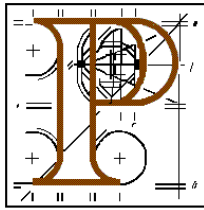


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/1011

An Bord Pleanála Reference Number: PL 09.246482

APPEAL by Adeline Molloy and David Muldoon 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 27 of its decision made on the 5th day of April, 2016.

PROPOSED DEVELOPMENT: Demolition of existing dormer bungalow and its replacement with a new two-storey/part single storey five bedroom dwelling and retention of existing single storey building within gardens and its conversion to a games room, garden and fuel store, plant room and revised landscaping and drainage, all served by existing entrance onto Mill Lane, Sallins Road, 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 27 and directs the said Council to **AMEND** condition number 27 so that it shall be as follows for the reason stated.

27. The developer shall pay to the planning authority a financial contribution of €4,244 (four thousand two hundred and forty-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 nature and scale of the proposed development, to the planning history of the site and to the provisions of the Kildare County Council Development Contribution Scheme 2015-2022, the Board considered that, subject to the proper application of the Scheme, the proposed development should be levied €217 in respect of the proposed additional residential floor area, that is, the residential floor area now being proposed in excess of the residential floor area to be demolished (being 385 square metres proposed less 341.5 square metres existing = 43.5 square metres at a rate of €50.00 per square metre = €2175). The Board further considered that, subject to the proper application of the Scheme, the games room proposed for retention should be levied in the sum of €2069 (being 75.2 square metres at a rate of €27.51 per square metre pursuant to section 8(xiv) of the Scheme).

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.