

**An
Bord
Pleanála**

**Board Direction
BD-018726-25
ABP-318831-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/01/2025.

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 27

Reasons and Considerations:

Having regard to the fact that the planning authority:

- (a) proposed to levy a charge in respect of only part of the proposed development while deeming the remainder of the development to be exempt from development contributions;
- (b) demonstrated inconsistency in the recent application of development contributions in respect of surface water attenuation ponds in Naas Enterprise Park; and
- (c) failed to justify the levying of development contributions in respect of amenity areas in circumstances where some of the areas involved are already laid out as landscaped open areas

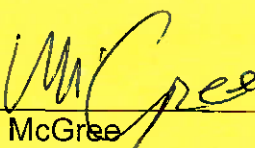
the Board considered that the terms of the Kildare County Council Development Contribution Scheme 2023-2028 were not properly applied in respect of condition

number 27 of the planning authority's decision to grant planning permission reference 23/516.

In deciding not to accept the recommendation of the planning inspector to reduce the amount of the development contribution, the Board concluded that any reduction in the amount of the contribution would amount to an arbitrary application of the terms of the Kildare County Council Development Contribution Scheme 2023-2028, in circumstances where certain elements of the proposal were deemed exempt while others were being charged a rate per hectare, which could not be justified given the absence of any material change in use of parts of the subject site which were already laid out as open landscaped areas where permission was sought for additional hard and soft landscaping and associated public realm works.

Note: The Board noted that the Planning Authority's response to the grounds of appeal was submitted on the 2nd of February 2024 and not the 4th of April as referenced in the planning inspector's report.

Board Member:


Liam McGree

Date: 22/01/2025