



An
Bord
Pleanála

Board Order
PL 09.248439

Planning and Development Acts 2000 to 2016

Planning Authority: Kildare County Council.

Planning Register Reference Number: 16/1253.

Appeal by Kieran Murphy of Whitebog, Barrowhouse, 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 6 of its decision made on the 10th day of April, 2017.

Proposed Development: Retention of change of use from retail unit to one bedroomed apartment at Dun Brinn, Ardrew, 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 6 and directs the said Council to REMOVE condition number 6 and the reason therefor.

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.

Reasons and Considerations

The Board is satisfied that the terms of the Kildare County Council Development Contribution Scheme 2015 – 2022 were not properly applied in this case, because the development involved the change of use of an existing premises, in respect of which development contributions had previously been paid, and where the development did not lead to the need for new or upgraded infrastructure/services or significant intensification of demand placed on existing infrastructure. Accordingly, the exemption provided for in the Scheme at paragraph 12(g) should have been given.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017