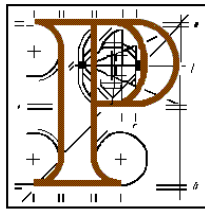


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/38

An Bord Pleanála Reference Number: PL 09.245469

APPEAL by Marchford Limited care of Clarke and Company of Fairgreen, Naas, County Kildare in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 13 of its decision made on the 17th day of August, 2015.

PROPOSED DEVELOPMENT: Retention of the following: (1) modifications to kitchen layout at basement and ground floor level, toilet facilities on the ground floor, extension to function room, conservatory and smoking area at ground floor level and courtyard re-arrangement to accommodate these; (2) modification to stairwell block in courtyard at all levels; (3) modifications and change of use from retail space to hotel breakfast room and bar on the ground floor; (4) modifications to internal layout of dining room/function room areas on first and second floor level to create 18 number en-suite bedrooms, (5) internal modification to roof area at second floor level to accommodate an additional bedroom suite and (6) all ancillary works at Lawlor's Hotel, Poplar Square, Naas, County Kildare.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 13 and directs the said Council to AMEND condition number 13 so that it shall be as follows for the reason stated.

13. The developer shall pay to the planning authority a financial contribution of €8,178.73 (eight thousand, one hundred and seventy eight euro and 73 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 the provisions of the adopted Development Contribution Scheme for the town of Naas 2011-2018 and as amended with revised rates which were applied in September 2013, to the submissions received including the planning authority's response to the grounds of appeal, the Board has concluded that the levy in condition number 13 be amended and that the amount stated in condition number 13 be amended to €8,178.73.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.