



Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/56

Appeal by Treacy Courtyard Developments Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 27th day of September, 2021 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Modifications and alterations to the previously granted Block CC2 at the south western end to include change of use from educational training facilities to eight number two bedroom apartments on the first and second floors and at the north eastern end to include change of use from office to six number two bedroom residential apartments on first, second and third floors, (b) modifications to the internal layout of Block CC2 on the ground floor level which facilitates access to these proposed apartments to that which was granted which includes a reduction of eight square metres of retail space at the south western end and an increase of an additional 98 square metres of retail space on the north eastern end of the ground floor retail space, (c) modifications to site boundary and parking arrangements to the rear of Block CC2, to that which was granted under planning register reference number 15/819 and (d) modifications to elevations of the previously granted Block CC2 and all ancillary works, previously granted under planning register reference number 15/819 and not yet constructed, all at Block CC2, Newbridge Retail Park, Athgarvan Road, Newbridge, County Kildare.

Pm

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND conditions numbers 3 and 5 so that they shall be as follows for the reasons set out.

Reasons and Considerations

3. A minimum of 20% of all communal car parking spaces (18 spaces) shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.



5. The developer shall pay to the planning authority a financial contribution of €452,536.76 (four hundred, fifty two thousand and five hundred and thirty six euro and 76 cents) 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 Kildare County Development Plan 2023-2029,
- (b) the Kildare Development Contribution Scheme 2023-2029,
- (c) the Climate Action Plan 2021,
- (d) the planning history of the site, namely KCC Reference 15/819, and
- (e) the nature, scale, and location of the proposed development,



it is considered that the provision of Electric Vehicle Charging Infrastructure in accordance with condition number 3 (as amended) would accord with policies and objectives for Sustainable Mobility and Transport as set out in the Kildare County Development Plan 2023-2029, in particular Objectives TMO116 and TMO117 and would help achieve the objectives set out in National and Regional Policy in relation to the electrification of the national car fleet and the role out of the necessary infrastructure and facilities to support same and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In considering the Inspector's recommendation and submissions received by the appellant regarding electric vehicle charging, the Board acknowledged that the condition as originally proposed would be problematic to implement, but the Board considered that it is entirely feasible to provide for functional charging points not linked to domestic supply, but accessible in the same manner as EV charging points in other commercial developments. The Board noted that the car parking facilities will be under the control of a management company who will be in a position to manage access to same.

Furthermore, it is considered that the payment of a development contribution in accordance with condition number 5 as amended would accord with the requirements of the Kildare Development Contribution Scheme 2023-2029, which came into effect on the 1st of January 2023.



Peter Mullan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *10th* day of *August*, 2023.