



An  
Bord  
Pleanála

Board Order  
ABP-321322-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 24/60092**

**Appeal** by Michael Dowling care of Brendan Moore Architects of 38 Kieran Street, 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 31<sup>st</sup> day of October 2024.

**Proposed Development:** To retain indefinitely material alterations and associated works and planning permission to complete the construction of a change of use of part of the existing ground floor level, the existing first floor level and material alterations to the existing second and third floor levels of the existing four storey property to the rear of 29 High Street to form two number self-contained apartments, connection to existing services and all associated site works at 29 High Street/Colliers Lane, Kilkenny. The proposed development consists of works to a protected structure (protected structure Reference: B63, NIAH Reference number 12000044) and is located within the City Centre Architectural Conservation Area.

## 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 €3,450 (three thousand, four hundred and fifty 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.

**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's Section 48 Development Contributions Scheme 2016-2017 (in force at the time of lodgement of the application), and
- (b) the submissions made in the appeal,

it is considered that condition number 2 should be amended as follows:

A development contribution based on 138 square metres shall be paid to the planning authority as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the administrative area of the authority in accordance with Kilkenny County Council's Section 48 Development Contributions Scheme. The contribution payable is therefore €3,450 and is payable on commencement of development. If, prior to commencement of development, an indexation increase is applied to the current Development Contributions Scheme or if a new Section 48 Development Contributions Scheme is made by Kilkenny County Council, the amount of the contribution will be adjusted accordingly.



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**Declan Moore**

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

Dated this 22<sup>nd</sup> day of MAY 2025.