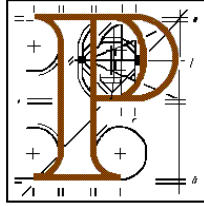


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: UK 11/1107

An Bord Pleanála Reference Number: 09.RP.2126 (appeal reference number PL 09.240157)

WHEREAS by order dated the 27th day of August, 2012 An Bord Pleanála, under appeal reference number PL 09. 240157, granted subject to conditions a permission to Luke Wall care of MD Gilligan Architect of Belgrave Building, Unit 4-D1, Ladytown Business Park, Naas, County Kildare for development comprising change of house type, previously approved under planning register reference number 11/487. The new house type will replace the existing bungalow and will consist of a four bedroom, storey and a half/dormer dwellinghouse, landscaping, boundary treatments and all associated site development works at 563 Chapel Lane, Newbridge, County Kildare:

AND WHEREAS condition number 9 attached to this 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 was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the 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 11th day of March, 2016 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 PL 09.240157 should be €20,000.00 (twenty thousand euro).

REASONS AND CONSIDERATIONS

Having regard to:

- (a) section 48 of the Planning and Development Act 2000, as amended,
- (b) the Kildare County Council Development Contribution Scheme 2011-2018 and the Exemptions and Reductions set out therein and, in particular, to the provisions under paragraph 11 relating to residential development and under paragraph 18(e) relating to exemptions for flood damaged property,
- (c) An Bord Pleanála appeal reference number PL 09.240157 (planning authority register reference number 11/1107), including condition number 9 of that grant of permission, which permission was granted on the 27th day of August, 2012, and
- (d) the submissions on file, including the available information regarding the accidental flood damage that occurred at the site on the 3rd day of March, 2013, subsequent to the above permission,

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.

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

Dated this day of 2016.