



An  
Bord  
Pleanála

**Board Direction**  
**ABP-305008-19**

---

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/02/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the use of a building formerly operating as a General Practice surgery for use as a methadone clinic at Kildare Heath Centre, Tully Road, Kildare Town, Co. Kildare is or is not development or is or is not exempted development:

**AND WHEREAS** Tameric Investments requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 1st day of July 2019 stating that the matter was not development and therefore the question of exempted development does not arise:

**AND WHEREAS** Tameric Investments referred this declaration for review to An Bord Pleanála on the 26<sup>th</sup> day of July, 2019:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) section 3(1) of the Planning and Development Act, 2000, as amended

- (b) article 10(1) of the Planning and Development Regulations, 2001, as amended
- (c) Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the nature of use as a methadone clinic, and
- (f) the submissions made in connection with the referral.

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The permitted use on this site can be considered to be a Health Centre and therefore a class of use coming within the scope of Class 8(a) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (b) Both the use as a General Practice surgery and the use as a methadone clinic are consistent with the permitted use as a Health Centre;
- (c) The change of use from a General Practice surgery to use as a methadone clinic is not a material change of use and, therefore, is not development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the Planning and Development Act, 2000, hereby decides that the change of use from a General Practice surgery to use as a methadone clinic at Kildare Health Centre, Tully Road, Kildare Town, Co. Kildare is not development.

**Note:** In deciding not to accept the recommendation of the Inspector that the change of use is development and is not exempted development, the Board considered that:

- (a) The permitted use on this site can be considered to be a Health Centre and therefore a class of use coming within the scope of Class 8(a) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (b) Both the use as a General Practice surgery and the use as a methadone clinic are consistent with the permitted use as a Health Centre;
- (c) The change of use from a General Practice surgery to use as a methodone clinic is not a material change of use and, therefore, is not development and, therefore the question of exempted development does not arise.

**Board Member:**

**Date:** 24/02/2020

---

John Connolly