



An
Coimisiún
Pleanála

Commission Order
ACP-323340-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 25/60543

Appeal by Seattle Construction Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 15th day of July, 2025 by Kildare County Council to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council.

Proposed Development: Minor modifications to the permitted Strategic Housing Development (ABP-307100) consisting of: (1) The change of permitted House Type A to House Type H (12 number units); (2) The change of permitted House Type A1 to House Type H1 (two number units); (3) The change of permitted House Type A2 to House Type H2 (two number units); (4) The change of permitted House Type B2 and B3 to House Type F.a and F.b (four number units), and all associated site development works. All on a site of circa 12.68 hectares located on lands at Kilwoghan Woods, in the Townland of Crodaun, Celbridge, County Kildare.

Decision

The Commission, 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 7 and directs the said Council to REMOVE condition number 7 and the reason therefor for the reasons and considerations set out below

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 Large-scale Residential Development (LRD) permission granted under planning register reference number 25/60543 is a modification of the parent Strategic Housing Development (SHD) permission granted under An Coimisiún Pleanála reference number 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 Number 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.


Marie O'Connor

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 21 day of November 2025.