



An
Coimisiún
Pleanála

Commission Order
ABP-322772-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare Count Council

Planning Register Reference Number: 24/61327

Appeal by Jim, Antoinette and Jamie Buckley and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by Oakway Homes care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 20th day of May, 2025 by Kildare County Council to grant subject to conditions a permission to the said Oakway Homes in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will consist of 180 number dwellings (152 number houses, 20 number duplexes and eight number apartments), a creche (261 square metres), two number medical/healthcare units (265 square metres) and offices (921 square metres) along with a wastewater pumping station and all ancillary development and associated site works all on lands measuring 6.6 hectares. The proposed residential units include: • 152 number two and three-storey, semi-detached/terraced houses (85 number three-beds – C1, C2, C3 and E- and 67 number four-beds – B, B1 and F); • 20 number duplex over single units (10 number one-bed ground floor units – H1 - with 10 number two bed units over

– H2); • eight number apartments (two-bed units - G), above a commercial ground floor, over two blocks. The commercial element will be located at the north end of the site and will consist of three number blocks (A, B and C). Blocks A and B are three storeys high and will have commercial uses at ground floor and apartments over (Type G). Block C will be a four-storey office block. The ancillary development will consist of including 369 number car parking spaces (including EV charging spaces and disabled parking spaces), 106 number cycle parking spaces (including covered spaces), public and communal open spaces, hard and soft landscaping, play area, SuDs features, boundary treatments, waste management areas/bin stores, internal roads, footpaths, cycle lanes and services provision (including pumping station) and all associated site works. The proposed vehicular and pedestrian access will be via two number access points off New Abbey Road, one to the north and one to the east. A pedestrian and cyclist access is proposed to Sunbury Close. The proposed development also involves works on lands owned by Kildare County Council (New Abbey Road, R413) relating to traffic calming (0.33 hectares) and new footpath. The proposed development will involve the demolition of the existing agricultural buildings to the north-west of the site (513.5 square metres), all on lands at New Abbey Road, Nicholastown, Kilcullen, Count Kildare (gross site area 6.93 hectares), as amended by the further public notice received by the planning authority on the 23rd day of April, 2025 providing for the following: adjustment to site layout to allow for the design of two new access/exit points as potential connection points for the proposed Kilcullen Relief Road, which connects the development at the south and south-east boundaries; removal of six number four-bedroom houses (Type B) and replace with six number three-bedroom houses (four x Type C2 and two x Type E); two new height options for reduction in height of Block C – Option A is the reduction in height of Block C by one storey, or Option B which is the reduction of the block in height by half-storey; change of brick colour to a yellow/light brown colour; changes of entrance walls on New Abbey Road to natural stone; upgrading of boundary treatments to rear of houses adjacent to existing developments; upgrading of boundary treatments along active travel

route adjacent to existing developments; details of pedestrian crossing route west of north access; suggested location of four Bus Stops within the development; provision of temporary bollards to reduce traffic movements at commercial area and north access; provision of additional public seating and bicycle parking at play areas; and relocation of proposed pumping station.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended; and
- the Climate Action Plan 2024 and Climate Action Plan 2025.

In coming to its decision, the Commission had regard to the following:

- (a) the location of the site within the development boundary of Kilcullen, designated as a 'Town' in the Kildare County Development Plan 2023-2029 and as defined in the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (b) the policies and objectives of the Kildare County Development Plan 2023-2029, Variation No. 1: Kilcullen Settlement Plan of the

Development Plan, 2023-2029, and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,

- (c) Housing for All - a New Housing Plan for Ireland (2021),
- (d) the “Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities” issued by the Department of Housing, Local Government and Heritage in January, 2024,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2022 (updated 2023),
- (f) the Design Manual for Urban Roads and Streets (DMURS) (2013),
- (g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) (2009),
- (h) the nature, scale and design of the proposed development,
- (i) the existing pattern of development in the area,
- (j) the availability of a wide range of physical, social and community infrastructure and services in the area,
- (k) the proposed infrastructure upgrade works that will improve the sites accessibility and connectivity,
- (l) the submissions received, and
- (m) the report of the Planning Inspector,

the Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or the amenities of properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 12th day of April, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be carried out in accordance with the phasing scheme lodged with the first party appeal to An Coimisiún Pleanála on the 16th day of June, 2025, except as otherwise may be required in order to comply with the conditions attached to this grant of permission.

Reason: To ensure the timely provision of services and infrastructure, for the benefit of the occupants of the proposed dwellings.

3. (a) Commercial Block C shall be no higher than three storeys in height in accordance with revised Option A floor plans and elevation drawings received by the planning authority on the 12th day of April, 2025
- (b) The uses of Blocks A, B and C shall be as specified in the details provided only and no further change of use shall take place without a prior grant of permission.
- (c) Details of all signage for Blocks, A, B and C shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The proposed creche facility shall be completed prior to the first occupation of any dwelling unit within phase 2 of the development.

Reason: In the interest of clarity.

5. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority:
- (a) details of the materials, colours and textures of all the external finishes to the proposed dwellings/structures/buildings. The bin and bike stores shall be finished in brick, and
- (b) details of all external hard and soft landscaping materials including street furniture (seats, benches and signages) as well as all surface treatments (paving/resin/concrete finishes).

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interests of environmental protection, residential amenities, public health and safety.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

12. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

13. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian/cycle routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

14. (a) All play areas shall be designed to provide a variety of natural play opportunities and provide for universal access. Any proposed structures or items with swings, nets, ropes, and movable parts must be revised. The path network shall link to play areas. Some seating shall be accessible and age-friendly with bound surfacing beneath. Seating shall be constructed of stone, metal or recycled composite timber.
- (b) Play areas shall be natural spaces with landscaping and natural features e.g., logs, mounding, boulders, sensory planting which minimise the use of play equipment. They shall not contain play equipment with moveable parts. Safety surface areas shall be Safety Surface Grass Matting that conforms to European Standards. Proposed play items containing wood such as Robinia shall conform to European Standards. The developer shall submit and agree details for the design, choice of equipment, safety surfacing, along with specifications and proof that all equipment conforms to current European Standards EN 1176-1 and EN 1177 playground equipment and surfacing for the written agreement of the planning authority. Post installation certification by the Royal

by the Royal Society for the Prevention of Accidents shall also be submitted for agreement.

Reason: To minimise future maintenance costs and still cater for quality play provision in residential developments

15. (a) Prior to commencement of development, the developer shall submit detailed drawings for the Permeability Links, as set out on drawing number 2015-RDK-PL-190 submitted to the planning authority on the 12th day of April 2025, up to the red line boundary of the site only, for the written agreement of the planning authority. The developer shall ensure that the proposed access design includes a minimum three-metre-wide combined footpath/cycle path design, kerbing, tactile paving, landscaping and public lighting details. The design shall include measures to enhance the safety of pedestrians and cyclists and to discourage anti-social behaviour.
- (b) The developer shall ensure the completion of the permeability link prior to occupancy of the new residential units.

Reason: To ensure passive surveillance and promote Active Travel.

16. The internal road network serving the proposed development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (a) the internal roads shall be a minimum width of 5.5 metres, footpaths shall be a minimum width of two metres, shared surfaces shall be a minimum of three metres in width, parking

bays shall be a minimum of 2.5 X 5.0 metres and circulation aisles shall be a minimum of six in width,

- (b) footpaths shall be dished at road junctions in accordance with the requirements of the planning authority, and
- (c) details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of pedestrian, cyclist and vehicular safety, the proper planning and sustainable development of the area.

Reason: In the interests of pedestrian, cyclist and vehicular safety, the proper planning and sustainable development of the area.

17. (a) The landscaping scheme shown on drawing number 10, as submitted to the planning authority on the 12th day of April, 2025 shall be carried out within the first planting season following substantial completion of external construction works. The developer shall retain the services of the qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant throughout the life of the construction works. The developer shall inform the planning authority of that appointment in writing prior to commencement of development. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

18. The developer shall provide Electric Vehicle (EV) Charge Points as follows:

- (a) Where car parking is being provided within the curtilage of individual housing units, dual electrical charge points shall be provided to allow for the night-time charging of Electric Vehicles (EVs), linked to the individual domestic electricity meter.
- (b) Where private car parking associated with units is being supplied on street, dedicated charging points for use by residents are to be provided adjacent to parking spaces. The charging points should operate on metered basis, with access to the charging point being available to residents through a swipe card or PIN number registration facility and the charging points shall be maintained in the future by the service operator as engaged by the developer or as otherwise approved by the planning authority. The developer shall ensure that all residents have the facility to avail of overnight renewable electricity in charging their EV.

- (c) Where the car parking is associated with the permitted commercial aspect of the development is being provided one recharging point and ducting infrastructure for at every five car parking spaces associated with such shall be provided.
- (d) The EV Chargers are to be compatible with the Sustainable Energy Authority of Ireland's Triple E Register. The design details of the charging points shall be submitted for the written approval of the planning authority prior to the commencement of the development and the charging points shall be in operation prior to the occupation of units.

Reason: To support the use of renewable energy and improve urban air quality.

19. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA and/or UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/analysis, visual impact assessment following consultation with National Monuments Services.

The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA and/or UAIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

20. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

21. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

22. All Sustainable Drainage Systems (SuDS) features within areas proposed for taking in charge shall be designed and constructed in accordance with Kildare County Council's Sustainable Drainage Systems (SuDS) Taking in Charge Standard Details.

Reason: To ensure that all areas proposed for taking in charge are to the required standard.

23. No spoil, dirt, debris or other materials shall be deposited on the public road network, its footpaths and verges by machinery or vehicles travelling to or from the development site during the construction phase. The developer shall arrange for vehicles leaving the site to be kept clean, and for road sweeping by mechanical sweeper to take place as required.

Reason: In the interest of traffic safety.

24. (a) All foul sewage and soiled water shall discharge to the public foul sewer system as per the submitted layout and operational plans.
- (b) Only clean, uncontaminated surface water shall discharge to the surface water system.
- (c) All surface water from the carpark areas shall pass through adequately sized and sited petrol/oil interceptor(s) before being discharged to the surface water system.
- (d) No surface water runoff from the site shall discharge onto the public road network.

The development shall not impair existing land or road drainage.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

25. (a) Prior to the commencement of development, the developer shall prepare a revised Stage 2 Road Safety Audit/Assessment (RSA) by an independent approved and certified auditor for all internal roads and footpaths and the two number new junctions connecting the with the New Abbey Road. The developer shall make the necessary changes to the design proposals following the Stage 2 Road Safety Audit.
- (b) Prior to occupancy of the development, the developer shall submit a Road Safety Assessment Stage 3 on the completed works by an independent approved and certified auditor. The Road Safety Assessment shall assess:
- (i) the internal areas of the proposed development,
 - (ii) walking and cycle access points onto adjoining residential estates through filtered permeability links.

Reason: In the interests of pedestrian, cyclist and vehicular safety, the proper planning and sustainable development of the area.

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

27. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of the proper planning and sustainable development of the area.

28. A plan containing details for the management of waste (Operational Waste Management Plan) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and/or for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

29. Prior to commencement of any development within Phase 1 of the development, the developer shall submit details demonstrating details of the two number road connections to the lands to the south and south east as indicated on drawing number 2105-RDK-PL-190 submitted to the planning authority on the 12th day of April, 2025 up to and inclusive of the red line boundary of the site.

Reason: In the interest of the proper planning and sustainable development of the area.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security of:
- (a) €50,000 (fifty thousand euro) to ensure the protection of trees and hedgerows on site, and
 - (b) €360,000 (three hundred and sixty thousand euro) to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. Any approved insurance company bond shall be index linked.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

31. The developer shall pay to the planning authority a financial contribution of €1,247,242.60 (one million, two hundred and forty seven thousand and two hundred and forty two euro and 60 cents) 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 Coimisiún 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.


Declan Moore

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

Dated this 18th day of September 2025