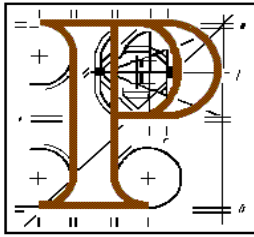


An Bord Pleanála



Board Direction

Ref: 09.246660

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27th, September 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:

Amend condition number 16 and reason, as follows.

(16) Std. S. 48 specified in the amount of €1495.00

REASONS AND CONSIDERATIONS

The Board considered that the proposed development involves a commercial activity, which would result in an intensification of demand on the local road network. It is therefore considered that the exemption from financial levies provided under section 12(g) of the Kildare County Council Development Contribution Scheme 2015 – 2022 Scheme does not apply in this instance. The Board considered that the scheme had been properly applied in respect of the cabin office resulting in a levy of €760.00 pursuant to section 8(iii) of the Scheme. The Board considered that the terms of the scheme had not been properly applied in respect of the commercial levy for 'open' development under Section 8(xiv) of the Scheme. In this regard to the Board considered that there was no explicit provision under the terms of the Scheme to stipulate that a levy based on a minimum charge equivalent to one hectare should be levied or to stipulate that the levy pursuant Section 8(xiv) cannot be applied on a proportional basis. Accordingly, the Board considered that the applicant/appellant was entitled to have the contribution pursuant to Section 8(xiv) levied on a pro rata basis resulting in a levy of €735.00.

Board Member:

Paddy Keogh

Date: 27th, September 2016