

An
Coimisiún
Pleanála

Commission Direction
CD-001156
PL-501353-KY-26

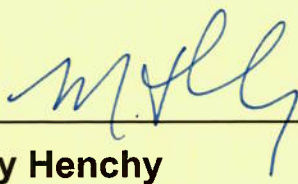
The submissions on this file and the Inspector's report were considered at a meeting held on 26 August 2026.

The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Commission also decided that the planning authority be directed, as follows:

Remove condition Condition 3

Amend condition 2 as follows.

Planning Commissioner:



Mary Henchy

Date:

26th day of August 2026

DRAFT WORDING FOR ORDER

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition numbers 2 and 3 and directs the said Council to AMEND condition number 2 and the reason therefor so that it shall be as follows and to REMOVE condition number 3 and the reason therefor.

2. The developer shall pay to the planning authority a financial contribution of €55,844 (fifty-five thousand, eight hundred and forty-four euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Having regard to Section 48 of the Planning and Development Act 2000, as amended, the terms of the Kerry County Council Development Contribution Scheme 2017, including Section 6 which allows for a 50% reduction for change of use applications within the development boundary of settlements, the nature and location of the proposed development on a mobile home and caravan park within the settlement boundary of Tralee, the submission of the applicant, and the information on file from the planning authority, it is considered that the standard development contribution rate of €111,688 is subject to a 50% reduction. Furthermore, it is considered that the special development contribution condition of €90,000 towards the cost of providing pedestrian facilities on the R556 in order to ensure the safe movement for pedestrians from the proposed development towards the town centre does not come within the scope of Section 48(2)(c) and Section 48(12)(a) of the Planning and Development Act 2000, as amended. This is due to the particular works proposed by the planning authority not being sufficiently specified, the basis for the cost calculation, including how it is apportioned to the proposed development not being identified, the fact that the provision of roads, pedestrian facilities and traffic calming measures are already funded by the Kerry County Council Development Contribution Scheme 2017 as set out in Appendix A, and the fact that the proposed works would not only benefit the proposed development but would provide a much wider benefit to the wider area. It is considered that the works associated with the special development contribution condition do not represent exceptional or specific costs in terms of public infrastructure, and, accordingly, the condition is not warranted.