

An
Coimisiún
Pleanála

Direction
CD-021289-25
ACP-323340-25

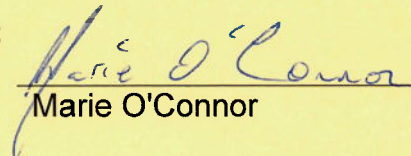
The submissions on this file and the Inspector's report were considered at a meeting held on 14/11/2025.

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

Remove condition no. 7

Planning

Commissioner:


Marie O'Connor

Date: 17/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Section 7.1 of the Kildare County Development Contribution Scheme 2023-2029 provides that the required contribution rate is €62 per square metre of gross floor area for residential development.

The LRD permission granted (Ref. 25/60543) is a modification of the parent SHD permission (ABP-307100-20) and the total gross floor area of the proposed units is no

greater than that of the relevant corresponding units permitted as part of the parent SHD application. A financial contribution was levied by Kildare County Council under Condition 21 of the parent SHD application (ABP-307100-20). In this regard, the imposition of a financial contribution to the current proposal, which seeks only to amend house design, would facilitate a double payment to the local authority which would be inconsistent with the primary objective of levying development contributions and with the spirit of capturing planning gain in an equitable manner.

Having regard to sections 48(1) and 48(10)(b) of the Planning and Development Act, 2000, as amended, the Kildare County Development Contribution Scheme 2023-2029, the plans and particulars submitted as part of the application, the specified particular works to be carried out and the basis for the financial contribution calculation provided by the planning authority, it is considered that the terms of the Development Contribution Scheme for the area have not been properly applied in respect of condition number 7.