



An
Bord
Pleanála

Board Direction
BD-010369-22
ABP-312179-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/03/2022.

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:

Remove condition number 35

Reasons and Considerations, as per Inspector's recommendation as follows:

A development contribution is not payable, as per the Kildare County Council Development Contribution Scheme 2015-2022, on foot of a grant of planning permission for a change of use of a development where subsection G of the aforementioned scheme specifically provides for a 100% reduction in same where the development would not lead to the need for new or upgraded infrastructure/services or a significant intensification of demand placed on existing infrastructure. Furthermore, the contributions considered to be outstanding in respect of amendments made to the parent permission have been paid/are not applicable and in this instance the rationale of the Planning Authority to apply the contribution on this basis is an error. The planning authority has therefore erred in its application of the scheme and Condition 35 should be deleted accordingly.

Board Member:


Michelle Fagan

Date: 25/03/2022