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Bord  
Pleanála

## Memorandum ABP-318151-23

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**To:** S. Skelly, SEO. *S. Skelly 6/2/24*  
**From:** D. O' Connor, EO.  
**Re:** Construction of 6 data centre buildings. EIAR submitted.  
Kildare Innovation Campus (KIC), Barnhall Meadows, Leixlip, Co. Kildare  
**Date:** 14<sup>th</sup> January 2024.

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By order dated 7<sup>th</sup> September 2023, Kildare County Council granted permission to The Davy Platform ICAV on behalf of Liffey Sub Fund subject to 53 no. conditions for the proposed development which comprises of construction of 6 data centre buildings at the site of Kildare Innovation Campus (KIC), Barnhall Meadows, Leixlip, Co. Kildare

A first party appeal was received on the 3<sup>rd</sup> October 2023 against the imposition of condition no.53. A fee of €220 was paid for the appeal, as the appeal is against financial conditions only.

Condition no. 53 requires that the developer shall pay a contribution of €9,471,938.40 to Kildare County Council in accordance with the development contribution scheme adopted under 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.

### GROUND

The applicant requests that the development contribution payable be reduced to €5,240,922.00 to take account that the already levied floor space relating to existing buildings 7,8 & 9 which are to be demolished as part of the redevelopment project. The applicant contends that building no.7 was permitted under reg ref: 96/1287 and contributions amounting to £99600 and £300160 had previously been paid in 1996 under condition no.17 and no.18 respectively, resulting in double-charging.

A 3rd party appeal was lodged on 3<sup>rd</sup> October 2023. This appeal was subsequently withdrawn on 21<sup>st</sup> November 2023.

Section 48 (10) (b) provides that an appeal may be brought to the Board where an application 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.

The last day for observations was 31<sup>st</sup> October 2023, and for responses to the appeal 2<sup>nd</sup> November 2023.

The Board received a response to the 1<sup>st</sup> party appeal from the planning authority on 31<sup>st</sup> October 2023. This response was circulated to the applicant on 11<sup>th</sup> December 2023 under section 131 of the planning and development act 2000 as amended. With a deadline of 10<sup>th</sup> January 2024 to respond.

The Board have not received a response within this timeframe.

It is noted that an EIAR was submitted with the application. The Boards website has been updated.

File submitted for comments/direction.