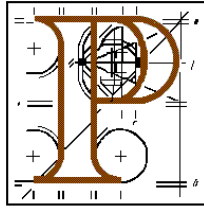


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Kildare County Council**

**Planning Register Reference Number: 17/1173**

An Bord Pleanála Reference Number: ABP-300522-17

**Appeal** by Paul and Robert Ennis care of Grasstec Limited of Kilpatrick, Ballyclough, Mallow, County Cork 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 16 of its decision made on the 14<sup>th</sup> day of December, 2017.

**Proposed Development:** Development consisting of (a) construction of a cubicle shed including underground slurry storage and (b) construction of a dungstead and all associated site works at Guidenstown North, Kildare Town, 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 16 and directs the said Council to REMOVE condition number 16 and the reason therefor.**

## **Reasons and Considerations**

Having regard to the documentation submitted by the applicant as part of the appeal, which confirms that the subject development is required to ensure compliance with the Nitrates Directive 2007, and the confirmation from the Planning Authority in its response to the appeal that it accepts that no contribution should be applied, it is considered that the terms of the Kildare County Council Development Contribution Scheme 2015-2022 were not properly applied in this instance, in that the exemption under Part 12, section (n) of the Scheme is applicable.

## **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.

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

**Dated this      day of                      2018.**