



An
Bord
Pleanála

**Board Order
ABP-307362-20**

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/42

Appeal by Maurice Hanifin care 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 7 of its decision made on the 25th day of May, 2020.

Proposed Development: The erection of a hay/straw store with all associated facilities and site works, all at Turnings, Straffan, 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 7 and directs the said Council to AMEND condition number 7 so that it shall be as follows for the reason stated.

7. The developer shall pay to the planning authority a financial contribution of €93.30 (ninety-three euro, thirty cent) 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 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.

Reasons and Considerations

Having regard to:-

- (a) the general arrangements regarding payment of development contributions and implementation of the Development Contribution Scheme,
- (b) the extent of existing and permitted agricultural developments on the landholding,
- (c) the provisions of the Kildare County Development Contributions Scheme, specifically Section 12(n),
- (d) the nature of the proposed agricultural use of the development, and

- (e) the provisions of Section 12 (n) of the adopted Kildare County Council Development Contribution Scheme, 2015-2022, which provides for an exemption for the development of agricultural structures up to 600 square metres, where no exemption has previously been applied,

it is considered that the provisions of the adopted Development Contribution Scheme have not been properly applied such that condition number 7, attached to the permission granted under planning register reference number 20/42 shall be amended, and limited to the floor area in excess of the 600 square metre exemption.

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.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021.