



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/1252

Appeal by Conchubhar Ó Luasa of Screathan na nGamhan, Cúil Aodha, Maighchromtha, Contae Chorcaí in relation to the application by Kerry County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 9th day of April, 2018.

Proposed Development: Importation of soil and stone for the raising of an agricultural field in order to improve the agricultural output of the field, the construction of a new entrance and a new haul road to link with existing farm road at Inchee, Kilgarvan, County Kerry.

Decision

The Board, 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 number 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €9,037.13 (nine thousand and thirty-seven euro and thirteen cent) 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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 the current Kerry County Development Contribution Scheme which sets out the development contributions required in respect of different categories of development, it is considered that, on the basis of the information submitted with the application and appeal, the proposed development falls within the category of Landfill and that the rate for the total contribution required is €0.29 per cubic metre as set out in the said Scheme. The Board further

considers that a reduction in development contributions in relation to development granted temporary planning permission should be applied, having regard to the limited extent and duration of the proposed development, due to the finite nature, scale and purpose of the project. It is considered therefore that the terms of the planning authority's Development Contribution Scheme have not been properly applied in respect of the reduction required for a temporary permission. The condition requiring the payment of the contribution should, therefore, be amended to provide for a reduction of 50% in the amount of contribution from €18,074.25 to €9,037.13.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.