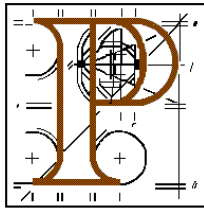


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 16/513

An Bord Pleanála Reference Number: PL 09.246956

APPEAL by Eugene Brennan care of Vincent J.P. 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 13 of its decision made on the 13th day of July, 2016.

PROPOSED DEVELOPMENT: Development consisting of permission for minor modifications to the existing building which include the following: (a) extension to kitchen (area of 20.5 square metres) to north-east elevation, (b) removal of existing entrance doors to south-west elevation and formation of new window in place of existing entrance doors, (c) formation of new double doors and draft lobby (area of 1.4 square metres) to corner of south-west elevation, (d) the reduction of the permitted area of the existing shop to accommodate the new entrance and an extension of the existing bar (proposed floor area 30.2 square metres), and (e) all associated site development works at The Brown Bear Public House, The Village Centre, Stephenstown North, Two Mile House, 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 13 and directs the said Council to AMEND condition number 13 so that it shall be as follows for the reasons stated.

13. The developer shall pay to the planning authority a financial contribution of €869 (eight hundred and sixty-nine 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 established use on the appeal site as a commercial premises, to the general arrangements regarding payment of development contributions and implementation of the Scheme, to the provisions of the Kildare County Development Contribution Scheme, 2015 – 2022, in particular section 12, paragraph (g), and to the payment of previous contributions by the applicant in respect of the existing commercial floor space, the Board considered that the terms of the Scheme had not been properly applied in this instance and it was, therefore, appropriate to amend condition number 13 accordingly.

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.