

An  
Bord  
Pleanála

Board Order  
ABP-318151-23

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## Planning and Development Acts 2000 to 2022

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 23/60047**

**Appeal** by The Davy Platform ICAV for and behalf of the Liffey Sub-Fund care of Tom Phillips and Associates of 80 Harcourt Street, Dublin 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 53 of its decision made on the 6<sup>th</sup> day of September, 2023.

**Proposed Development:** Development will consist of demolition of existing buildings numbers 7, 8 and 9 (total gross floor area circa 84,838 square metres). Existing buildings numbers 1-6 will be retained for deep tech and innovation related uses (total gross floor area circa 42,862 square metres). Construction of two number new deep tech buildings and four number new data centre buildings, all including ancillary office spaces. The deep tech buildings will have an overall maximum height of circa 16 metres and vary in size from 30,945 square metres - 41,190 square metres with a combined total gross floor area of circa 72,135 square metres. The data centres will be circa 15 metres in height to parapet and circa 16.5 metres in height to top of roof plant screening. The data centres will vary in size from 13,225 square metres - 21,000 square metres with a combined total gross floor area of circa 76,225 square metres. All buildings will be provided with solar PV panels at roof level and green walls along selected elevations. The new deep tech buildings (A1

and A2) will be provided with service yard areas, loading docks, car parking, access roads, security fencing/gates and landscaping. The deep tech buildings will include rainwater harvesting tanks and green roofs over office areas. Each data centre (B1, C1, C2 and C3) will include data halls, admin blocks (comprising offices, breakroom, loading dock, storage, and ancillary areas) and a variety of mechanical and electrical plant areas/structures including battery storage rooms and mechanical rooms. Car parking, access roads, security fencing/gates, gate houses and landscaping will also be provided. B1 will include 14 number fuel oil generators, MV rooms and associated mechanical flues. C1 – C3 will each include 22 number fuel oil generators, MV rooms and associated mechanical flues (each circa 18.6 metres high). Car parking, access roads, security fencing/gates, gate houses and landscaping will also be provided. Two number district heating pump house areas and inground piping for district heating system. Construction of a replacement 110kV Gas Insulated Switchgear (GIS) substation adjacent to the existing 110kV Rinawade substation. The current Air Insulated Switchgear (AIS) substation known as the Rinawade 110kV sub is fed by two by 110kV overhead lines. The new substation will connect to these overhead lines via short runs of underground cable. The replacement 110kV substation will include six number transformers, with client control building and a two-storey Gas Insulated Switchgear substation building within a 2.4 metres high fenced compound. Decommissioning and removal of the existing 110kV Rinawade substation. Construction of an on-site energy centre to provide to the national electrical grid. The Energy Centre will include nine number gas powered combustion turbine generators (CTG's) and nine number flues with a maximum height of circa 15 metres. The turbines will be enclosed by a screen wall 14 metres in height. The energy compound will include all required infrastructure including two number back-up fuel oil (HVO) tanks, an administration building, pump house, fire water tank, access roads, 14 number parking bays, security fencing etc. Provision of a Gas Networks Ireland (GNI) gas skid surrounded by a 2.4 metres high fence and access from Celbridge Road (R404). The Gas Networks Ireland skid will replace the

existing gas skid along Celbridge Road. Provision of a Gas Networks Ireland AGI (Above Ground Installation) including one number kiosk building, circa 32 metres high surrounded by a 2.4 metres high fence. Closure of the existing main entrance to the campus on Celbridge Road and reinstatement of the boundary. Construction of a new signalised entrance/exit on Celbridge Road circa 80 metres north of the existing main entrance. Use of the existing secondary entrance/exit off Barnhall Road Roundabout in the south-east as a principal entry/exit. Construction of internal access roads, footpaths and cycle paths including a publicly accessible link road between Celbridge Road (R404) to the east and Barnhall Road (R449) to the west. Construction of a new pedestrian and cycle overpass across the M4 motorway and pedestrian/cycle path adjacent to lands known as the Wonderful Barn Allotments, the overpass will link the new publicly accessible link road within Kildare Innovation Campus to the entrance of Barnhall Meadows estate. Undergrounding and diversion of the existing overhead 10Kv/20kv overhead line adjacent to the M4 motorway. The pedestrian and cycle route within the Kildare Innovation Campus will provide a link from the new public link road, along the protected view corridor (between Castletown Estate and Wonderful Barn) to the north-eastern boundary of Castletown Estate. The provision of a net increase of 678 new car spaces, resulting in a total of 2,291 car spaces across the site (including a total of 244 Electric Vehicle car spaces). The provision of a new private Electric Vehicle Bus charging hub with parking for 10 number electric buses. The provision of a net increase of 310 new bicycle spaces, resulting in a total of 350 bicycle spaces across the site. The diversion of the circa 500 metres stretch of an existing 1.5 metres culvert, located to the north of the site along the existing loop road, southwest by circa 60 metres, the diverted culvert will be located along the proposed link. All associated site development works, drainage and services provision, landscaping, boundary treatments (including security fencing), and associated works, all at Kildare Innovation Campus (KIC), Barnhall Meadows, Leixlip, County Kildare. The application relates to a development for the purposes of an activity requiring an industrial emissions licence.

## 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 53 and directs the said Council to AMEND condition number so that it shall be as follows for the reasons stated.**


53. The developer shall 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 Kildare Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 final amount of the contribution and application of any indexation required by this condition shall be agreed between the planning authority and the developer, noting the discretion of the Chief Executive to reduce the development contributions where it is warranted, having regard to National Policy.

**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

Having considered the facts of the appeal case and the totality of the information on file including the compelling arguments put forward by the applicant to reduce the financial contribution, the Board noted the discretion within the Kildare Development Contribution Scheme 2023-2029 in Section 10.11 for the Chief Executive to reduce the development contributions where it is warranted having regard to National Policy. The Board noted the Guidelines for Planning Authorities on Development Contributions (January 2013) and in particular the advice on "double charging" and the need to recognise development contributions already levied and paid.

In deciding not to accept the Inspector's recommendation, the Board agreed with both Inspectors that "double charging" goes against the spirit of the Guidelines and that the Development Contribution Scheme does not directly provide for a reduction in the overall area to which the contribution rate is applied to reflect the floor area to be demolished. The Board, however, considered the Kildare Development Contribution Scheme may not accurately reflect the intent of the National Guidelines for Planning Authorities, in particular, limiting the exemption for replacement buildings in Section 10.10 to buildings extensively damaged by subsidence, flood or fire.



**Mick Long**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 3<sup>rd</sup> day of January 2025.