



An  
Bord  
Pleanála

**Board Direction**  
**BD-005049-20**  
**ABP-305170-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/01/2020.

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:

Remove Condition no. 2

### **Reasons and Considerations**

Having regard to:

- (a) the Kilkenny County Development Contribution Scheme 2016-2017 which provides, in the case of non-residential development,

*“Where an applicant submits a planning application for a change of use, then any development charges paid in respect of the previous use will be available for offset against the development charges payable on the revised use application”,*

- (b) the quantum of development charges levied and paid in respect the parent application P.A. Reg.Ref. P.92/884, ABP Ref. PL10.091530, and  
(c) the submissions made in this appeal,

it is considered that the terms of the scheme have not been properly applied, and that development charges paid in respect of the previous use are available for offset against the development charges which would otherwise be payable on the revised use application, and the removal of Condition no. 2 is, therefore, appropriate.

**Board Member:**

**Date:** 29/01/2020

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John Connolly