applied under condition number 13.

The Board noted the Inspector's recommendation that condition number 14 could be omitted given the small nature of the development. In deciding not to accept the Inspector's recommendation, the Board decided to attach a condition requiring a cash deposit of €4,000 per house with the local authority for the provision of roads, footpaths, public lighting and other services as security to ensure the completion of these services.



Peter Mullan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *24th* day of *July*, 2023.