

An
Coimisiún
Pleanála

Direction
CD-021611-25
ACP-323617-25

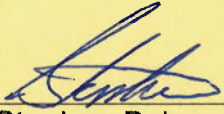
The submissions on this file and the Inspector's report were considered at a meeting held on 19/12/2025.

The Commission decided to treat this case under section 139 of the Planning and Development Act, 2000. The Commission also decided, based on the Reasons and Considerations set out below / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Remove condition number 22

Planning

Commissioner:


Stephen Bohan

Date: 19/12/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the information on file, including the specific nature of the proposed development, the Commission considered that condition 22 shall be removed on the basis that it is not consistent with the provisions of Section 48(2)(c) of the Planning and Development Act, 2000, as amended, as it fails to meet the statutory tests of

Section 48(2)(c) of the Planning and Development Act, 2000, as amended. It has not been satisfactorily demonstrated that the special development contribution must be required, nor are specific exceptional costs incurred as a result of or in order to facilitate the proposed development, and such costs can be covered by a Development Contribution Scheme made under Section 48 the Act.

[**Note:** The Commission noted the Inspector's observation at para. 8.8 of the report that the Planning Authority, in its response to the appeal, had acknowledged that the special development contribution would not meet the applicable statutory tests under Section 48(2)(c) of the Planning and Development Act 2000, as amended. While the Planning Authority did note the applicant's submissions to this effect in the response to the request for further information (RFI) and accepted a reduced contribution amount, it did not expressly concede non-compliance with the statutory tests, instead reaffirming the requirement as proportionate to the development's impacts. In any event, the Commission agrees with the Inspector's recommendation to omit Condition No. 22, as the proposed works relate to pre-existing public road infrastructure serving the wider Motor Park, with negligible additional traffic generation from the development, such that the special contribution is not justified as specific exceptional costs directly attributable to or benefiting the proposal.]