



An
Bord
Pleanála

Board Direction
BD-015206-24
ABP-315525-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/01/2024.

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 number 7

for the following reasons and considerations

The Kildare County Council Development Contribution Scheme 2023 – 2029 provides that wind turbines and solar energy developments shall be charged at a rate of €1000 per 0.1 megawatt or output with the first 0.5 megawatts for non-commercial use being exempt from a development contribution (Section 8.2.1 – Renewable Energy and Climate Change). The present application applied for and was granted permission for the erection of 1,940 m² or 500.90kWp of photovoltaic panels on the roof of an existing building ('Tesco' supermarket). The Board noted that 500.90kWp equates to 0.5009 megawatts (rounded to 0.5 megawatts). The photovoltaic panels proposed on the roof of the existing 'Tesco' supermarket building would function to provide a renewable energy source for the supermarket and would therefore fall within the non-commercial use category referenced in Section 8.2.1 of the scheme. The terms of the development contribution scheme, requiring the payment of €5009, have therefore not been properly applied in respect of the attachment of Condition number 7 as it's application did not allow for the relevant

exemption for 0.5 megawatts allowed for in the applicable contribution scheme and accordingly, the Board hereby directs the Planning Authority to REMOVE Condition number 7 attached to the grant of permission.

In disagreeing with the inspector, the Board noted the provisions of Section 8.2.1 of the Kildare County Council Development Contribution Scheme 2023 – 2029 as being relevant, whereby an exemption for the first 0.5 megawatts is allowed, which differed from the inspector's findings that there was no such exemption in the applicable scheme.

Board Member:



Patricia Calleary

Date: 25/01/2024