

An
Bord
Pleanála

Board Order ABP-315525-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

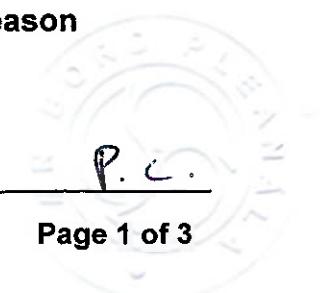
Planning Register Reference Number: 22/1026

Appeal by Tesco Ireland Limited care of Enerpower of Unit 24, Waterford Business Park, Cork Road, Waterford, County Waterford in relation to the application by Kildare 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 14th day of December, 2022.

Proposed Development: Erect 1,490.00 square metres or 500.90kWp of photovoltaic panels on the roof of the existing building with all associated site works at Tesco Ireland Limited, Monread Shopping Centre, Monread Road, Naas, County Kildare.

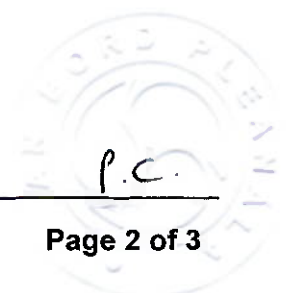
Decision

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 7 and directs the said Council to REMOVE condition number 7 and the reason therefor.



Reasons and Considerations

The Kildare County Council Development Contribution Scheme 2023-2029 provides that wind turbines and solar energy developments shall be charged at a rate of €1,000 per 0.1 megawatt or output with the first 0.5 megawatts for non-commercial use being exempt from a development contribution (Section 8.2.1 – Renewable Energy and Climate Change). The present application applied for, and was granted, permission for the erection of 1,940 square metres or 500.90kWp of photovoltaic panels on the roof of an existing building ('Tesco' supermarket). The Board noted that 500.90kWp equates to 0.5009 megawatts (rounded to 0.5 megawatts). The photovoltaic panels proposed on the roof of the existing 'Tesco' supermarket building would function to provide a renewable energy source for the supermarket and would, therefore, fall within the non-commercial use category referenced in Section 8.2.1 of the scheme. The terms of the development contribution scheme, requiring the payment of €5,009, have, therefore, not been properly applied in respect of the attachment of condition number 7 as its application did not allow for the relevant exemption for 0.5 megawatts allowed for in the applicable contribution scheme and, accordingly, the Board hereby directs the planning authority to remove condition number 7 attached to the grant of permission.



In disagreeing with the Inspector, the Board noted the provisions of Section 8.2.1 of the Kildare County Council Development Contribution Scheme 2023-2029 as being relevant, whereby an exemption for the first 0.5 megawatts is allowed, which differed from the Inspector's findings that there was no such exemption in the applicable scheme.


Patricia Calleary



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

Dated this 26 day of January 2024.