

An
Bord
Pleanála

Board Order
ABP-314674-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/388

Appeal by Tom Treacy care of Clarke and Company of Highland View Terrace, Fairgreen, 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 26th day of August, 2022.

Proposed Development: Retention of alterations made to the roof, front, rear and side elevations of two-storey house. Construction of a single storey, two-bedroom staff accommodation (68 square metres) and storage shed (98 square metres) located to the rear of the property. Converted (193 square metres) attic area for storage. A (639 square metres) basement beneath the main property, including an access ramp to the west side of the main house, comprising of a gym area, garage space, storage, plant room and utility space. A tennis court/recreation area to the rear of the property, all at Willow Stud, Kineagh, Curragh, 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 €56,290 (fifty-six thousand, two-hundred and ninety euro) 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 within three months of the date of this Order 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.

P.C

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

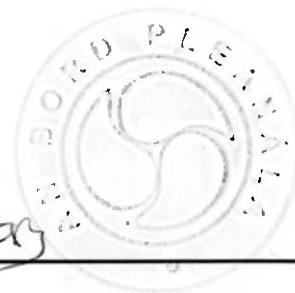
Having regard to the submissions made on the file, the nature of the development proposed and the provisions of the Kildare County Council Development Contribution Scheme, 2023-2029, that came into force on the 1st day of January 2023, the Board considered that the terms of the Development Contribution Scheme had not been properly applied in respect of condition number 7 (noting that a new development contribution scheme has been made since the planning authority issued their planning decision) and directs the Council to amend condition number 7 to reflect the requirement to pay €56,290 to the planning authority, in respect of the elements of the development for which retention development is sought and that are liable for development contributions, broken down as follows:

- The attic conversion for use as domestic storage equating to €11,966 based on €62 per square metre by 193 square metres of gross floor area.
- The basement area equating to €39,618 based on €62 per square metre by 639 square metres of gross floor area.

P. C.

- The storage/agricultural shed equating to €490 based on €5 per square metre by 98 square metres of gross floor area.
- Staff accommodation equating to €4,216 based on €62 per square metre by 68 square metres of gross floor area.

Patricia Calleary



Patricia Calleary

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

Dated this *2* day of *November* 2023.