



An  
Bord  
Pleanála

**Board Order**  
**ABP-307688-20**

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/175**

**Appeal** by City Direct Bus Limited care of Califa Limited of Dublin Road, 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 2<sup>nd</sup> day of July, 2020.

**Proposed Development:** The erection of a portal frame inspection shed and prefabricated unit comprising of office space, canteen and sanitary facilities and all associated site works at Leggetsrath West, 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 of €2,970.00 (two thousand, nine hundred and seventy 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. 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:

- (a) The provisions of the Kilkenny County Council 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.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020**