

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 16/20

An Bord Pleanála Reference Number: PL 09.246355

APPEAL by Ballyfarm Limited 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 19 of its decision made on the 9th day of March, 2016.

PROPOSED DEVELOPMENT: (a) Demolition of an existing store building with an area of 484 square metres. (b) Construction of a new stores building with an area of 436.6 square metres, and an overall height of 9.266 metres, accommodation to include: open storage area for general storage of building materials and spare parts, w.c., welding rod store, paint store, office, tool store and PPE lock up and (c) all associated site development works. All at Great Connell, Newbridge, 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 19 and directs the said Council to REMOVE condition number 19 and the reason therefor.

REASONS AND CONSIDERATIONS

The Board decided that the terms of the Kildare County Council Development Contribution Scheme 2015-2022 had not been properly applied in respect of condition number 19. Section 12(k) of the Scheme, relating to projects replacing existing development, provides that the relevant contribution charge will be applied to the additional floor area per square metre. The floor area of the subject development is less than the structure to be replaced. Under section 48(10)(b) of the Planning and Development Act, 2000, the statutory function of the Board is limited to consideration of whether the terms of the Development Contribution Scheme have or have not been properly applied in respect of any condition laid down by the planning authority. In this case, the terms of the Scheme do not include any provision regarding outstanding development contributions for development already permitted at the site.

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.