

An
Coimisiún
Pleanála

Commission Order
ACP-323385-25

Planning and Development Act 2000, as amended

Planning Authority: Mayo County Council

Planning Register Reference Number: 25/60327

Appeal by Údarás na Gaeltachta care of David Lally of Udáras Business Park, Tourmakeady, Claremorris, County Mayo against the decision made on the 17th day of July, 2025 by Mayo County Council to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council.

Proposed Development: An fhoirgneamh tráchtála atá ann cheana féin a choinneáil mar tógadh é, lena n-áirítear na hoibreacha suímh gaolmhara ar fad agus gach nasc le seirbhísí ag Páirc Ghnó Bhéal an Mhuirthead, Bóthar Bhéal an Átha, Béal an Mhuirthead, Contae.Mhaigh Eo.

Decision

The Commission, 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 8 and directs the said Council to **AMEND** condition number 8 so that it shall be as follows and the reasons therefor.

8. The developer shall pay to the planning authority a financial contribution of €7,463.60 (Seven thousand, four hundred and sixty three euros and sixty cent) 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 within six months of the date of this Order 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.

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

Section 10.5 (Amendments to Previously Permitted Developments) of the Mayo County Development Contribution Scheme 2023 states that applications for permission for modification/revision to a permitted development including a change or amendment to a site layout will be treated as an independent permission for development for the purposes of calculating development contributions with a deduction/substitution for any contributions paid on any previously permitted development. The subject development was previously the subject of a grant of planning permission under Planning Register Reference number 73/594 and the development to be retained comprises amendments to the layout of the permitted development on the site. As no contributions were payable in respect of the previously granted permission on the site, there is no deduction to be allowed against the contributions payable.

Furthermore, Section 10.6 (Retention Permissions) of the Mayo County Development Contribution Scheme 2023 states that while retention permissions shall be charged at double the applicable rate of the development contribution, retention of minor changes to previous permitted developments shall be assessed on a case-by-case basis. Having regard to the facts of the case, and the minor nature of the changes to the previously permitted development, with no increase in floor area or demand on infrastructure or services in the area, it is concluded that is open to the Commission to undertake a "case by case" assessment of the development. Furthermore, having completed such assessment and having regard to the facts above, it is considered that the application of double the applicable rate of contribution is not warranted in this instance and should therefore be omitted.

Eamonn James Kelly

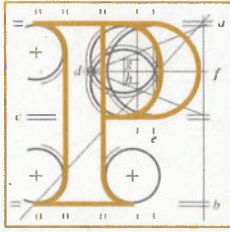
Eamonn James Kelly

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *10th* day of *December*, 2025.



An tAcht um Pleanáil agus Forbairt, 2000, arna leasú

Údarás Pleanála: Comhairle Contae Mhaigh Eo

Uimhir Thagartha ar an gClár Pleanála: 25/60327

Achomharc ó Údarás na Gaeltachta faoi chúram David Lally, Páirc Ghnó an Údaráis, Tuar Mhic Éadaigh, Clár Chlainne Mhuiris, Contae Mhaigh Eo, in aghaidh an chinnidh a rinne Comhairle Contae Mhaigh Eo an 17^ú lá de mhí Iúil 2025 cead a dheonú, faoi réir coinníollacha, i gcomhréir le pleananna agus sonraí a taisceadh leis an gComhairle sin.

Forbairt Bheartaithe: An foirgneamh tráchtála atá ann cheana féin a choinneáil mar a tógadh é, lena n-áirítear na hoibreacha suímh gaolmhara ar fad agus gach nasc le seirbhísí ag Páirc Ghnó Bhéal an Mhuirthead, Bóthar Bhéal an Átha, Béal an Mhuirthead, Contae Mhaigh Eo.

Cinneadh

Mheas an Coimisiún, i gcomhréir le halt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú, nár cuireadh téarmaí na Scéime Ranníocaí Forbartha don limistéar i bhfeidhm i gceart maidir le coinníoll uimhir 8, bunaithe ar na cúiseanna agus na cúinsí atá leagtha amach thíos, agusordaíonn sé don Chomhairle sin coinníoll uimhir 8 A LEASÚ ionas go mbeidh sé mar a leanas, agus na cúiseanna leis sin tugtha.

8. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais €7,463.60 (Seacht míle, ceithre chéad seasca is trí euro agus seasca cent) i leith bonneagar agus saoráidí poiblí a rachaidh chun tairbhe d'fhorbairt i limistéir an údaráis pleanála, ar nithe iad a sholáthróidh an t-údarás nó a sholáthrófar thar a cheann, nó a bhfuil sé beartaithe ag an údarás iad a sholáthar nó a bhfuil sé beartaithe iad a sholáthar thar a cheann, i gcomhréir le téarmaí na Scéime Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Déanfar an ranníocaíocht laistigh de shé mhí ó dháta an Ordaithe seo nó trí cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go ndéanfaí coinníoll lena gceanglaítear ranníocaíocht i gcomhréir leis an Scéim Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht a chur i bhfeidhm i leith an cheada.

Cúiseanna agus Cúinsí

Luaitear in alt 10.5 (Leasuithe ar Fhorbairtí a Ceadaíodh Roimhe Seo) de Scéim Ranníocaíochtaí Forbartha Chontae Mhaigh Eo 2023 go gcaithfear le hiarratais ar chead chun forbairt cheadaithe a mhodhnú/a athbhreithniú, lena n-áirítear athrú nó leasú ar leagan amach láithreáin, mar chead neamhspleách forbartha chun ranníocaíochtaí forbartha a ríomh, agus asbhaint/ionadú ann i leith aon ranníocaíochtaí a íocadh i leith aon fhorbairt a ceadaíodh roimhe seo. Bhí an fhorbairt lena mbaineann ina hábhar do dheonú cead pleanála roimhe seo faoi Uimhir Thagartha 73/594 ar an gClár Pleanála, agus cuimsíonn an fhorbairt atá le coinneáil leasuithe ar leagan amach na forbartha cheadaithe ar an láithreán. Ós rud é nach raibh aon ranníocaíochtaí iníoctha i leith an cheada a deonaíodh roimhe seo ar an láithreán, ní cheadófar aon asbhaint i leith na ranníocaíochtaí is iníoctha.

Ina theannta sin, cé go luaitear in alt 10.6 (Ceadanna Coinneála) de Scéim Ranníocaíochtaí Forbartha Chontae Mhaigh Eo 2023 gurb í táille a bheidh cothrom le dhá oiread an ráta ranníocaíochta forbartha is infheidhme an táille a ghearrfar i leith ceadanna coinneála, luaitear ann freisin gur ar bhonn chás ar chás a dhéanfar measúnú ar athruithe beaga ar fhorbairtí a ceadaíodh roimhe seo a choinneáil. Tar éis aird a thabhairt ar fhíorais an cháis agus ar chineál beag na n-athruithe ar an bhforbairt a ceadaíodh roimhe seo, gan aon mhéadú a bheith ann ar achar urláir ná ar an éileamh ar bhonneagar ná ar sheirbhísí sa limistéar, tagtar ar an gconclúid go bhféadfaidh an Coimisiún measúnú “cás ar chás” a dhéanamh ar an bhforbairt. Ina theannta sin, tar éis an measúnú sin a chríochnú agus aird a thabhairt ar na fíorais thuas, meastar nach bhfuil aon údar leis an ráta dubailte ranníocaíochta is infheidhme a chur i bhfeidhm sa chás seo agus, dá bhrí sin, gur cheart é a fhágáil ar lár.



Eamonn James Kelly

Eamonn James Kelly

**Coimisinéir Pleanála den Choimisiún Pleanála
atá údaraithe go cuí chun
séala an Choimisiúin a fhíordheimhniú.**

Arna dhátú an *10* lá seo de *Nollaig* 2025.