

An
Coimisiún
Pleanála

Commission Order
PL-501195-LS-26

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Planning Register Reference Number: 2560719

Appeal by Joe Sheahan in relation to the application by Laois County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 11 of its decision made on the 24th day of March, 2026.

Proposed Development: Construct a new single storey communal building, consisting of three number independent living units and a communal kitchen/utility unit; all associated site works at 'Mousetrap' Station Road, Portarlinton, County Laois.

Decision

The Commission, 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, directs the said Council, under section 48 (13) of the 2000 Act, to AMEND condition number 11 so that it shall be as follows and the reasons therefor.

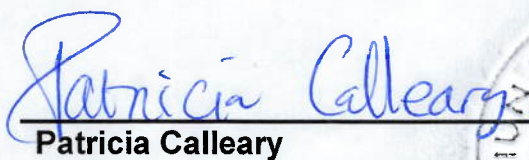
11. The developer shall pay to the planning authority a financial contribution of €5960 (five thousand nine hundred and sixty euros) (based on 149 square metres gross floor area x €40 per square metre) in respect of public infrastructure and facilities benefiting development in the area of the planning 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.

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

The Commission, in accordance with section 48 of the Planning and Development Act 2000 (as amended) considered that the terms of the Laois County Council Development Contribution Scheme 2025 - 2031 for the subject area had not been properly applied and the 'catch all' category (development not in any of the above classes') was instead the appropriate category of development applicable.

In disagreeing with the Planning Inspector's recommendation to attach the condition (Condition 11) on the basis of the inspector's finding that the terms of the Laois County Council Development Contribution Scheme 2025-2031 for the subject area had been properly applied, the Commission did not share this finding. Notwithstanding the description of the development set out on the public notice that referred to three independent living units, having regard to the drawings and documents and the entirety of the development description on the public notice, which also referred to communal kitchen and also having regard to the function of the development which is to provide residential care and related services for clients referred by the HSE and TUSLA, the Commission did not find that the development fitted 'urban residential' category, like for example a house or an apartment would. Instead, the Commission considered that the development type does not fit any of the classes contained within the development contribution scheme. In allowing for such occurrences, the scheme has a 'catch all' category for such development under a heading of 'development not in any of the above classes' with an amount of €40 per square metre applicable for such developments. The Commission concluded this to be the applicable category for the proposed development.


Patricia Calleary

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 12th day of August 2026