



An
Bord
Pleanála

Board Direction
BD-005542-20
ABP-305440-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2020.

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:

Amend condition 2 as follows.

Condition no. 2

The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area that is provided or intended to be provided by or on behalf of the Local Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Acts 2000-2018.

The amount of the financial contribution shall be paid upon grant of permission, with the amount of the contribution being the rate of contribution in existence on the date of such grant. In accordance with the current scheme the amount of the contribution is calculated at €5,535.00 (Five thousand five hundred and thirty five Euro). Any applicable amount is subject to revision with reference to the Wholesale Price Index and to penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme.

Reason: It is a requirement of the Planning and Development Acts 200-2018 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.

Having regard to:

- (a) The provisions of the Kilkenny County Development Contribution Scheme 2016-2017,
- (b) The submissions made in this appeal;

The Board considers that the terms of the Kilkenny County Development Contribution Scheme 2016-2017 have not been properly applied, and the amendment of Condition number 2 is, therefore, appropriate.

Board Member:

Date: 27/03/2020

Chris McGarry