



Development	Construction of an industrial/warehouse building and all associated site works.
Location	Westport Industrial Estate, Newport road, Westport, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	2560418.
Applicant(s)	Killian O' Brien.
Type of Application	Permission.
Planning Authority Decision	Grant Permission + Conditions.
Type of Appeal	First Party Normal Planning Appeal.
Appellant(s)	Killian O' Brien.
Observer(s)	None.
Date of Site Inspection	15 th April 2026
Inspector	C. Daly.

1.0 Site Location and Description

- 1.1. The subject site, of area 1.11ha., consists of a large rectangular flat area of hardstanding set down from the industrial estate access road which it fronts on to the north. There was some area of soil mounds towards the western area of the site. The site is fenced on all sides and there is a river to the rear/south of the site. The site is located at the western end of Westport Industrial Estate which is at the north-west end of the town.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Construction of a flat roof industrial/warehouse building of 4,000sqm.
 - Connection to public services.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to (1) a Traffic and Transport Assessment in relation to impacts on the national road network in the vicinity, (2) an AA screening assessment given the river to the rear of the site, (3) a site layout plan showing the distance of the building from the industrial estate road, (4) calculations of the plot ratio and site coverage.

Following F.I. the P.A. decided to grant permission subject to 10 no. conditions.

Notable conditions include:

- Condition no. 2 states, inter alia, that no food/grocery or clothing retailing activity shall be permitted in the units and that only those office activities that are directly related to the principal business undertaken in each unit shall be permitted.
- Condition no. 10 requires the payment of €80,000 to the Council to comply with the Mayo County Council Development Contribution Scheme.

3.2. **Planning Authority Reports**

3.2.1. The initial Planner's Report assessment noted the site zoning under the Westport LAP for LUZ 2 Enterprise and Employment. It considered the design of the 4,000sqm warehouse building to be acceptable. It recommended F.I. be requested in relation to 4 items outlined above. Following F.I. it recommended that permission be granted subject to 10 no. conditions. The second report included a calculation of the contributions due which noted €20 per square metre at 4,000sqm equals €80,000 total due.

3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions.
- Environment, Climate and Agriculture: No objection.

3.3. **Prescribed Bodies**

- Transport Infrastructure Ireland: Initially recommended that a TTA be carried out. After F.I. it had no objection subject to condition including compliance with the recommendations of the TTA.
- Uisce Éireann: No response received.
- Department of Housing, Local Government and Heritage: No response received.
- Development Applications Unit (Natural Heritage): No response received.
- An Taisce: AA Screening is required as well as assessment against Article 4 of the Water Framework Directive.

3.4. **Third Party Observations**

- None.

4.0 **Planning History**

Subject Site

07/223: Permission granted by the P.A. for retail unit/warehouse, connection to public services.

Sites in the Vicinity

04/2290: Permission granted by the P.A. at adjacent site to the east for changes to original planning ref. 02/2522. 1) revisions to front and side elevation, 2) revisions to internal layout to allow for subdivision for 2 no. further units, 3) to include 1st floor over part of ground floor.

20/462: Permission granted by the P.A. at site opposite the subject site for the construction of an extension to existing warehouse facilities together with associated site works at unit no. 21.

5.0 Policy Context

5.1. Planning and Development Act, 2000 (as amended)

5.1.1. Section 48 of the Planning and Development Act 2000, as amended provides as follows:

48.—(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

(2) (a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

(c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

(3) (a) A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

5.1.2. Section 48(10) provides,

(10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

(c) Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal. provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.

5.2. Development Contributions – Guidelines for Planning Authorities 2013

5.2.1. These guidelines state that the primary function of such schemes is to contribute towards the funding of essential public infrastructure required for development. The guidelines provide guidance on how to address the economic changes since 2007 when drafting development contribution schemes.

5.3. Mayo County Development Plan 2022-2028 (the CDP)

Volume 1

Chapter 4 – Economic Development

Objective EDO 28 To review the Development Contribution Scheme.

Volume 2 – Development Management Standards

Section 1.4 Development Contributions

The Council, taking into consideration the capital expenditure necessary for the provision of public infrastructure and facilities, will require the payment of general financial contributions in accordance with the Mayo County Council Development Contribution Scheme to offset a portion of their costs. Developers may also be required to carry out works at their own expense to facilitate their development and these will be specified as a condition of the respective planning permission.

5.4. Mayo County Council Development Contribution Scheme 2023 (the contribution scheme)

- 5.4.1. The applicable scheme is the Mayo County Council Development Contribution Scheme 2023 (under Section 48 of the Planning and Development Act, 2000 as amended).
- 5.4.2. The Development Contribution Scheme was formally adopted by the Elected Members of Mayo County Council on the 30th of June 2023 and took immediate effect for a minimum period of 6 years.
- 5.4.3. The applicable rates in the scheme are:
- 5.4.4. Per Table 2 – Level of Contribution

Class 5	Commercial/Industrial	€20 per square metre
Class 6	Storage/Warehousing (non-retail)	€15 per square metre

Table 1 – Table 2 extract from the Mayo County Council Development Contribution Scheme 2023

- 5.4.5. Section 10.0 notes that the floor space of a development is calculated as the gross floor area meaning as determined by the internal dimensions of the proposed buildings.
- 5.4.6. Section 10.7.1 provides for reductions for “*expansions to existing manufacturing or industrial facilities. A 30% reduction on the applicable rate of development contribution*”.
- 5.4.7. Section 10.7.2 provides for exemptions for ancillary surface car parking as part of a planning application.
- 5.4.8. Section 12.0 allows for the Council Chief Executive to apply indexation each year.
- 5.4.9. Appendix 1 defines classes of public infrastructure and facilities.
- 5.4.10. Appendix 2 outlines the apportionment of contributions.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of appeal on behalf of the applicant, Killian O’ Brien of Mayo Healthcare, can be summarised as follows:

- The proposed new building is to accommodate the existing building under one roof.
- The existing business is using two smaller buildings opposite and beside the subject site (map supplied).
- Reductions are allowed for expansions of existing manufacturing or industrial facilities with a 30% reduction provided on the rate of the development contribution.
- The Council used the same rate for the full building even though nearly 50% of the building is a warehouse.
- The breakdown should be as follows:
Warehouse floor space = 1,322sqm
Manufacturing floor space = 1,029sqm

Office space = 297sqm

Canteen = 85sqm

Plant room = 42sqm

Add office and canteen to manufacturing space = 1,453sqm

Commercial/Industrial = 2,139sqm X €20/sqm = €42,780

Warehouse = 1,859sqm X €15/sqm = €19,830

Total = €62,610

Less 30% for expanding existing business = €43,827

- This is nearly half the contribution that the Council have levied.
- As this is an existing business in an existing industrial estate developed by the Council looking to develop sustainably under one roof, the Council should be encouraging this with lower contributions.

6.2. Planning Authority Response

- No response as to how contribution broken down.

7.0 Assessment

- 7.1. This is a first party appeal against a financial contribution condition that was included as part of the decision of the Planning Authority to grant permission for the proposed development. As this is an appeal in respect of conditions requiring a financial contribution, the provisions of section 48 of the Planning and Development Act 2000 as amended apply and the Commission is restricted to considering this matter alone and cannot consider the matter de novo. I have therefore confined my assessment to the conditions in question.
- 7.2. The appeal effectively seeks the removal of part of condition no. 10, i.e. the part charging €80,000 and the replacement of this with the lower amount of €43,827. The P.A. have not responded to the appeal. The Class 1 contribution has therefore been appealed and the appellant states that their outlined calculation is consistent with the contribution scheme. The applicant's calculation of this amount is shown in section 6.1 above. I note this specifically allocates the 297sqm office, 85sqm canteen and

42sqm plant room to the manufacturing space to give a sub-total of 1,453sqm manufacturing space.

- 7.3. This calculation then arrives at a total of 2,139sqm for the total commercial/industrial space without giving the full breakdown of the difference between of the 686sqm difference between it and the 1,453 figure. The total area given for the warehouse use is 1,859sqm and the only breakdown of this figure given is 1,322sqm for the main warehouse space with no breakdown given for the remaining 537sqm figure. The appellant's figures total to 3,998sqm.
- 7.4. I note that the P.A. calculation of the contributions due is on the basis of €20 per square metre at 4,000sqm equals €80,000 total due under Class 5 (Commercial/Industrial). The stated reason for these contributions is "*to comply with Mayo County Council's Development Contribution Scheme 2023*". The reason does not also include a statement that a special contribution is required for exceptional costs not covered by the scheme.
- 7.5. I note that the total floor area of the development is 4,000sqm per the application form for a development described in the public notices as "*construct industrial unit/warehouse*". I note that per Table 2 of the Development Contribution Scheme that Class 5 Commercial/Industrial development is charged at €20 per square metre and that Class 6 Storage/Warehousing (non-retail) is charged at €15 per square metre. I note that the development description applied for both industrial and warehouse type uses. I note that these uses are under separate classes under the Development Contribution Scheme, i.e. industrial use is under Class 5 and warehouse use is under Class 6.
- 7.6. I note the floor area breakdown supplied by the applicant in the appeal. I have reviewed this against the floor area breakdown shown on the submitted floor plans. I note the area of the office at 297sqm is ancillary to the main uses on the site consistent with the requirements of Condition no. 2. In relation to the breakdown of the floor areas between industrial/commercial type and storage/warehouse type, I note that the former main area is identified on the plans as 1,029sqm and the latter at 1,322sqm. I note the other floor areas on the site are effectively ancillary to these main areas. In the absence of a clear alternative rationale, I consider the applicant's

breakdown between the industrial/commercial type use (53.5%) and the warehouse/storage use (46.5%) to be reasonable.

- 7.7. I note the ancillary areas include open plan office, private offices, canteen, plant, packing, meeting room, conference room, bathrooms, cleaner room and circulation areas. On the drawings the total ground floor area is stated to be 3,550.5sqm and the total first floor area is stated at 547.85sqm giving a total floor area of 4,098.3sqm. In the absence of a clear rationale for the allocation of the ancillary areas between industrial and warehouse uses, and having examined the floor plans, I consider that I should apply the applicant's proportional breakdown between the industrial and warehousing type uses to the remaining area over 3,998sqm not accounted for in the appellant's calculation. I have shown by calculation breakdown below in this regard.

Appellant's Commercial Industrial Total Floor = 2,139sqm

Appellant's Warehouse Total Floor Area = 1,859sqm

Appellant's Total Floor Area = 3,998sqm.

Total Floor Area per Floor Plans = 4,098sqm.

Difference between totals = 100sqm

Appellant's proportional breakdown = 53.5sqm industrial/commercial and 46.5sqm for warehouse storage.

Total Commercial Industrial floor area = 2,192.5sqm X €20/sqm = €43,850 (class 5).

Total warehouse floor area = 1,905.5sqm X €15/sqm = €28,582.50 (class 6)

Total Contribution = €72,432.50

- 7.8. Therefore, the contribution calculation above results in a total contribution due of €72,432.50 by comparison with the appellant's figure of €62,610. The appeal has asserted that a 30% reduction on this applies as this is an existing business looking to relocate from the adjacent and opposite sites to the subject development under one roof.

- 7.9. I note that under the Development Contribution Scheme Section 10.7.1 there is provision for reductions for "*expansions to existing manufacturing or industrial facilities. A 30% reduction on the applicable rate of development contribution*".

Outside of the context of the control of development, in a business context I can see how the proposal to amalgamate and expand the business on to the subject site in a larger building than the two existing sites adjacent and opposite the site could be considered to be an expansion of an existing manufacturing or industrial facility if viewed in strict isolation in relation to the expansion of the business only.

7.10. However, I note that the proposed development is not an expansion of an existing facility/building but rather a new building/facility. In the context of the control of development to which the development contribution scheme directly relates, I do not consider that the proposed development to be a development that is an expansion of an existing development(s), for example an extension to an existing development. Rather in my opinion it is a new separate development that would provide a new separate facility that would not be an expansion of an existing facility. I also note this by reference to the red line area where no other existing facility is to be expanded is shown within the subject site.

7.11. Overall, based on the above I consider that the development contribution due in respect of the proposed development is €72,432.50. I note this is less than the €80,000 levied in the P.A.'s condition no. 10.

8.0 Recommendation

8.1. Having regard to:

- a. Section 48 of the Planning and Development Act, 2000 as amended,
- b. The Development Contribution Guidelines for Planning Authorities (2013),
- c. Mayo County Council Development Contribution Scheme 2023,
- d. Mayo County Development Plan 2022-2028,

8.2. In respect of Condition no. 10, The Commission, in accordance with Section 48 of the Planning and Development Act 2000 (as amended) decide that the amount due under Condition number 10 of the grant of permission be required to be amended

from €80,000 and €72,432.50. It is considered that Condition no. 10 should be attached and amended to read as follows:

The developer shall pay to the planning authority a financial contribution of €72,432.50 (seventy two thousand four hundred and thirty two euros and 50 cents) 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.

9.0 Reasons and Considerations

Having regard to the appeal and application documentation and noting that the applicable scheme is the Mayo County Council Development Contribution Scheme 2023 (under Section 48 of the Planning and Development Act, 2000 as amended) the adopted scheme includes, in Table 2, that new commercial/industrial and storage/warehousing (non-retail) development will be charged at €20 and €15 per square metre respectively. The contribution amount due is based on an industrial/commercial floor area of 2,192.5 square metres and a storage/warehousing (non-retail) floor area of 1,905.5 square metres noting the breakdown in floor areas supplied at appeal stage and on the floor plans, and proportioning the remaining floor areas not accounted for by the appellant between the two types of uses based on the information provided in the appeal. Section 10.7.1 of the Contribution Scheme provides for reductions for expansions to existing manufacturing or industrial facilities. However, this is a new development/facility and not an extension of an existing facility such that there is no scope for reductions in the contribution due under the Contribution Scheme. The Commission considers that Condition no. 10 in

relation to the €80,000 amount should have been calculated to result in an amount due of €72,432.50 which falls within the terms of the Development Contribution Scheme and the amount due should be amended to reflect the terms of the scheme in relation to the proposed development where €72,432.50 is due.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ciarán Daly

Planning Inspector

22nd April 2026