



An
Bord
Pleanála

Board Direction
PL08.246700

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 16th 2016.

The Board decided to treat this case under subsection (13)(a) of Section 48 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Remove condition number 2.

Reasons and Considerations

Having regard to the:

- Kerry County Council Development Contribution Scheme 2011
- The Development Contributions Guidelines for Planning Authorities (2013) which require planning authorities in reviewing their development contributions schemes to include waivers for broadband infrastructure (masts and antennae) and that the practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner.

It is considered that it would be inappropriate to attach a Section 48 Development Contribution in this instance as:

- (1) A Section 48 Development Contribution in the amount of €14,000 has been paid for this development under the previous decision of Kerry County Council for this site PL08.237781 (Reg Ref 10/864) and in line with the Kerry County Council Development Contribution Scheme 2011 and to apply a Development Contribution condition would amount to “double charging”

Board Member

Paul Hyde

Date: 16th August 2016