

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 16/386

An Bord Pleanála Reference Number: PL 09.246874

APPEAL by Noel Lawler of Portersize, Ballitore, Athy, 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 14 of its decision made on the 10th day of June, 2016.

PROPOSED DEVELOPMENT: Erection of a dairy parlour with a roofed handling area, a meal bin and an extension to an existing cubicle house with all associated facilities and site works, all at Portersize, Ballitore, Athy, 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 14 and directs the said Council to **AMEND** the said condition number 14 so that it shall be as follows for the reason stated.

14. The applicant/developer shall pay to Kildare County Council the sum of €2,040 (two thousand and forty euro) being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on the 5th day of November, 2015 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 13 of Development Contribution Scheme adopted by Kildare County Council on the 5th day of November, 2015.

Reason: It is considered reasonable that the development should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority.

REASONS AND CONSIDERATIONS

Having regard to -

- (a) the general arrangements regarding payment of development contributions and implementation of the scheme,
- (b) the extent of existing and permitted agricultural developments on the landholding,
- (c) the provisions of the Kildare County Development Contribution Scheme, in particular section 12, paragraph n, and
- (d) the planning history of the development site

the Board amended condition number 14 as set out above.

In deciding not to accept the Inspector's recommendation to attach condition number 14, the Board considered that the applicant is entitled to avail of the exemption as referred to in the Development Contribution Scheme in respect of the floor area of this proposal less that applied to development permitted under planning register reference number 07/77 (277.3 square metres) in 2007.

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.