



An
Bord
Pleanála

Board Order
ABP-305440-19

Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/366

Appeal by McGuire Haulage Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny 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 20th day of August, 2019.

Proposed Development: Retention planning permission for constructed concrete hard standing and newly installed roller doors to the side of building. Full planning permission for the installation of palisade fencing to site perimeters, to relocate truck wheel wash, to complete surfacing works to yard space and to reinstate excavated earth outside of yard space, all works at Cloghabrody, Thomastown, 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 AMEND condition number 2 so that it shall be as follows for the reasons stated.

2. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the planning authority's administrative area that is provided or intended to be provided by or on behalf of the local 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 amount of the financial contribution shall be paid upon grant of permission, with the amount of the contribution being the rate of contribution in existence on the date of such grant. In accordance with the current scheme the amount of the contribution is calculated at €5,535 (five thousand five hundred and thirty five euro). Any applicable amount is subject to revision with reference to the Wholesale Price Index and to penalty interest in accordance with the terms of planning authority's Development Contribution Scheme.

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

- (a) the provisions of the Kilkenny County Development Contribution Scheme 2016-2017, and
- (b) the submissions made in this appeal,

the Board considers that the terms of the Kilkenny County Development Contribution Scheme 2016-2017 have not been properly applied, and the amendment of condition number 2 is, therefore, appropriate.

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.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020