



An  
Bord  
Pleanála

**Board Order**  
**PL 09.248746**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 16/1075**

**Appeal** by Robbie 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 11 of its decision made on the 25<sup>th</sup> day of May, 2017.

**Proposed Development:** Retention of two number sheds of circa 149.4 square metres and circa 250 square metres. The circa 149.4 square metres shed is a single storey shed used for agricultural purposes. The circa 250 square metres shed is a storey and a half with a mezzanine level and is used for commercial purposes. The development for which retention is sought also includes the construction of a vehicular access to the two sheds, and all associated site works, all on a site of (circa 0.15 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 11 and directs the said Council to AMEND condition number 11 so that it shall be as follows for the reason stated.**

11. The developer shall pay to the planning authority a financial contribution of €6,922 (six thousand, nine hundred and twenty-two 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.

