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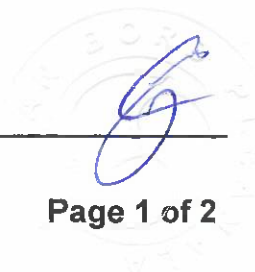
**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/271**

**Appeal** by IPH Killarney Holdings Limited care of Griffin Project Management of 51 New Street, Killarney, County Kerry in relation to the inclusion of special contribution condition number 7 by Kerry County Council in its decision made on the 6<sup>th</sup> day of January, 2022.

**Proposed Development:** Construction of a residential development of 33 number apartments contained in a six-storey apartment building and all ancillary site development works. The proposed development consists of the provision of 23 number two bedroom apartment units and 10 number one bedroom apartment units with ancillary communal bicycle parking, car parking, bin stores and landscaped courtyard/amenity area. Vehicular access to the proposed development will be provided from the existing cul de sac which bounds the subject site to the north, all at Monsignor O'Flaherty road, Coollegrean, Killarney, County Kerry as amended by the revised public notice received by the planning authority on the 6<sup>th</sup> day of September, 2021.



## Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 7 and the reason therefor.

## Reasons and Considerations

It is considered that the contributions sought towards the costs of upgrading the Folly Stream, footpath improvements works and public lights infrastructure do not constitute specific exceptional costs which are not covered by the Kerry County Council Development Contributions Scheme 2017 and which are incurred by the planning authority in respect of public infrastructure and facilities which benefit the proposed development, as required by section 48(2)(c) of the Planning and Development Acts, 2000. It is, therefore, considered appropriate to removed condition number 7.



**John Connolly**

**Member of An Bord Pleanála**

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



Dated this 28<sup>th</sup> day of JUNE 2022.