

An  
Bord  
Pleanála

**Board Order**  
**ABP-315301-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 22/98**

**Appeal** by Corajio trading as Mr. Price care of Emma Pillion Planning of Fardrum, Athlone, County Westmeath in relation to the application by Westmeath County Council of the terms of the Development Contribution Scheme made for the area in respect of condition numbers 8, 9 and 10 of its decision made on the 14<sup>th</sup> day of November, 2022.

**Proposed Development:** Retention of the use of a former warehouse building for use as a shop, including elevation changes to the unit, and associated site works, all at Canal Court, Mullingar, County Westmeath.

## **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 numbers 8, 9 and 10 and directs the said Council to **REMOVE** condition number 8 and the reason therefor and to **AMEND** condition numbers 9 and 10 so that they shall be as follows for the reasons set out.

9. The developer shall pay to the planning authority a financial contribution of €74,100 (seventy-four thousand, one hundred 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 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.

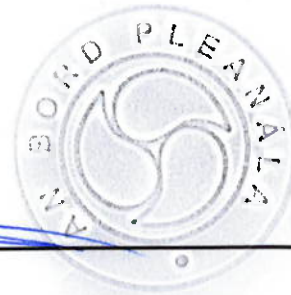
10. The developer shall pay a financial contribution of €9,200 (nine thousand, two hundred euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of required footpath infrastructure in connecting the proposed development and McCurtain Street and ancillary traffic management related works which benefits the proposed development. The contribution shall be paid in such phased payments as may be agreed and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the development.

## Reasons and Considerations

In relation to condition numbers 8 and 9 (as they relate to development contributions), the Board was of the view that the planning authority had misapplied the terms of the Westmeath Development Contribution Scheme 2022.

In relation to condition number 10 (special contribution condition), the Board was of the view that a special contribution towards the provision of footpath infrastructure is required, but not towards the provision of public lighting, and decided that the said condition be amended accordingly.



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**Liam Bergin**

**Member of An Bord Pleanála**

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

**Dated this 12<sup>th</sup> day of February 2024.**