

An  
Bord  
Pleanála

**Board Direction**  
**BD-018500-24**  
**ABP-318151-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/12/2024.

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

Amend condition 53 as follows:

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.

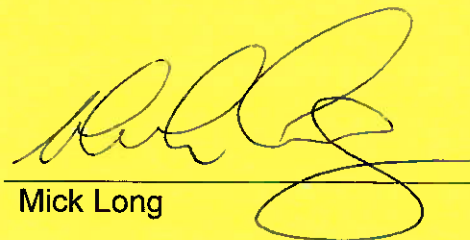
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

### **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.

**Board Member:**

  
Mick Long

**Date:** 17/12/2024