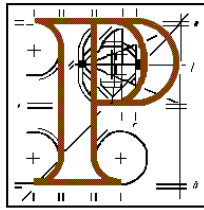


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/256

An Bord Pleanála Reference Number: PL 09.245965

APPEAL by Oliver and Lorraine Kelly care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin 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 28 of its decision made on the 30th day of November, 2015.

PROPOSED DEVELOPMENT: Demolition of an existing dwelling and garage, construction of a new one and a half storey dwelling and single storey integrated garage, replacement of existing septic tank with a new wastewater treatment system, relocation of existing vehicular access to dwelling and all ancillary site works, all at Ladycastle Upper, Straffan, 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 28 and directs the said Council to **AMEND** condition number 28 so that it shall be as follows for the reason stated.

REASONS AND CONSIDERATIONS

28. The developer shall pay to the planning authority a financial contribution of €14,224 (fourteen thousand two hundred and twenty four 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 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 correspondence received from the planning authority and the contents thereof, it is considered appropriate to apply a figure of €14,224 (at a rate of €56 by 254 square metres, that is, a floor area of 372 square metres less 118 square metres) being the correct amount due under the Kildare Development Contribution Scheme 2015 -2022.

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.