

An
Bord
Pleanála

Board Direction
BD-013161-23
ABP-311698-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/08/2023.

The Board decided to treat this case under section 139 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 number 3 as follows:

"A minimum of 20% of all communal car parking spaces (18 spaces) shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles."

Amend condition number 5 as follows:

The developer shall pay to the planning authority a financial contribution of €452,536.76 (four hundred, fifty two thousand and five hundred and thirty six euro

and 76 cents) 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

Having regard to:

- (a) The Kildare County Development Plan 2023-2029
- (b) The Kildare Development Contribution Scheme 2023-2029
- (c) Climate Action Plan 2021
- (d) The planning history of the site, namely KCC Ref: 15/819
- (e) The nature, scale, and location of the proposed development

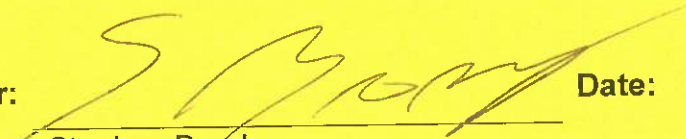
It is considered that the provision of Electric Vehicle Charing Infrastructure in accordance with Condition 3 (as amended) would accord with policies and objectives for Sustainable Mobility and Transport as set out in the Kildare County Development Plan 2023-2029, in particular Objectives TMO116 and TMO117 and would help achieve the objectives set out in National and Regional Policy in relation to the electrification of the national car fleet and the role out of the necessary infrastructure

and facilities to support same and would otherwise be in accordance with the proper planning and sustainable development of the area.

In considering the inspector's recommendation and submissions received by the appellant regarding electric vehicle charging, the board acknowledged that the condition as originally proposed would be problematic to implement; but the board considered that it is entirely feasible to provide for functional charging points not linked to domestic supply, but accessible in the same manner as EV charging points in other commercial developments. The Board noted that the car parking facilities will be under the control of a management company who will be in a position to manage access to same.

Furthermore, it is considered that the payment of a development contribution in accordance with Condition 5 as amended would accord with the requirements of the Kildare Development Contribution Scheme 2023-2029, which came into effect on the 1st of January 2023.

Board Member:



Stephen Brophy

Date: 04/08/2023

