



An  
Bord  
Pleanála

**Board Direction**  
**BD-001250-18**  
**ABP-300334-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/10/2018.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

A. **Amend** condition number 2 as follows

2. The developer shall pay to the planning authority a financial contribution of €210,000 (two hundred and ten thousand euro) in respect of roads and transport €63,000 (sixty-three thousand euro) and community and infrastructure €147,000 (one hundred and forty-seven thousand euro) 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 the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in ten manner specified in that Scheme.

B. **Amend** condition number 3 as follows

3. Prior to the commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to the value of **€100,000** to secure the satisfactory reinstatement of the site on cessation of the project, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development.

**Reason:** To ensure the satisfactory completion of the development.

### **Reasons and Considerations**

It is considered that the proposed development does not come within the scope of the 'Tralee Levy' as set out in Kerry County Council Development Contribution Scheme 2017. Furthermore, having regard to the likely impact of the proposed development on the lands affected, it is considered that the value of the security required by Condition 3 is excessive and it is also considered that the value of security sought is inconsistent with previous security required for similar developments in the county.

**Board Member:**

**Date:** 02/10/2018

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Michelle Fagan