



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 18/531

Appeal by AQS Composting Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in relation to the application by Kilkenny 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 26th day of July, 2019.

Proposed Development: Temporary retention permission for the continuation of use and change of use of the site, the security building and the ground floor of the administration building from its previous mining use to an administrative and logistics centre, on the site of the former "Galmoy Mines", temporary retention permission is also sought for the use of an external hardstand area for the storage of vehicles, all associated car parking and services, all at the former "Galmoy Mines", Galmoy, County Kilkenny.

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 REMOVE condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to:

- (a) the Kilkenny County Development Contribution Scheme 2016-2017 which provides, in the case of non-residential development,

“Where an applicant submits a planning application for a change of use, then any development charges paid in respect of the previous use will be available for offset against the development charges payable on the revised use application”,
- (b) the quantum of development charges levied and paid in respect the parent application planning register reference number P.92/884, An Bord Pleanála appeal reference number PL 10.091530, and
- (c) the submissions made in this appeal,

it is considered that the terms of the scheme have not been properly applied, and that development charges paid in respect of the previous use are available for offset against the development charges which would otherwise be payable on the revised use application, and the removal of condition number 2 is, therefore, appropriate.

