



An
Bord
Pleanála

Board Direction
BD-004837-19
ABP-305356-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/12/2019.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Attach condition 9

Reasons and Considerations:

Having regard to:

The Kildare County Council Development Contribution Scheme 2015-2022, which applies to all decisions following the date of its adoption:

Section 8, which provides for the Level of General Contributions effective from the adoption of the Development Contribution Scheme 2015-2022

Section 9(b)(ii), which provides that development contributions in respect of retention applications will be applied at the rate of "standard" applications for planning permission,

Section 9(b)(iii,) which provides that where development contributions have not previously been paid, applications for retention of development will have contributions applied, based on the proposed floor area of the permitted development,

Section 12(o), which provides an exemption for the first 600sqm of non-residential development on any equine landholding,

Section 12(q) which provides that no exemptions or waiver shall apply to any developments subject to retention permission save where it applies to a previously permitted development (e.g. Temporary permission),

The Board considers that the terms of the Development Contribution Scheme have been properly applied and the condition shall be attached.

In not accepting the recommendation of the Inspector, the Board considered that Section 12 (q) of the Development Contribution Scheme was clear in its intention that no exemptions or waivers (such as those provided for in Section 12(o)) shall apply to any developments subject to retention permission save where it applies to a previously permitted development (e.g. Temporary permission) and that this was not the case in this instance. Furthermore, the Board considered that it's previous decision under file reference number 301704 did not represent a precedent in relation to the application of the Development Contribution Scheme having regard to the circumstances of that case.

Board Member:

Date: 30/12/2019

Terry Ó Niadh