



An
Bord
Pleanála

Board Direction
BD-019377-25
ABP-320789-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/04/2025.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend Condition No. 19 as follows:

The applicant/developer to pay to Kildare County Council the sum of **€387,750.00** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on the 19th December 2022 in accordance with section 48 of the Planning and Development Act 2000, as amended. Payments of contributions are strictly in accordance with section 34 of the Development Contribution Scheme adopted by Kildare County Council on the 19th December 2022.

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

The development is a class of development where a development contribution is applicable, that being pursuant to section 8.5 Miscellaneous of the Kildare County Council Development Contribution Scheme 2023-2029.

The Board considered that the class of development in its entirety should be considered under section 8.5 Miscellaneous of the scheme. The Board did not agree with the planning authority's that the buildings fall under class section 8.2 Non-residential Development of the scheme.

The Board decided that the contribution applicable is calculated as follows:

€30 per sq.m. for the 220kV GIS Building (1,637 sq.m.)	= €49,110
€30 per sq.m. for the 11kV GIS Building (1,138 sq.m.)	= €34,140
€15,000 per ha. for 'open' area for 20.3 ha.	= €304,500
TOTAL	= €387,750

In deciding not remove Condition No. 19 in its entirety as recommended by the Inspector, the Board did not agree that the proposed development is not a class of development that is specified in the adopted Kildare County Council Development Contribution Scheme 2023-2029. The Board found that the class of development is captured under section 8.5 Miscellaneous of the said scheme. The Board noted and considered the Inspector's reference to another appeal relating to the application of a Development Contribution Scheme but noted that that reference related to another planning authority and not the Kildare County Council Development Contribution Scheme 2023-20229, the Board considered that the said scheme did capture the class of development proposed and hence a development contribution was applicable.

Board Member:



Tom Rabbette

Date: 03/04/2025