

An  
Coimisiún  
Pleanála

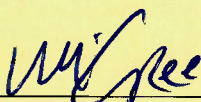
Direction  
CD-020369-25  
ABP-322092-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/07/2025.

The Commission decided to **dismiss** the appeal for the following reasons and considerations.

**Planning**

Commissioner:

  
Liam McGree

Date: 18/08/2025

**DRAFT WORDING FOR ORDER**

In accordance with the provisions of section 138 of the Planning and Development Act, 2000 (as amended), the Commission has an absolute discretion to dismiss an appeal where, having considered the grounds of appeal, the Commission is satisfied that, in the particular circumstances, the appeal should not be further considered by it having regard to the nature of the appeal. In the case of the subject appeal, the Commission was satisfied, given that the appeal related solely to the payment of a special financial contribution that was the subject of a previous grant of planning permission, which was not appealed during the prescribed period, where that planning permission had been implemented, that the appeal should not be further considered by it.

In deciding not to accept the recommendation of the Planning Inspector to remove condition number 16 attached to planning permission ref: 13/71, the Commission accepted the Inspectors conclusion that that the continued payment of the special development contribution required by Condition No. 16 and the attachment thereof is no longer warranted, but determined that the removal of a condition of a previous grant of planning permission, which has since expired, which required the payment of a financial condition, would not be appropriate in circumstances where the previous planning permission had been implemented and the financial condition had not been appealed during the prescribed period for such an appeal.

**Note:** Despite the Commission's concerns that condition number 16 attached to planning permission ref: 13/71 did not constitute a valid condition in accordance with the requirements of section 48(2)(c) of the Planning and Development Act, 2000 (as amended), and that that the continued payment of the Special Development Contribution required by Condition No. 16 of that planning permission is no longer warranted, the Commission concluded that, having regard to the passage of time, the issue should more properly be addressed between the applicant and the planning authority having regard to the provisions of section 48(12) of the Planning and Development Act, 2000 (as amended) which specifically provides for the refund of special contributions in certain specified circumstances.

Please circulate copy of Direction to all parties.