



Board Direction

Ref: 09.246355

The submissions on this file and the Inspector's report and Inspector's Addendum Report were considered at a Board meeting held on 22nd, December 2016.

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:

Remove condition number 19 and Reason

REASONS AND CONSIDERATIONS

The Board decided that the terms of the Kildare County Council Development Contribution Scheme 2015-2022 had not been properly applied in respect of condition number 19. Section 12(k) of the Scheme, relating to projects replacing existing development, provides that the relevant contribution charge will be applied to the additional floor area per square metre. The floor area of the subject development is less than the structure to be replaced. Under section 48(10)(b) of the Planning and Development Act 2000, the statutory function of the Board is limited to consideration of whether the terms of the Development Contribution Scheme have or have not been properly applied in respect of any condition laid down by the planning authority. In this case, the terms of the Scheme do not include any provision regarding outstanding development contributions for development already permitted at the site.

Board Member: _____

Paddy Keogh

Date: 22nd, December 2016