



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/00723

WHEREAS a question has arisen as to whether the use of a building formerly operating as a General Practice surgery for use as a methadone clinic at Kildare Heath Centre, Tully Road, Kildare Town, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Tameric Investments care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 1st day of July, 2019 stating that the matter was not development and therefore the question of exempted development does not arise:

AND WHEREAS Tameric Investments referred the declaration for review to An Bord Pleanála on the 26th day of July, 2019:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) article 10(1) of the Planning and Development Regulations, 2001, as amended
- (c) Class 8 of Part 4 of Schedule 2 of those Regulations,
- (d) the planning history of the site,
- (e) the nature of use as a methadone clinic, and
- (f) the submissions made in connection with the referral:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the permitted use on this site can be considered to be a Health Centre and therefore a class of use coming within the scope of Class 8(a) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (b) both the use as a General Practice surgery and the use as a methadone clinic are consistent with the permitted use as a Health Centre, and
- (c) the change of use from a General Practice surgery to use as a methadone clinic is not a material change of use and, therefore, is not development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the change of use from a General Practice surgery to use as a methadone clinic at Kildare Health Centre, Tully Road, Kildare Town, County Kildare is not development.

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.

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

Dated this day of 2020.