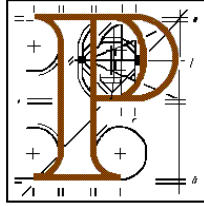


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 11/12**

An Bord Pleanála Reference Number: 09.RP.2122 (appeal reference number PL 09.239443)

**WHEREAS** by order dated the 7<sup>th</sup> day of June, 2012 An Bord Pleanála, under appeal reference number PL 09.239443, granted subject to conditions a permission to Martin Nolan care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin for development comprising the construction of a dormer dwelling, three number stable blocks, sand arena, covered horse walker, dung stead, on-site effluent treatment system, percolation area, surface water to soakways and all associated site works at Ballysax Little, The Curragh, County Kildare:

**AND WHEREAS** condition number 9 attached to the said permission required the developer to pay to the planning authority a financial contribution 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. The contribution was to be paid prior to commencement of development or in such phased payments as the planning authority may have facilitated and to be subject to any applicable indexation provisions of the Scheme at the time of payment. The condition required that details of the application of the terms of the Scheme were to be agreed between the planning authority and the developer or, in default of agreement, the matter to be determined by An Bord Pleanála:

**AND WHEREAS** the developer and the planning authority failed to agree on the said details of the terms of the application of the Scheme in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 24<sup>th</sup> day of November, 2015 for determination:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the planning authority correctly applied the terms and conditions of the Development Contribution Scheme 2011-2018 and that the outstanding contribution required to be paid in respect of An Bord Pleanála appeal reference number PL09.239443 should be €3,698.68.

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (a) the provisions of Section 48(3A), (3B) and (3C) of the Planning and Development Act, 2000,
- (b) the provisions of the Water Services (No. 2) Act 2013, which came into effect on 1<sup>st</sup> January 2014,
- (c) the provisions of the Kildare County Council Development Contribution Scheme 2011–2018 including Section 11 in relation to the level of general contributions for residential development, Section 18 relating to exemptions and reductions, and Section 13 in relation to indexation,
- (d) the date of the adoption of the revised Kildare County Council Development Contribution Scheme on 5<sup>th</sup> November 2015,
- (e) An Bord Pleanála appeal reference number PL09.239443 (planning authority register reference number 11/12), including condition number 9 of that grant of permission, which permission was granted on the 7<sup>th</sup> day of June 2012,
- (f) the nature and scale of the development involved, and the timeframe for its construction, whereby the commencement notice was received by the planning authority in February 2014, and construction commenced (and was generally completed) prior to the adoption of the revised Development Contribution Scheme, and

(g) the payments already made to Kildare County Council by the applicant,  
the Board is satisfied that the terms of the Development Contribution Scheme have been correctly applied by the planning authority.

### **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.

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

**Dated this                      day of                      2016.**