

An
Bord
Pleanála

Board Order
ABP-310016-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/840

Appeal by Boran Plastic Packaging Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, 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 19 of its decision made on the 30th day of March, 2021.

Proposed Development: Construction of a 5,627 square metre specialist packaging single storey high level manufacturing facility with three-storey head office incorporating, administration, sales, design, research and development departments, staff changing room, staff canteen, car parking, bicycle parking, ESB sub station, two-storey services plant room, loading bay, entrance gates, pedestrian gate, building signage, landscaping, extension to existing estate service road, and all associated site works on a site of 2.5672 hectares at Millennium Business Park, Osberstown, Naas, 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 been properly applied in respect of condition number 19 and directs the said Council to ATTACH condition number 19 and the reason therefor.

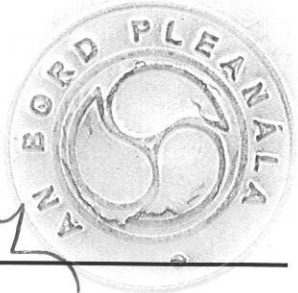
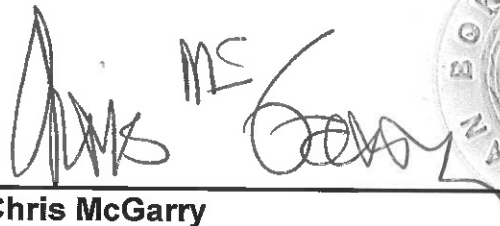
Reasons and Considerations

It is considered that condition number 19, as set out in the decision of the planning authority, constitutes the proper application of the terms of the Development Contribution Scheme adopted by the planning authority in November 2015, by reference to the contribution rate applicable for Commercial Development, calculated on the gross floor area of the development, in the case of the permitted development of 5,627 square metres.

In deciding not to accept the recommendation of the Inspector, the Board considered the totality of the documentation on file and the content of the applicable Development Contribution Scheme. The Board concluded that the interpretation of the Scheme as set out by the planning authority is correct and there is no supportable evidence within the Scheme that the listed gross floor contributions for commercial development are intended to be applied on a graduated rate.

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.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 16th day of December 2021.