

An
Coimisiún
Pleanála

Commission Order
PL-501353-KY-26

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60788

Appeal by Rodcliff Construction Limited in relation to the application of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 and the inclusion of a special development contribution condition number 3 by Kerry County Council in its decision made on the 22nd day of April, 2026.

Proposed Development: (a) Change of use of the existing mobile home and caravan park to new residential use. (b) Demolish existing caravan park facilities building and miscellaneous structures on site. (c) Create New entrance off R556 Tralee Ballybunion Road. (d) Construct a revised mix of 45 residential units, comprising nineteen three-bedroom terrace houses, six three to four-bedroom semi-detached houses and five apartment buildings, each containing two number one-bedroom apartments and two number two-bedroom apartments, including all associated works, roads, pavements and services, all at Lios Íarr Site on Ballybunion Road at Killeen, Tralee, County Kerry as amended by the revised public notice received by the planning authority on the 26th day of March, 2026.

Decision

The Commission, 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 and the reason therefor so that it shall be as follows for the reason set out.

The Commission, in accordance with section 48 of the Planning and Development Act, 2000, based on the reasons and considerations under, directs the said Council, under section 48(13) of the 2000 Act, to **REMOVE** condition number 3 and the reason therefor.

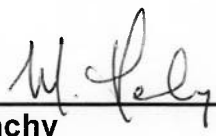
2. The developer shall pay to the planning authority a financial contribution of €55,844 (fifty-five thousand, eight hundred and forty-four euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided 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 Section 48 of the Planning and Development Act 2000, as amended, the terms of the Kerry County Council Development Contribution Scheme 2017, including Section 6 which allows for a 50% reduction for change of use applications within the development boundary of settlements, the nature and location of the proposed development on a mobile home and caravan park within the settlement boundary of Tralee, the submission of the applicant, and the information on file from the planning authority, it is considered that the standard development contribution rate of €111,688 is subject to a 50% reduction. Furthermore, it is considered that the special development contribution condition of €90,000 towards the cost of providing pedestrian facilities on the R556 in order to ensure the safe movement for pedestrians from the proposed development towards the town centre does not come within the scope of Section 48(2)(c) and Section 48(12)(a) of the Planning and Development Act 2000, as amended. This is due to the particular works proposed by the planning authority not being sufficiently specified, the basis for the cost calculation, including how it is apportioned to the proposed development not being identified, the fact that the provision of roads, pedestrian facilities and traffic calming measures are already funded by the Kerry County Council Development Contribution Scheme 2017 as set out in Appendix A, and the fact that the proposed works would not only benefit the proposed development but would provide a much wider benefit to the wider area.

It is considered that the works associated with the special development contribution condition do not represent exceptional or specific costs in terms of public infrastructure, and, accordingly, the condition is not warranted.



Mary Henchy

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



Dated this 28 day of Augt. 2026.