



An
Bord
Pleanála

Board Direction
BD-013467-23
ABP-317103-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/08/2023.

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 8 as follows:

The developer shall pay to the planning authority a financial contribution of €620 (six hundred and twenty 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 the 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 the Board 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

Section 8.1.2 of the Kildare County Development Contribution Scheme 2023-2029 requires the payment of a contribution in respect of domestic sheds of €31 for every square metre above the first 25 square metres. The terms of the scheme do not make the first 25 square metres of a shed liable to the contribution under section 8.1.2 because of previous grants of permission on the same site for the extensions to the habitable area of a house. Therefore, the grant of permission made under Reg. Ref. 21/855 would not justify the application of the levy to the first 25 square metres of the shed authorised in this case.

Board Member:



Una Crosse

Date: 29/08/2023