



An
Bord
Pleanála

Board Direction
PL09.248855

The submissions on this file were considered at a Board meeting held on September 8th 2017. The Board noted, in particular, the response to the appeal from the planning authority received on August 8th 2017.

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, for the reasons and considerations set out below, to amend condition number 30, so that it reads as follows:-

30. The developer shall pay to the planning authority a financial contribution of €1,790 (one thousand, seven hundred and ninety euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

It is considered that the terms of the Kildare County Council Development Contribution Scheme 2015-2022 were not properly applied in this instance, in that the calculation of the development contribution by the planning authority was incorrect, and the authority had not applied the reductions provided for under Section 12 (k) of the Scheme.

Board Member:

Date: 8/9/17

Philip Jones