

---

**Planning and Development Act 2000, as amended**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 24/60518**

**Appeal** by James Brady care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan against the decision made on the 20<sup>th</sup> day of February, 2025 by Offaly County Council to grant subject to conditions a permission (which decision was to (a) refuse permission to amend/modify/remove condition number 16 (relating to a special development contribution) attached to planning permission reference 13/71 previously granted and (b) to grant permission for construction of one number ancillary storage shed together with all ancillary structures and associated site works).

**Proposed Development:** (1) Construct one number ancillary shed together with all ancillary structures and associated site works and (2) amend/modify/remove condition number 16 (relating to a Special Development Contribution) attached to planning permission reference 13/71 previously granted to this farm at Ballykean, Geashill, Tullamore, County Offaly.

**Decision**

**DISMISS** the said appeal under subsection (1) (b) of section 138 of the Planning and Development Act, 2000, based on the reasons and considerations set out below.

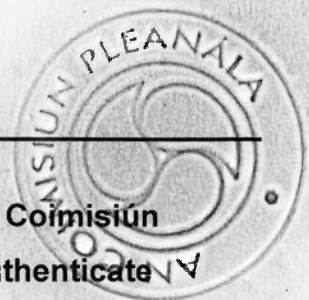
## Reasons and Considerations

In accordance with the provisions of section 138 of the Planning and Development Act 2000, as amended, the Commission has an absolute discretion to dismiss an appeal where, having considered the grounds of appeal, the Commission is satisfied that, in the particular circumstances, the appeal should not be further considered by it having regard to the nature of the appeal. In the case of the subject appeal, the Commission was satisfied, given that the appeal related solely to the payment of a special financial contribution that was the subject of a previous grant of planning permission, which was not appealed during the prescribed period, where that planning permission had been implemented, that the appeal should not be further considered by it.

In deciding not to accept the recommendation of the Planning Inspector to remove condition number 16 attached to planning permission reference 13/71, the Commission accepted the Inspector's conclusion that the continued payment of the special development contribution required by condition number 16 and the attachment thereof is no longer warranted, but determined that the removal of a condition of a previous grant of planning permission, which has since expired, which required the payment of a financial condition, would not be appropriate in circumstances where the previous planning permission had been implemented and the financial condition had not been appealed during the prescribed period for such an appeal.

  
Liam McGree

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 21<sup>st</sup> day AUGUST 2025.