



An
Bord
Pleanála

Board Direction
BD-001608-18
ABP-301543-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/11/2018.

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

Amend condition 2 as follows.

2 The developer shall pay to the planning authority a financial contribution of €9,037.13 (nine thousand and thirty seven euro and thirteen cent) 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. 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 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.

Reasons and Considerations, as per Inspector's recommendation as follows.

Reasons and Considerations

The current Kerry County Development Contribution Scheme sets out the development contributions required in respect of different categories of development. It is considered that, on the basis of the information submitted with the application and appeal, the proposed development falls within the category of Landfill and that the rate for the total contribution required is €0.29 per m³ as set out in the Scheme. The Board further considers, however, that a reduction in development contributions in relation to development granted temporary planning permission should be applied, having regard to the limited extent and duration of the proposed development, due to the finite nature, scale and purpose of the project. Therefore, it is considered that the terms of the Planning Authority's Development Contribution Scheme have not been properly applied in respect of the reduction required for a temporary permission. The condition requiring the payment of the contribution should, therefore, be amended to provide for a reduction of 50% in the amount of contribution from €18,074.25 to €9,037.13

Board Member:

Date: 13/11/2018

Paul Hyde