



## Board Direction

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**Ref: PL09.246805**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 1st November 2016.

The Board decided to treat this case under section 48 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed as follows:

Amend **condition number37** as shown in the attached inspector's report, and

Amend **Condition 38 as follows:**

38. The Applicant/ Developer shall pay to Kildare County Council a sum of money in respect of the shortfall in car parking provision at a rate of €5,000 per space as a contribution in accordance with the development contribution scheme adopted by Kildare County Council on 15<sup>th</sup> November 2015 in accordance with S 48 of the Planning and Development Act 2000 as amended. The number of spaces which comprise this shortfall may take account of spaces outside of the development application boundary where the planning authority is satisfied that they shall, prior to commencement of construction, be available to the proposed development by suitable pedestrian or vehicular access and that they are not required to service other development for which permission has been granted. The number of spaces which comprise this shortfall shall be agreed between the Applicant/Developer and Kildare County Council, or failing agreement shall be referred to an Bord Pleanála for determination.

Reason: As per attached inspector's report.

## **Reasons and Considerations**

In respect of Condition 37, the Board had regard to the terms of the adopted Kildare County Council Development Contribution Scheme 2011-2018 and considered that the proposed development falls within the scope of the scheme and that there is no provision within the Development Contributions Scheme for exemption from the amounts payable.

In respect of condition 38 the Board considered it appropriate for a more carefully considered and detailed examination of the parking requirement of the scheme and the availability of parking locally to be carried out in order to arrive at a satisfactory figure in respect of parking shortfall. The Board considered it appropriate for this to be agreed between the Planning Authority and the Developer, and in default of agreement for it to be referred to an Bord Pleanála to be resolved.

Board Member: \_\_\_\_\_  
Michael Leahy

Date: 1<sup>st</sup> November 2016