



An
Bord
Pleanála

Board Order
PL 09.248650

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/312

Appeal by Wilhelm and Annetrud Franke care of Austin Morrin of Oldtowndonore, Naas, 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 10 of its decision made on the 16th day of May, 2017.

Proposed Development: Erection of an agricultural store with all associated facilities and site works at The Maws Farm, Maynooth, 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 10 and directs the said Council to AMEND condition number 10 so that it shall be as follows for the reasons stated.

10. The applicant/developer to pay to Kildare County Council the sum of €642.20 (six hundred and forty two euro and 20 cents) being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5th 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 5th 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, and
- (c) the provisions of the Kildare County Development Contributions Scheme,

the Board considered that the terms of the Kildare County Development Contribution Scheme have not been properly applied in this case. It is, therefore, considered that condition number 10 be amended.

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 2017