



An
Bord
Pleanála

Board Direction
PL08.246651

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 14th 2016.

The Board treated this case under sections 48 and 49 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Attach condition 2 and 3

Remove condition 5

Reasons and Considerations Conditions 2 and 3

Having regard to the provisions of the Tralee Town Council Development Contribution Scheme it is considered that the General Development Contribution Scheme was properly applied as the development comes within the scope of the Scheme and Condition 2 was correctly applied.

Furthermore, having regard to the provisions of the Tralee Town Council Development Contribution Scheme and the Kerry County Council Supplementary Development Contribution Scheme for the Tralee Ring Roads Project it is considered that the Supplementary Contribution Schemes were properly applied as the development comes within the scope of the Scheme and Condition 3 was correctly applied.

Reasons and Considerations Condition 5

The Board considers that condition number 5 does not accord with the provisions of section 48 (2) (c) of the Planning and Development Act, 2000 with reference to the payment of a 'special contribution' and that the said condition is not amenable to being applied in accordance with the provisions of section 48 (12) of the Act.

Furthermore, it is considered that an appropriate requirement to pay such a contribution could properly be included within a Development Contribution Scheme made under this section.

In deciding not to accept the inspector's recommendation to remove Condition 2 the Board considered that no exemption was applicable within the terms of General Development Contribution Scheme

Board Member

 Paul Hyde

Date: Sept 14th 2016