



An
Bord
Pleanála

Board Order
ABP-317103-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1301

Appeal by Trevor Martin of Coole, Monasterevin, 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 8 of its decision made on the 18th day of April, 2023.

Proposed Development: Construction of a 45 square metre garden shed/workshop at Coole, Monasterevin, 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 8 and directs the said Council to AMEND condition number 8 so that it shall be as follows for the reason stated.

8. The developer shall pay to the planning authority a financial contribution of €620 (six hundred and twenty 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 prior to the 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

Section 8.1.2 of the Kildare County Development Contribution Scheme 2023-2029 requires the payment of a contribution in respect of domestic sheds of €31 for every square metre above their first 25 square metres. The terms of the scheme do not make the first 25 square metres of a shed liable to the contribution under section 8.1.2 because of previous grants of permission on the same site for the extensions to the habitable area of a house. Therefore, the grant of permission made under Register Reference 21/855 would not justify the application of the levy to the first 25 square metres of the shed authorised in this case.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *1st* day of *September* 2023