

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/732

Appeal by Anne Birchall care of Design and Consultancy Services of The Nook, Hillside, Kilcullen, 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 17 of its decision made on the 7th day of September, 2022.

Proposed Development: Retention of child day care facility comprising of creche accommodation in two number buildings A and B, play barn in building C, security hut building D, covered play areas, existing wastewater treatment system, eight number staff car parking spaces, four number set-down car parking spaces, cycle racks for six number bicycles and all associated site works, all at Auntie Anne's Country Creche, Giltown, Kilcullen, 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 17 and directs the said Council to AMEND condition number 17 so that it shall be as follows for the reason set out.

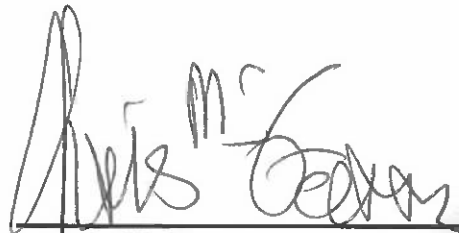
17. The developer shall pay to the planning authority a financial contribution related to the gross floor area of the permitted development (482 square metres) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended 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 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

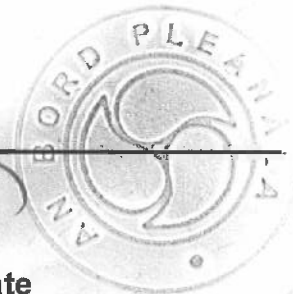
Having regard to the provisions of the Kildare County Council Development Contribution Scheme 2023 - 2029, the Guidelines for Planning Authorities on Development Contributions (2013), Section 48(10)(b) of the Planning and Development Act, 2000, as amended, and the content of the documentation submitted with the planning application and the appeal, it is considered that the terms of the Council's Development Contribution Scheme for the area have been properly applied by the planning authority in respect of the allocation of a financial contribution based on the square metreage of the development for which retention permission is sought, which is 482 square metres. The condition should be amended to reflect the terms of the Council's current Development Contribution Scheme (2023 - 2029) for the area which now applies.



Chris McGarry

Member of An Bord Pleanála

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



Dated this 23rd day of January 2023.