

An  
Bord  
Pleanála

**Board Direction**  
**BD-011646-23**  
**ABP-314748-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2023.

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:

Amend condition 17 as follows.

17. The developer shall pay to the planning authority a financial contribution related to the gross floor area of the permitted development (482 square metres) 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.

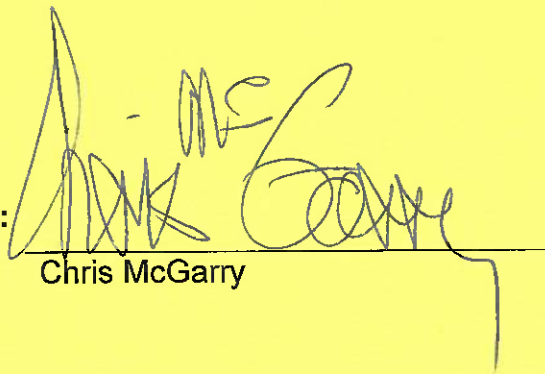
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

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

### **Reasons and Considerations**

Having regard to the provisions of the Kildare County Council Development Contribution Scheme 2023-2029, the Guidelines for Planning Authorities on Development Contributions (2013), Section 48(10)(b) of the Planning and Development Act, 2000 (as amended), and the content of the documentation submitted with the application and appeal, it is considered that the terms of the Council's Development Contribution Scheme for the area have been properly applied by the Planning Authority in respect of the allocation of a financial contribution based on the square metreage of the development for which retention permission is sought, which is 482 square metres. The condition should be amended to reflect the terms of the Council's current Development Contribution Scheme (2023-2029) for the area, which now applies.

**Board Member:**



Chris McGarry

**Date:** 16/01/2023