



An
Coimisiún
Pleanála

Inspector's Report

ACP-323340-25

Development

Modify a permitted Strategic Housing Development (SHD) permission (ABP-307100) by way of a planning application for a Large-Scale Residential Development (LRD) and all associated site development works (www.kilwoghandrive1rd.ie).

Location

Lands at Kilwoghan Woods, in the Townland of Crodaun, Celbridge, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2560543

Applicant

Seattle Construction Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission subject to conditions

Type of Appeal

Section 48(10)(b) First Party Appeal against financial contribution

Appellant	Seattle Construction Limited
Observer(s)	None
Date of Site Inspection	18 th October 2025
Inspector	John Duffy

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1.0 Introduction

- 1.1. I advise the Commission that this case relates to a first party appeal against a condition of the decision of Kildare County Council to grant permission for a Large-scale Residential Development (LRD) for modifications to a previously permitted Strategic Housing Development (SHD). The appeal relates solely to the imposition of a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority under section 48(1) of the Planning and Development Act 2000, as amended. The appeal is made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended, and therefore the Commission is restricted to consideration of the subject financial contribution condition.

2.0 Site Location and Description

- 2.1. The appeal site relates to lands at Kilwoghan Woods in the townland of Crodaun on the northern side of Celbridge, which had a population of 20,601 at the 2022 census. The lands with a stated area of 12.68 ha are bounded to the east and north by the Maynooth Road (R405), along which there is an existing pedestrian path and cycleway. The northern part of the site also adjoins a roundabout at the junction of that road and the R449 which in turn leads to Junction 6 on the M4 Motorway approximately 1km to the north-east. The north-western site boundary adjoins the curtilage of the Salesian College, a post primary school. Celbridge Community School lies on the other / opposite side of Maynooth Road, to the north of a site which accommodates a commercial development with predominantly functional structures that accommodate offices, childcare facilities, play facilities, bulky retail uses and a filling station. Adjoining the site to the south is the Kilwoghan stream which runs alongside Kilwoghan Lane, itself bounded by mature trees and hedging. The residential estates of Castle Village and Thornhill Court, predominantly of single and two-storey design, are located south of Kilwoghan Lane. The lands on the eastern side of the Maynooth Road, opposite the northern part of the site, are occupied by a new residential development, Ardrath, comprising residential units ranging in height between 2 and 4 storeys. Lands on the eastern side of the Maynooth Road opposite the southern part

of the site is occupied by single storey housing in an estate known as Crodaun Forest Park.

- 2.2. Implementation of a permitted Strategic Housing Development (Reference No. ABP-307100-20) comprising 467 no. residential units is presently underway on the subject lands.

3.0 Proposed Development

- 3.1. The proposed development seeks to modify the previously permitted Strategic Housing Development (SHD), reference ABP-307100-20, by changing permitted house types, affecting 20 no. units, all of which are permitted at the northern part of the site, proximate to the public open space permitted under the parent SHD application.
- 3.2. For clarity, the SHD permission allowed for a total of 467 no. residential units (199 no. houses, 216 no. apartments, 52 no. duplexes, a childcare facility and associated site works.
- 3.3. Specifically, the proposed amendments comprise the following :
- (1) The change of permitted House Type A to House Type H - 12 no. units (reduction in number by 2).
 - (2) The change of permitted House Type A1 to House Type H1 - 2 no. units (no change in numbers).
 - (3) The change of permitted House Type A2 to House Type H2 - 2 no. units (no change in numbers).
 - (4) The change of permitted House Type B2 and B3 to House Type F.a and F.b - 4 no. units (increase in numbers by 2).
 - (5) All associated site development works.

The proposed amendments do not increase the total number of units permitted under the SHD.

- 3.4. The LRD application was accompanied by a number of documents including a Planning Report, an Architectural Design Statement, Housing Quality Assessments for the proposed development and the relevant corresponding units permitted under

the SHD, a Landscape Design Rationale, and a Technical Note from Consulting Engineers which advises that the proposed alterations do not require any engineering design input and are considered a neutral change in this regard.

- 3.5. Tables 1, 2 and 3 below respectively detail the house types and associated floor areas permitted in the parent SHD permission, the proposed changed house types and associated floor areas in the current application which is the subject of this appeal and a comparison of the floor area quanta.

Table 1: Permitted House Types and Floor Areas

House Type	Unit Quantity	Internal gross floor area per unit (sqm)	Total internal gross floor area (sqm)
Type A: 5 bed semi-detached	14	163	2,282
Type A1: 5 bed semi-detached	2	164	328
Type A2: 5 bed detached	2	164	328
Type B2B3: 4 bed semi-detached	2	158	316
Totals	20	-	3,254

Table 2: Proposed House Types and Floor Areas

House Type	Unit Quantity	Internal gross floor area (sqm) per unit	Total internal gross floor area (sqm)
Type H: 4 bed semi-detached	12	183	2,196
Type H1: 4 bed semi-detached	2	182	364
Type H2: 4 bed semi-detached	2	182	364
Type F.a: 1 bed own-door duplex	2	50	100
Type F.b: 2 bed own door duplex	2	86	172
Total	20	-	3,196

Table 3: Comparison Table

House Type	Unit Quantity	Total internal gross floor area (sqm)
Relevant corresponding permitted houses under SHD application	20	3254

Proposed houses / duplexes	20	3196
Difference	0	-58

As per Table 3 above, the overall total internal gross floor area for the proposed development is 58 sqm less than that for the relevant 20 permitted units which formed part of the permitted SHD.

4.0 LRD Legislation

4.1. Section 34(3C) of the Planning and Development Act 2000, as amended, states:

In determining an application for permission that relates to a development in respect of a part of which permission has previously been granted—

(a) under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or

(b) on foot of an application in accordance with section 32A, the planning authority concerned shall, notwithstanding section 34(2)(a), be restricted in its determination of the application, other than in respect of any assessment of the effects of the proposed development on the environment, to considering the modifications proposed by the applicant to the previously permitted development and for the purposes of determining such an application the reference in subsection (6) to "the development concerned" shall be read as a reference to "the modifications to the previously permitted development."

4.2. Following correspondence submitted by the applicant prior to the lodgement of the LRD application, the planning authority reviewed the proposed amendments to the previously permitted SHD (ABP-307100-20) and advised by letter dated 6th May 2025 that, having regard to section 247(7) of the Planning and Development Act 2000, as amended, it had determined that (a) the proposed development is substantially the same as the previously permitted development, and (b) the nature and scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated.

4.3. As such, the planning authority confirmed that *'the proposed development to amend an already approved SHD development on lands at Kilwoghan Woods in the Townland*

of Crodaun, Celbridge, County Kildare is such that both the pre-application consultations under Section 247 and LRD meeting under Section 32B are not required in this instance' and accordingly, that the proposer may proceed to lodge an LRD application for the proposed development.

5.0 Planning Authority Decision

5.1. Decision

Kildare County Council, by Order dated 15th July 2025, granted permission for the proposed development subject to 7 no. conditions, none of which significantly altered the proposed development. Condition No. 7, set out below, is of note and is subject to the first party appeal.

7. The Applicant/Developer to pay to Kildare County Council the sum of €198,152.00 being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 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 13 of the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022.

Note: *Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Uisce Éireann.*

Reason: *It is considered reasonable that the Developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.*

5.2. Planning Authority Reports

5.2.1. Planning Report

The Planning Officer's report dated 9th July 2025 notes the following:

- A pre-planning consultation took place with the planning authority and it confirmed that no further pre-application consultations under Section 247 and that an LRD Meeting under Section 32B were required on the basis that the planning authority

is satisfied that (a) The proposed development is substantially the same as the permitted development, and (b) The nature, scale and effect of any alterations to the permitted development are not such that a further pre-application is required.

- Having regard to the history of the site, the previously permitted SHD, the pre-planning consultation carried out with the planning authority, the principle of the amendments to house types is considered to be acceptable. There are no significant changes in heights proposed. A grant of permission is recommended subject to conditions.
- A 'Monitoring Table' relating to unit type and levies indicates the proposed development will result in no net unit increase or decrease and that there is a 58 sqm decrease overall i.e. 3,254 sqm was permitted under the SHD application and 3,196 sqm is permitted in this LRD application.

5.2.2. Other Technical Reports

- Parks Section: Condition relating to Landscape Design are recommended.
- Water Services: Compliance with condition 11 of the permission 20/307100 is sought.
- Environment: No objection subject to conditions.
- Transport, Mobility and Open Spaces: No objection subject to conditions.
- Housing Section: No additional units are proposed. Part V condition detailed.
- Kildare Fire Service: No objection.

5.3. **Prescribed Bodies**

5.3.1. *Transport Infrastructure Ireland (TII)*

- Report dated 20th June 2025 notes the proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit. Any recommendations arising should be incorporated as conditions in the permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer. TII will entertain no future claims in

respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

5.4. Third Party Observations

None.

6.0 Planning History

Subject lands

Ref. ABP-307100-20 refers to a September 2020 decision to grant permission for a SHD comprising 467 no. residential units (199 no. houses, 216 no. apartments, 52 no. duplexes), childcare facility, gym, café, retail unit and associated site works.

The Board Direction for this application notes the following:

The board considered that a grant of permission that materially contravened the provisions at section 12.2.4 of the Local Area Plan for Celbridge 2017-2023 restricting the density of residential development in the Crodaun Key Development Area would be justified in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to the advice contained at section 5.11 of the guidelines issued by the minister in 2009 on Sustainable Residential Development in Urban Areas that residential development on outer suburban greenfield sites should be at densities between 35 and 50 dwellings per hectare, with which the proposed development would comply.

Relevant condition:

21. 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 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or,

in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

PA Ref. 2560988 refers to a current application consisting of amendments to the permitted SHD (Ref. ABP-307100-20) relating to phase 2 (c.3.94ha) of the overall permitted development and to include amendments to 239 no. residential units. The overall total number of permitted 467 no. units in phases 1 and 2 remain unchanged. The proposed development comprises a redesign of phase 2 to include:

- (a) The construction of 2 no. 4-storey apartment blocks at the north of the site (81 no. units in total) to include a creche.
- (b) 5 no. 3-storey apartment and duplex units to be located on the eastern boundary of the site; i. Duplex C - 08 no. units; Duplex D - 18 no. units; Duplex E – 18 no. units; Duplex F – 20 no. units; Duplex G – 18 no. units.
- (c) 76 no. terraced houses.
- d) 252 no. of car parking spaces, 14 no. motorcycle spaces and 540 no. bicycle parking spaces will be provided for in phase 2.
- (e) Amendments to the previously permitted open space in phase 2 to now provide 5,379sqm Public Open Space, 1,159 sqm Communal Open Space and 3,313 Amenity Space. Each of the units are afforded their own private open space in the form of private gardens, balconies or terraces.
- (f) Amendments to internal residential access roads and cyclist/pedestrian paths to allow for the 4 arm entrance junction and a new shared pedestrian / cycle path through the site running north to south.
- (g) All associated site development works, services provision, infrastructural and drainage works, internal access roads, home zones, cycle and pedestrian infrastructure, bin stores, car and bicycle parking, public lighting, communal open spaces, private open space in the form of gardens, terraces and/or balconies, landscaping and boundary treatment works.

(h) All application documentation and information is available for public viewing at the following website www.kilwoghandrivephase2lrd.ie.

Lands opposite the subject site (on the eastern side of the Maynooth Road)

Ref. ABP-306504 refers to a September 2020 decision to grant permission for a SHD comprising demolition of existing structure, construction of 372 no. residential units (218 no. houses, 154 no. apartments), childcare facility and associated site works. This permission has been implemented and the development is built out.

7.0 Legislative Context (Financial Contributions)

7.1. Planning and Development Act 2000, as amended

Section 48 Development Contributions

7.2. *48.—(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).*

(2) (a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

(c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific

exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

(3) (a) A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

Section 48(10) provides:

(10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

(c) Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal. provided that the person who takes the appeal in accordance with paragraph (b)

furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.

8.0 Policy Context

Development Contributions

Kildare County Development Contribution Scheme 2023-2029

The current Scheme is the Kildare County Council Development Contribution Scheme 2023-2029, prepared under Section 48 of the Planning and Development Act 2000, as amended.

Section 2 confirms the Scheme is effective for 7 years from 1st January 2023 or until such time as the scheme is reviewed or a subsequent scheme is adopted.

Section 7.2 specifies the area of calculation in respect of buildings shall be the gross floor area. In terms of the level of contribution, Section 8.1 'Residential Development' the development contribution rate is given as €62 per square metre.

Section 13 relating to payment of contributions notes that development contributions are due for payment once a commencement notice is lodged.

Development Contributions, Guidelines for Planning Authorities (Department of the Environment, Community and Local Government 2013)

The principal aim of these guidelines is to provide non-statutory guidance on the drawing up of development contributions to reflect the radical economic changes that have impacted across all sectors since guidance last issued in 2007. It is stated that the primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed.

Development Management Guidelines (Department of the Environment, Community and Local Government 2013)

Section 7.12 refers to conditions requiring development contributions (sections 48 and 49 of the Planning Act), advising that Development contribution conditions may only be attached if they accord with the provisions of either section 48 or section 49 of the Planning Act and these are based on the application of the terms of one or more development contribution schemes which have been formulated and adopted in accordance with those sections of the Act, or on the need for a special financial contribution.

Temporary Development Contribution Scheme Waiver Scheme

This Scheme was in place for a period of one year in order to help boost the delivery of housing supply and it applied to all permitted residential development that commenced on site between 25th April 2023 and 24th April 2024, and is completed not later than 31st December 2025. In April 2024 the Government approved an extension of the Scheme in respect of residential development commenced not later than 31st December 2024. The date for the completion of development works on qualifying houses under the Scheme has been extended from 31st December 2025 to 31st December 2026.

9.0 The Appeal

9.1. Grounds of Appeal

An agent for the applicant has submitted a first party appeal against the decision of Kildare County Council to apply condition 7 to the grant of permission. The appeal refers to the legislative provisions of Section 48 of the Planning and Development Act 2000, as amended, National Policy and guidance, and the current Kildare County Development Contribution Scheme. Reference is also made to the planning authority's decision and the planning history of the site in terms of the permitted SHD. The grounds of appeal may be summarised as follows

- Development Contribution Scheme not properly applied.
- Condition 21 of the SHD permission (ABP—307100-20) was for a financial contribution in accordance with the terms of the Development Contribution Scheme made under Section 48 of the 2000 Act. A compliance submission was previously

submitted to Kildare County Council in respect of this condition and a positive approval response was received.

- A commencement notice waiver has been submitted already for these units under the permitted SHD. This LRD application is for minor modifications only, with no uplift in unit numbers.
- As per condition 7, the planning authority has however calculated the total development contribution required on the proposed 20 units for modification. The total floor area of the proposed units is 3196 sqm. The proposed modifications result in a total floor area of 3254 sqm, an increase of only 58 sqm from the permitted application. [Inspector's Note: I consider the total gross floor area for the proposed development constitutes a reduction – see paragraph 3.5 above].
- Proposed amendments are minor in nature, not substantially changing the nature or scale of the original application and therefore the original financial contributions as levied under condition 21 should remain valid.
- The correct amount to be levied for the uplift in sqm is €62 (per square metre) multiplied by 58 sqm i.e. the uplift in sqm from the permitted SHD application.
- Requests that condition 7 is reviewed and updated with the correct development contribution applied in line with the modifications to the permitted development.

Attachments to the first party appeal consist of a copy of the planning authority's decision dated 15th July 2025 and the planning authority's financial contribution calculations.

9.2. Planning Authority Response

- The planning application is for permission to modify a permitted SHD, consisting of changes to the permitted house types of 12 no. units.
- While there is no increase to the number of units, the redesign and change in house types has increased the floor area of the permitted units. This required a recalculation of the development contributions of the 12 units in accordance with the current Development Contribution Scheme 2023-2029.

- The applicant will be required to submit a new Commencement Notice to activate this permission and as such the Development Levy Waiver previously sought will no longer be applicable for these units.
- It is requested that the Development Contributions as calculated are upheld.

9.3. **Observations**

None.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. This is a first party appeal against a financial contribution condition that was attached to the planning authority's decision to grant permission (condition No. 7 refers). As this is an appeal in respect of conditions requiring a financial contribution, the provisions of section 48 of the Planning and Development Act 2000 as amended apply and the Commission is restricted to considering this matter alone and cannot consider the matter de novo. I have therefore confined my assessment to the condition in question.

10.1.2. Having regard to the provisions of Section 48 of the Planning and Development Act, as amended, and the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended, and having regard to all relevant documentation on file, the reports of the planning authority and having regard to all relevant local, regional and national policies and guidance, including the Development Contributions Guidelines for Planning Authorities (2013) and Section 7.12 of the Development Management Guidelines for Planning Authorities (2007), I consider that the substantive issue in this appeal is whether the Development Contribution Scheme has been appropriately and properly applied in respect of the proposed development.

10.2. **General Contribution Condition – Condition 7**

10.2.1. Condition no. 7 requires that a financial contribution of €198,152 be paid in respect of public infrastructure and facilities benefitting the development as provided for in the Development Contribution Scheme. The planning authority applied this contribution

on the basis of the floor area of the proposed development at 3,196 sqm and at a contribution rate of €62 per sqm.

- 10.2.2. I note condition no. 21 of the parent SHD permission (Ref. ABP-307100-20) required the developer to pay a financial contribution to the planning authority in respect of public infrastructure and facilities benefitting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended.
- 10.2.3. The appellant has confirmed that a compliance submission was previously submitted to Kildare County Council in respect of condition no. 21 of the SHD permission and that a positive approval response was received from the planning authority. The appeal also notes that under the permitted SHD, a commencement notice waiver has been submitted for these units and that this LRD application is for minor modifications only, not substantially changing the nature or scale of the original SHD application, with no uplift in unit numbers. As such, it is the appellant's view that the original financial contributions as levied under condition no. 21 should remain valid.
- 10.2.4. Kildare County Council contend that while there is no increase in the number of units as a result of the LRD application, the redesign and change in house types has increased the floor area of the permitted units which necessitated a recalculation of the development contributions of 12 units in accordance with the Council's Development Contribution Scheme 2023-2029. Therefore, the planning authority considers the applicant is required to submit a new Commencement Notice to activate the permission and as such the Development Levy Waiver will no longer apply to the units.
- 10.2.5. Having examined the total gross floor area of the relevant units permitted under the SHD application (Table 1 in section 3.4 above refers) against the total gross floor area of the proposed 'replacement' units permitted under this LRD application (Table 2 in section 3.4 above refers), it is apparent that there is no overall increase in gross floor area. In fact, the gross floor area for the proposed development is 58 sqm less than that for the relevant 20 permitted units which formed part of the permitted SHD.

- 10.2.6. I note the planner's report prepared in relation to the proposed development also concludes under Section 6 'Development Contributions' that the proposed development involves a net decrease of 58 sqm when compared with the permitted SHD on the subject lands. Notwithstanding, the planning authority sought a development contribution as set out in condition no.7 of the Notification of Decision to grant permission.
- 10.2.7. There is no increase in the metrics (in this instance, square metres) that triggers the requirement to pay a financial contribution under section 48, and as such I conclude that no contribution liability arises in terms of this LRD application, which seeks to amend particular house types. As such I consider that the planning authority has misapplied the Development Contribution Scheme. Therefore, I recommend that condition no. 7 be removed.
- 10.2.8. Both the appellant and the first party refer to development contribution waivers. For information, the Temporary Development Contribution Waiver Scheme was in place for a period of one year in order to help boost the delivery of housing supply and it applied to all permitted residential development that commenced on site between 25th April 2023 and 24th April 2024, and is completed not later than 31st December 2025. In April 2024 the Government approved an extension of the Scheme in respect of residential development commenced not later than 31st December 2024. The date for the completion of development works on qualifying houses under the Scheme has been extended from 31st December 2025 to 31st December 2026. Under the scheme, the Department of Housing, Local Government and Heritage (DHLGH) pay the relevant charges due to the local authority on behalf of the persons liable for the contribution. Development has commenced and is underway on the appeal site, as noted during my site visit.
- 10.2.9. I note that arrangements were implemented to ensure local authorities were promptly compensated / reimbursed by DHLGH for development contributions that would normally be paid by developers. In this instance, in the event that the financial contribution as detailed in condition no.7 of the permission is retained, I note the local authority, already likely to have been reimbursed financial contributions on foot of the waiver scheme by the Department for the permitted SHD, would receive a further

financial contribution for an amendment to the SHD which would not attract a contribution given there is no overall increase in the total gross floor area over and above that indicated in respect of the relevant 20 units accounted for in the permitted development. This would, in my view, constitute a double payment to the local authority, which would be inappropriate and contrary to the waiver scheme. Furthermore, I note that the practice of 'double charging' is contrary to the Development Contributions, Guidelines for Planning Authorities (Department of the Environment, Community and Local Government 2013) and inconsistent with the primary objective of levying development contributions and with the spirit of capturing planning gain in an equitable manner.

11.0 Recommendation

- 11.1. I recommend that the planning authority be directed to REMOVE condition number 7 for the Reasons and Considerations set out below.

12.0 Reasons and Considerations

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 Temporary Development Contribution Waiver Scheme, 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. The total gross floor area of the proposed units is below that of the relevant corresponding units permitted as part of the parent SHD application (ABP-307100-20). In this regard, imposition of a financial contribution 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy

Planning Inspector

21st October 2025