

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/819

An Bord Pleanála Reference Number: PL 09.246805

APPEAL by Curtmount Properties Limited care of BMA Planning of 128 Baggot Street Lower, 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 conditions numbers 37 and 38 of its decision made on the 30th day of May, 2016.

PROPOSED DEVELOPMENT: An extension to the Retail Park comprising (a) demolition of existing unit 10 and 11 Newbridge Retail Park to facilitate access; (b) construction of three number units in Block CC1 comprising 2,805 square metres retail space on ground floor and 1,058 square metres mezzanine floor space, (c) construction of six number units in Block CC2 comprising 1,540 square metres retail space on ground floor; (d) construction of 11 number apartments on first floor level of Block CC2, (e) modifications to elevations of existing unit number 12 Newbridge Retail Park and (f) provision of car parking, landscaping, access roads and all ancillary works at Newbridge Retail Park, Athgarvan Road, 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 conditions numbers 37 and 38 and directs the said Council to **AMEND** conditions numbers 37 and 38 so that they shall be as follows for the reasons stated.

37. The developer shall pay to the planning authority a financial contribution of €572,350.43 (five hundred, seventy two thousand and three hundred and fifty euro and 43 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

38. The developer shall pay to the planning authority a financial contribution in respect of the shortfall in car parking provision at a rate of €5,000 per space as a contribution in accordance with the terms of the Development Contribution Scheme adopted by the planning authority on the 15th day of November, 2015 in accordance with section 48 of the Planning and Development Act 2000, as amended. The number of spaces which comprise this shortfall may take account of spaces outside of the development application boundary where the planning authority is satisfied that they shall, prior to commencement of construction, be available to the proposed development by suitable pedestrian or vehicular access and that they are not required to service other development for which permission has been granted. The number of spaces which comprise this shortfall 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 for determination.

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.

