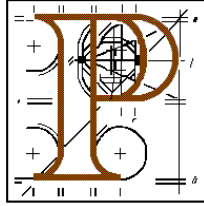


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: P14/373

An Bord Pleanála Reference Number: 16.RP.2132 (appeal reference number PL 16.245266)

WHEREAS by order dated the 24th day of December, 2015, An Bord Pleanála, under appeal reference number PL 16.245266, directed Mayo County Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to amend condition number 20 of planning register reference number P14/373, which granted subject to conditions a permission to MCOB Developments Limited care of MF Casey and Associates of Ballyhaunis Road, Claremorris, County Mayo for development comprising Infill development on currently undeveloped or partially developed sites, and also the retention and completion of the multi-unit block currently at first floor level. Specifically, the development will consist of four detached houses to be numbered 1, 2, 40 and 41; six semi-detached houses numbered 10, 11, 16, 17, 22 and 23; the re-numbering of the substantially complete, multi-unit block from 29-37 to 24-31 and the re-numbering of the aforementioned, multi-unit block to be retained from 37-45 to 32-39 as well as all necessary sewer and services connections to sewers and services previously granted under planning register reference number P06/2836 and all ancillary site development works, at Beechpark, Claremorris, County Mayo:

AND WHEREAS condition number 20 attached to the said Board order required the developer to pay to the planning authority a financial contribution 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 was to be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and was to be subject to any applicable indexation provisions of the Scheme at the time of payment and the condition required that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the application of the terms of the Scheme in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 26th day of July, 2016 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the amount to be paid under condition 20 of appeal reference number PL 16.245266 (planning register reference number P14/373) shall be €62,795 (sixty two thousand, seven hundred and ninety five euro) less any amounts that have been paid for development levies on the corresponding houses and apartments granted permission under planning register reference number P06/2836 or P07/2391.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site whereby permission was granted for very similar development to that now proposed, to the Development Contributions, Guidelines for Planning Authorities, issued under Section 28 of the Planning and Development Act, 2000 by the Department of the Environment, Community and Local Government in 2013, and having regard in particular to the section of those guidelines dealing with the issue of double charging, and to natural justice, the Board considered that any previous levies that had been paid in respect of houses corresponding to those of the proposal should be taken into consideration in determining the levy payable in the present case.

In deciding not to accept the recommendation of the inspector that the levy be imposed in full as sought by the planning authority the Board had regard to the guidelines referred to above and to the matter of natural justice.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.