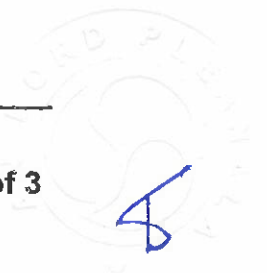


Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/686

WHEREAS by Order dated the 22nd day of June, 2018 Kilkenny County Council, under planning register reference number 17/686, granted subject to conditions a permission to Action Enterprises Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny for development of a community primary healthcare centre and pharmacy comprising a structure with two levels over split level basement. The primary healthcare centre facility will provide for HSE services (including dental), general practice, floor space for non-allocated private healthcare consultancy and future diagnostic health services, meeting rooms, administrative offices, staff accommodation, receptions and associated uses. External works to the structure include roof plant and signage. The proposals also includes two road entrances off Ard Daire, pedestrian access off the R711 and through the site, parking, circulation, external amenities (including landscaping), lighting, ESB substation, signage and all associated services with connections to public services and all associated site works, all at Ard Daire, Ferrybank, County Kilkenny.



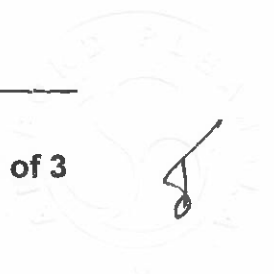
AND WHEREAS condition number 2 attached to the permission required the developer pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area that is provided or intended to be provided 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 Acts 2000-2017, and the condition required that the amount of the financial contribution was to be paid upon commencement of development, with the amount of the contribution being the rate of contribution in existence on commencement of development:

AND WHEREAS the developer and the planning authority failed to agree on the amount to be paid in compliance with the terms of the condition and the matter was referred by the developer to An Bord Pleanála on the 17th day of August 2021 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it under subsection (1) (b)(i) of section 138 of the Planning and Development Act, 2000, hereby determines that the referral be **DISMISSED** based on the Reasons and Considerations set out below.

Matters Considered

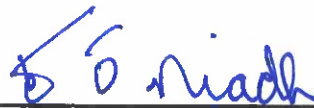
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Reasons and Considerations

The Board is satisfied that, in the particular circumstances, the referral should not be further considered by it having regard to the nature of the referral.

Having regard to the provisions of section 34(5) of the Planning and Development Act, 2000, as amended, it is considered that condition number 2 of Kilkenny County Council's planning decision, (planning register reference number 17/686) does not provide for the point of detail which is the subject of this referral to be agreed between the planning authority and the person carrying out the development and, therefore, does not provide for the referral of the matter to the Board for determination in the event that the planning authority and that person cannot agree on the matter.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 3rd day of February, 2022.