

An
Bord
Pleanála

Board Order
ABP-318768-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 2360434

Appeal by Monica Hynes care of Patrick J. Newell of Ballyclider, Portlaoise, County Laois in relation to the inclusion of special contribution condition number 27 and the application by Galway County Council of the terms of the Development Contribution Scheme made for the area in respect of condition numbers 26 and 27 of its decision made on the 28th day of November, 2023.

Proposed Development: Construction of 10 number dwellinghouses, access road, shared surface home-zone and shared parking, together with all associated site development works and services, all at Headford, County Galway.

Decision

- (a) The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act 2010, based on the reasons and considerations under, not been properly applied in respect of conditions numbers 26 directs the said Council, under section

48(13) of the 2000 Act to REMOVE condition number 26 and the reason therefor.

- (b) Furthermore, the Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme had not been properly applied in respect of condition number 27 and directs the said council to AMEND condition number 27 so that it shall be as follows for the reason stated.**
27. The developer shall pay to the planning authority a financial contribution of €32,463 (thirty-two thousand four hundred and sixty-three 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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.

Reasons and Considerations

It is considered that the financial contribution under condition 26 is not a valid special contribution that complies with the provisions of section 48 of the Planning and Development Act 2000, as amended, as the specific nature and scope of the works proposed, and how they will benefit the proposed development, have not been properly described.

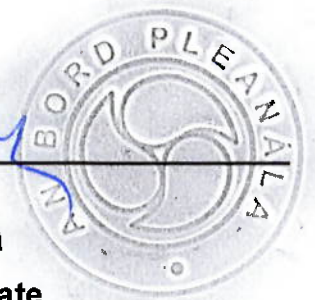
In relation to condition 27, it is considered that the terms of the current Development Contribution Scheme for the area have not been properly applied in this instance. Specifically, the floor area upon which the contribution has been calculated was an error. It is determined that in accordance with the proper application of the current Development Contribution Scheme, the contribution should be reduced to €32,463 (thirty-two thousand four hundred and sixty-three euros).



Chris McGarry

Member of An Bord Pleanála

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



Dated this

8th day of **July**

2024.