



An
Bord
Pleanála

Board Order
PL 09.248743

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/1076

Appeal by Maria Winders care of Brock McClure of 63 York Road, Dún Laoghaire, County 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 15 of its decision made on the 26th day of May, 2017.

Proposed Development: Retention of the continued use of the existing building as a residential unit. (The change of use of residential use to stables (circa 174.9 square metres) and the change of use from storage shed (circa 50 square metres) to tack room under planning register reference number 07/2417 was never implemented). The development, for which retention is sought, also includes the construction of a vehicular access to the main road, and all associated site works, all on a site (circa 0.18 hectares) at Broadleas Commons, Ballymore Eustace, 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 15 and directs the said Council to AMEND condition number 15 so that it shall be as follows for the reasons stated.

15. The developer shall pay to the planning authority a financial contribution of €8,745 (eight thousand, seven hundred and forty-five 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 the 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.

