



An
Bord
Pleanála

Inspector's Report

ABP-317696-23

Development	Retention and permission for change of use from agricultural to external yard for storage.
Location	Tullamaine (Ashbrook), Callan, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	22/680
Applicant	Duggan Steel (Irl) Limited
Type of Application	Permission & Retention
Planning Authority Decision	Grant
Type of Appeal	First Party v. Dev. Contribution
Appellant	Duggan Steel (Irl) Limited
Observer(s)	None.
Date of Site Inspection	Not required.
Inspector	Matthew O Connor

1.0 Site Location and Description

- 1.1 The appeal site is 7.24ha and is located in the townland of Tullamaine (Ashbrook) approximately 3km to the northeast of Callan Co. Kilkenny. The appeal site is located on the western side of the N76 (National Road) and is accessed via the road. The subject lands are occupied by Duggan Steel, an established steel product facility containing a number of shed units and associated external yard space. The prevailing character of the surrounding area is predominantly rural.

2.0 Proposed Development

- 2.1 The development, as set out in the development description, comprises the following:
- retention for a material change of use for three areas - Area 'B' (1.37ha), Area 'C' (0.30ha) and Area 'D' (0.52ha) from agricultural to external yard for storage; and,
 - permission for material change of use of existing land - Area 'E' (1.07ha) agricultural to external yard for storage.

3.0 Planning Authority Decision

- 3.1 The Planning Authority granted retention permission subject to 9 no. conditions. Of particular relevance to this appeal is Condition No. 2 which states as follows:

2. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefitting development in Kilkenny County Council's administrative area that is provided or intended to be provided by or on behalf of the Local Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Acts 2000-2021.

The amount of the financial contribution shall be paid upon commencement of development, with the amount of the contribution being the rate of contribution in existence on commencement of development. In accordance with the current scheme the amount of the contribution is calculated at the amount of the contribution is calculated at the amount of the contribution is calculated at € 627,750.00 however this amount may supersede the current scheme prior to the commencement of development. Any applicable amount is subject to revision with

reference to the Wholesale Price Index and to penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme.

Reason: It is a requirement of the Planning and Development Acts 2000 (as amended) that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act to be applied to the permission.

4.0 Planning Authority Report(s)

4.1 Planning Report(s)

- The first Planner's Report had regard to the locational context of the site, to the planning history and policy and to the documentation and inter departmental reports submitted.
- Further Information was sought requesting the following:
 - Carrying out of an Archaeological Impact Assessment (AIA)
 - Revision of the application to include the retention of Area E as works appear to have already been carried out.
 - Confirmation of the hard-standing areas on the site.
 - Details of site levels
 - Clarification of existing surface water drains and open drains.
 - Details of existing surface water arrangements for all hard-standing on site along with discharge points.
 - Details of refuelling areas and associated containment information.
- The second Planner's Report provides an analysis of the applicant's Further Information response. The subject development was deemed acceptable, subject to compliance with conditions. The report states the development contributions to be applied.

4.2 Other Technical Reports

- Environment Section – Initial report recommended Further Information be sought relative to drainage and fuelling areas. No response was received to the F.I submitted.

- Transportation Section – No objection
- Water Services – No response received.
- Parks Section – No objection, subject to conditions regarding landscaping and boundary treatments.
- Fire Officer – Development does not require the benefit of a Fire Safety Certificate.

4.3 Prescribed Bodies

- Irish Water - No response received.
- Transport Infrastructure Ireland – Response received, no observations.
- Dept. of Housing, Local Government & Heritage – Recommended Further Information relative to archaeological impacts. No response was received to the F.I submitted.

4.4 Third Party Observations

- None.

5.0 Planning History

5.1 The following valid planning history is associated with the subject site:

21/378 – Permission **GRANTED** for Extension of Duration of Planning Permission Reference PL16/556.

16/556 - Permission **GRANTED** to construct new single storey extensions; to the front and rear of the existing warehouse building; associated elevational changes and demolition of existing store and all associated site developments works.

08/453 – Permission **GRANTED** for the provision of a first floor mezzanine to existing product store to accommodate staff canteen circa 96m² including access stairs, alterations to existing elevations and associated site works.

98/609 - Permission **GRANTED** for retention of an additional bay to warehouse.

98/960 – Permission **GRANTED** for relocation of security barrier, retention of security office, first floor windows to front elevation, etc.

98/554 – Permission **GRANTED** to build a non-habitable show-house on the Duggan Steel (Irl) Ltd. Site.

98/538 – Permission **GRANTED** to provide a company logo to an existing water tower.

97/869 – Permission **GRANTED** for retention of new warehouse structure at Duggan Steel premises.

96/905 – Permission **GRANTED** for 'infill' industrial building with portal frame, metal deck roof and side cladding at former 'Heatlogs' site.

96/904 – Permission **GRANTED** for 'replacement' office building and stores (on site of existing office building and stores), landscaped car park

96/903 – Permission **GRANTED** for replacement roof structure (portal frame for truss) roof decking and site cladding to two no. existing industrial buildings and a canopy at the rear of one of these buildings on the former 'Heatlogs' site.

6.0 Policy Context

6.1 Development Plan

6.1.1 The Kilkenny City & County Development Plan 2021-2027 is the relevant Development Plan for the subject site.

6.1.2 Section 13.27 of the Development Plan relates specifically to 'Development Contributions' and notes that the Council will require financial contributions in accordance with a development contributions scheme adopted by the Council under relevant legislation. Such contributions are in respect of the capital expenditure necessary for the provision of public infrastructure and facilities benefiting development in the County, and that is provided, or that it is intended will be provided, by or on behalf of the Council.

6.2 Kilkenny County Council Development Contribution Scheme 2016 - 2017

6.2.1 The applicable scheme is the Kilkenny County Council Development Contribution Scheme 2016 - 2017. The Development Contribution Scheme refers to the basis for determination of contributions, 17 no. categories/classes of development, unit of measurement and the associated rates of charge. The DCS also outlines exemptions and reductions in certain instances and other guidance for development.

6.3 Development Contributions - Guidelines for Planning Authorities (2013)

6.3.1 With regard to the types of Development Contribution Schemes, it is noted that development contributions provide the only statutory mechanism for capturing planning gain as part of the development management process. There are three types of development contribution schemes with the following applicable to the subject development:

General Development Contribution Schemes: *Under section 48 of the Planning and Development Acts, planning authorities must draw up a development contribution scheme in respect of certain public infrastructure and facilities provided by, or on behalf of, the local authority that generally benefit development in the area. All planning permissions granted are subject to the conditions of the development contribution scheme in operation in the area of the planning authority.*

6.3.2 Development Contributions are to support economic development and should consider measures to support new or existing enterprises such as reduced contributions rates and deferral of payment. With respect to Retention Permission, the guidelines state that *'no exemption or waiver should apply to any applications for retention of development. Planning authorities are encouraged to impose higher rates in respect of such applications'*.

6.4 Development Management – Guidelines for Planning Authorities (2007)

6.4.1 Section 7.12 of the Guidelines provides guidance on planning conditions relating to development contributions. Any scheme may be the subject of an appeal where the applicant considers that the terms of the scheme were not properly applied. To help minimise unnecessary appeals, the planning decision should clearly set out how the relevant terms were interpreted and applied to the proposed development.

6.4.2 Section 8.12 of the Guidelines refers specifically to appeals in respect of development contribution conditions and reiterates that an appeal against a contribution condition can only be made where the applicant contends that the terms of the contribution scheme have not been properly applied.

6.5 Natural Heritage Designations

6.5.1 Not applicable to subject appeal.

6.6 EIA Screening

6.6.1 Not applicable to subject appeal.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 The first party appeal has been prepared and submitted on behalf of the applicant against the attachment of Condition No. 2 only. The grounds of appeal are summarised as follows:

- Area 'D' was inadvertently included as part of the application.
- The Development Contribution Scheme (DCS) predates Brexit and should have been revised/amended to consider its impacts.
- Class 4 is the incorrect class to be applied to ancillary commercial and industrial storage.
- The Planning Authority has been inconsistent in decision making and applying development contributions elsewhere in County.
- The DCS is vague and open to interpretation in distinguishing between class contributions and where reductions apply.
- Alternative interpretations are set out which could be applied in respect of the subject development (excluding Area 'D').
- Condition 2 should be deleted and no development contributions applied.
- Alternatively, development contributions should be revised to €298,350 with no contributions applicable to Area 'D'; an exemption should apply to proposed storage area as the use will not impact/require new or upgraded infrastructure; and, retention elements should be calculated under Class 12.

7.2 Planning Authority Response

7.2.1 A response from the Planning Authority dated 30th August 2023 has been received on file and states the following:

- The terms of the DCS have been applied correctly and calculated under Class 4 which includes open storage yards.

- A 70% contribution discount could not be applied to the retention elements due to a clause in the DCS.
- Older permissions and applications on site were reviewed detailing 'external storage' on the site. Previous applications did not contain any element of retention.
- The change of use of yard areas despite being showed on previous drawings was not covered by other applications and so works would have remained unauthorised until current application.

7.3 Further First Party Response

7.3.1 A response on behalf of the appellant was received on file and states the following:

- Unclear why P.A refers to PL 98/1057 which was withdrawn.
- The original factory was permitted in 1970 which established industrial use. This application made no reference to the internal roads, yards, external storage, parking etc which was ancillary development.
- A compliance letter from 1981 refers to "an existing concrete yard in the factory compound area" but no such area was permitted to serve the permitted factory.
- Planning applications 96/903, 96/904 and 96/905 altered and extended the factory warehousing to the original factory structure. These applications did not reference ancillary areas of yard/storage space which were necessary for the industrial use.
- A "hardcore" area and "yard" area were shown on drawings submitted with Reg. Ref. 97/869 and Reg. Ref. 98/1057 respectively.
- An area referred to as "existing storage" with Reg. Ref. 08/453 was labelled "External Product Storage – retain existing hardcore". The reference to 'retain' was not in the context of seeking retention permission, but rather no change was sought to what existed.
- The Planning Authority accepts the 'concrete yard' to the northeast of the factory/warehousing has always been permitted for external storage.
- The Planning Authority has not explained why external yards were never previously questioned in other planning applications despite being labelled on particulars.

7.4 Observations

7.4.1 There are no observations.

8.0 Assessment

8.1 This appeal has been brought to An Bord Pleanála under the provisions of section 48(10)(b) of the Planning and Development Act, 2000 (as amended) and relates solely to Condition No. 2 of Reg. Ref. 22/680. This condition requires the applicant pay a financial contribution of €627,750.00 to the Planning Authority towards expenditure in respect of public infrastructure and facilities as provided for in the Kilkenny County Council Development Contribution Scheme 2016 – 2017.

8.2 In the above context, as this appeal relates to a Development Contribution only, I consider that the Board is required to apply the Development Contribution Scheme as adopted by Kilkenny County Council and not to evaluate the merits of the planning application as if it was made to it in the first instance. The Board is confined solely to the consideration of whether the terms of the relevant Development Contribution Scheme have been properly applied.

8.3 I note from review the appeal file that the appellant does not appear to make a specific set claim that the terms of the Development Contribution Scheme (hereafter DCS) have not been properly applied to the subject application. Rather, the appellant provides a number of assertions ranging from suggestions that no contributions should be applicable; that several of alternative contribution amounts could have been applied through differing interpretations of the DCS; that consideration to the site development history is required; and, that issues arising outside of the DCS should be considered.

8.4 Having regard to the limitations imposed on the Board under section 48(10) Planning and Development Act, 2000 (as amended) I will limit my assessment accordingly under the following headings:

- Calculation of Development Contribution
- Reductions of Development Contribution
- Alternative Classifications of Development
- Consideration of Area 'D'
- Site Development History
- Impacts of Brexit

8.5 Calculation of Development Contribution

8.5.1 This assessment is based on the Kilkenny County Council Development Contribution Scheme 2016 – 2017 which is the relevant scheme for the subject area. The Planner's Report indicates that Development Levies are calculated at 32,600sq.m x €25.00 = €627,750.00 (Class 4) but has not provided a detailed breakdown in the report as to how the contribution was totalled. The appeal file does however contain a Calculation Sheet for the rate of contributions applied. For ease of reference, I have provided my breakdown as to how contributions were applied to this development:

Class	Area	Rate	Calculation & Notes
4	Area 'B' 1.37ha	€25.00 (per m2)	13,700sq.m x €25.00 = €242,500 No reduction for retention.
4	Area 'C' 0.30ha	€25.00 (per m2)	3,000sq.m x €25.00 = €75,000 No reduction for retention.
4	Area 'D' 0.52ha	€25.00 (per m2)	5,200sq.m x €25.00 = €130,000 No reduction for retention.
4	Area 'E' 1.07Ha	€25.00 (per m2)	10,700sq.m x €25.00 = €267,500 70% reduction applicable for Commercial & Industrial development 70% of €267,500 = €80,250
Total Retention Area			21,900sq.m X €25.00 = €547,500
Total Proposed Area (with 70% reduction)			10,700sq.m X €25.00 = €80,250
Total Development Contribution			€627,500.00

8.5.2 The Planning Authority has applied the contribution for the overall development under Class 4: *'Non Residential development including Open Storage Yards'* which has a rate of €25.00 per square metre.

8.5.3 In applying contributions, the Planning Authority considered the proposed material change of use of existing land from agricultural to external yard for storage in relation to Area 'E' (1.07ha) was applicable under Class 4. It was also considered that this area qualified for reduced development contributions of 70% from the standard development charge as it was considered to be an *'open storage/hard surface non residential space (uncovered storage space), including vehicle sales forecourt development and associated sales and display parking'*. The DCS allows for such a

reduction with respect to Commercial & Industrial development. Accordingly, the contribution for this area was calculated as €80,250 (10,700sq.m X €25.00 @ 70%). I consider this application of contributions on this element by the Planning Authority to be correct for the proposed works in Area 'E'.

8.5.4 Three parcels of land – Area 'B' (1.37ha), Area 'C' (0.30ha) and Area 'D' (0.52) sought retention permission for the material change of use of the lands from agricultural to external yard for storage. The Planning Authority also considered these areas under Class 4 and calculated the combined areas as €547,500 (21,900sq.m X €25.00). The DCS states that *'Exemptions/Reductions will NOT apply to Retention applications'*.

8.5.5 The Planning Authority, in response to the appeal, have indicated that due to this restrictive clause in the DCS, that the 70% contribution reduction could not be applied on the retention elements of the subject development. In this regard, I consider the DCS to be clear on the matter of retention and therefore, any such elements of the subject development for which retention is sought cannot be considered for exemption or reduction in development contributions. I am satisfied that the full rate of contributions are applicable to Area 'B', Area 'C' and Area 'D' as retention permission was sought for these areas and that the contribution equating to a total area of 2.19ha has been correctly applied by the Planning Authority.

8.6 Reductions of Development Contributions

8.6.1 In terms of reductions on development contributions, the appellant makes reference to text in the DCS which states that *'where a planning permission is issued for a change of use, the Planning Authority may consider a waiver of the development charge or part thereof where the change of use does not lead to the need for new or upgraded infrastructure/services'*. In considering the subject development, such a waiver or reduction would not apply to the areas for which retention is sought as there are no exemptions, as outlined in section 8.5.4 of this report. However, the works at Area 'E' where planning permission is proposed could be applicable for a waiver or partial charge.

8.6.2 As outlined, the Planning Authority applied a 70% reduction in Development Contributions to this element of the development in accordance with the DCS. However, it is not clear why the Planning Authority have not waived all Development Contributions on this particular element of proposed works. Notwithstanding, the

decision of the Planning Authority not to waive or apply a reduced contribution is consistent with the terms of the Scheme as it is left to the discretion of the Planning Authority. To this end, I am therefore satisfied that the Planning Authority has correctly applied the terms as set out in the DCS.

8.7 Alternative Classifications of Development

8.7.1 The appellant claims Class 4 of the DCS was the incorrect categorisation for ancillary commercial and industrial storage and that difficulty has arisen in the distinguishing between classes of contribution. The appellant has included an alternative rate of development contribution for the subject development under Class 12 (provision on, in, over or under land of plant and machinery or of tanks or other structures (other than buildings) for storage purposes) of the DCS totalling €238,350 for the retention elements (and excludes Area 'D' and applies no contributions to the proposed area of works). The appeal also refers to a number of planning applications determined by Kilkenny County Council in recent years which involve 'storage' and have outlined associated contributions applied along with an analysis of same in the context of the subject development. The appellant claims that the Planning Authority has been inconsistent in the application of development contributions for certain developments in terms of the class categorisation of development and when not to apply reductions in contributions.

8.7.2 In relation to the other planning applications referred to by the applicant, I note that each of those developments appear to encompass some element of storage provision. However, I am cognisant that all applications are assessed by the respective Planning Authority on their own individual merits with the applicable rates of contributions calculated against the specific type and nature of that particular development proposal in each instance. My assessment of the subject appeal is restricted to whether the terms of the DCS have been properly applied in respect of the subject application and the specific nature of development which permission/retention permission was sought. I do not consider it practical or reasonable to have regard to various other developments and how the Planning Authority applied development contributions in those specific cases.

8.7.3 With respect to the classification of development types, I note that the DCS does not provide any precise definition for each of the development classes which makes the application of the Scheme less than transparent or even potentially open to risk of

inconsistent application of contributions. However, in relation to the subject development, I consider the meaning of an 'Open Storage Yard' in terms of Class 4 of the DCS to be realistic and without much scope for misinterpretation as it relates to land used for the storage of products, goods or equipment. Additionally, I do not consider that this application could be calculated under Class 12 of the DCS as it is my opinion, this class type is also clear and unambiguous as it relates to the storage of plant, machinery, tanks or other structures (other than buildings).

8.7.4 The subject development sought retention and permission for the material change of use of land from agricultural to external yard for storage. As per the particulars submitted with the application and included with the appeal file, the rationale of the development is stated as being for the importation and stock holding of steel. Therefore, I am satisfied that the use is for open product storage and corresponds to the classification set out under Class 4 (Non Residential development including Open Storage Yards) and not Class 12 (Provision on, in, over or under land of plant and machinery or of tanks or other structures (other than buildings) for storage purposes). I consider that the applicable development classification has been applied by the Planning Authority.

8.7.5 Further to the above, in considering the appellant's contention that there may be ambiguity surrounding the interpretation of development classes. The Description of Development in the Levels of Development Contributions of the DCS relate to the classes of development provided in Schedule 9 of the Planning and Development Regulations 2001 (as amended). I note that the planning fee for the subject planning application was paid under Class 7 of the Regulations which is for – *'The use of land for (c) the open storage of motor vehicles or other objects or substances'*. Class 4 of the DCS relates closely to Class 7 of the Regulations as this classification corresponds to open storage. The applicant did not apply under Class 8 of the Regulations for – *'The provision on, in over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes'* which relates to Class 12 of the DCS in terms of storage of plant and machinery. On this basis, I am satisfied that the Planning Authority sought to apply the appropriate development contribution for this development i.e. Class 4: 'Non Residential development including Open Storage Yards' against the associated class of development as submitted by the appellant in their the application.

8.7.6 Additionally, I have also reviewed Question 15 of the submitted application form. In response to the question which states “*Where the application refers to a material change of use of any land or structure or the retention of such a material change of use*”, the appellant indicated ‘Agricultural’ as the Existing Use and “Storage on land” as to the Proposed Use. The appellant further stated that the nature and extent of any such proposed use (or use it is proposed to retain) as ‘External storage of steel for both manufacture and distribution’. Therefore, it is reasonable that the use was intended for storage of steel as a product, and I consider that Class 4: ‘Non Residential development including Open Storage Yards’ is the relevant category of development. I have formed this view based not only on the nature of development sought but also as described by the appellant at application stage. I do not consider the storage of the steel product to relate to plant/machinery/tanks or other structures as per Class 12 of the DCS and as such, I am satisfied that the contributions have been correctly by the Planning Authority in this instance.

8.7.7 For the benefit of any doubt, I have no reason to consider that the subject development would fall within the scope of any other class/categorisation of development set out in the DCS including Class 17: ‘*Development not coming within any of the foregoing classes*’. However, to this end, I note that the applicable rate of €25.00 per square metre is the same as Class 4 and thus would result in the same rate of contribution being applied.

8.7 Consideration of Area ‘D’

8.8.1 According to the appellant, Area ‘D’ for which retention was sought, relates to a long-standing permitted external storage area shown on Reg. Ref. 16/556 and should not have formed part of the subject application but was inadvertently included. As a point of clarification, I note that Area ‘D’ is indicated in the application as having an area of 0.52ha however, the appeal refers to this area as being 0.201ha. I do not consider this discrepancy to be pertinent to the assessment of the appeal.

8.8.2 I have reviewed the appeal file which includes details of an earlier application (Reg. Ref. 16/556) for the construction of single storey extensions to the existing warehouse building, elevational changes and the demolition of an existing store. The appellant refers to the submitted drawings of this extant application which includes the annotations on submitted drawings to ‘External Product Storage’ and ‘retain existing hardcore finish’. It would appear from the appeal that the appellant is now seeking to

claim that Area 'D' did not require planning permission and should now be excluded from the application of development contributions.

8.8.3 In considering this matter, I note that the appellant did not seek to address the supposed error during the application stage and has only sought to raise this matter now as part of the appeal. From review of the current application, it is evident that Area 'D' area was clearly included by the appellant as part of the subject development and detailed this area of works implicitly in the development descriptions and associated plans and particulars. As such, Area 'D' as referred in the application was understood by the Planning Authority to form part of the subject development and was assessed accordingly with the calculation of contributions applied under the provisions of the DCS for retention of this area.

8.8.4 Irrespective of the appellant's contention of the planning status of Area 'D', I would note that the Board is confined solely to the consideration of whether the terms of the DCS were properly applied by the Planning Authority in the assessment of the subject development. In this regard, I am satisfied that Area 'D' was appropriately considered by the Planning Authority insofar as it formed part of the subject development submitted by the appellant. Therefore, I am of the view that the Board is precluded from disregarding development contributions to Area 'D' in this appeal.

8.9 Site Development History

8.9.1 The appellant refers extensively to the planning and development history on the lands and notes in the response to the Planning Authority's submission, that there is an acceptance by the Planning Authority that the various yards and storage areas on the site are ancillary to the complex but that these areas were never questioned or queried until the subject application. The appellant essentially claims in their appeal response that the Planning Authority should not now be questioning other areas of hard-surfacing and yard area on the lands.

8.9.2 I acknowledge that the use of the lands for commercial/industrial processes appears to be long established and that there is an extensive planning history associated with the lands. Notwithstanding, I am satisfied from a review of the appeal file that Areas B, C and D of the subject application do not have the benefit of planning permission and that the very basis for the current application is to regularise the change of use of these lands on the site.

8.9.3 It is my opinion, notwithstanding the appellant's opinions on the perceived planning status of the yard areas or the Planning Authority's considerations of respective development on each previous application, that contributions are applicable for the subject development in accordance with the DCS as set out under section 48 of the Planning Act 2000 (as amended). Furthermore, as previously noted, my assessment of this appeal is limited to the application of the DCS in relation to the subject development and I am satisfied that the development contributions relate to the development as described in statutory notices.

8.10 Impacts of Brexit

8.10.1 The appellant informs that the DCS predates Brexit and that Duggan Steel was required to adapt its operations to guarantee production supplies. This adaption resulted in storage becoming more significant and bulk deliveries of imported steel. The adaptations to business operations with respect to Brexit was the basis for the proposal sought under a separate application (Reg. Ref. 16/556). The appeal contends that the DCS should have been revised/amended to consider impacts arising from Brexit on developments such storage requirements which could not have been anticipated at the time of its adoption. It is further contended by the appellant that the type of commercial and industrial external storage envisaged at the time for 'Class 4' open storage yards would have been for modest scaled standalone storage yards and structures that would generate modest development contributions.

8.10.2 On this matter, I note that the appeal is to be considered under section 48 (10) of the Planning & Development Acts 2000 (as amended) and so my consideration is confined to assessing whether or not there has been the improper application of the terms of the relevant DCS. Therefore, my assessment is limited to the contents of the Kilkenny County Council Development Contribution Scheme 2016-2017 and I cannot form a view or opinion as to whether or not the DCS should have been revised/amended to consider impacts from Brexit or other such influences which are not contained in the DCS. I am satisfied that the Planning Authority calculated the development contributions correctly against the terms of the DCS.

9.0 Recommendation

- 9.1 I consider that the Planning Authority correctly applied the terms of the Kilkenny County Council Development Contributions Scheme 2016 - 2017 in the calculation of the amount payable under Condition No. 2. I recommend that Condition No. 2 be attached without amendment of the Development Contribution figure.

10.0 Reasons and Considerations

- 10.1 The Board, in accordance with section 48 of the Planning and Development Act 2000 (as amended) considered that the terms of the Kilkenny County Council Development Contribution Scheme 2016 - 2017 for the area has been properly applied in respect of Condition No. 2 and directs the said Kilkenny County Council to ATTACH the said condition.

Matthew O Connor
Planning Inspector

23rd September 2024