

An
Coimisiún
Pleanála

Commission Order
ABP-322790-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2460821

Appeal by Joe Byrne of Millburn Lodge, Shanacloon, Newtown, County Kildare against the decision made on the 21st day of May 2025 by Kildare County Council to grant subject to conditions a permission to Kildare West Wicklow Society for Prevention of Cruelty to Animals (KWWSPCA) care of Clarke and Company of Highland View Terrace, Fairgreen, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission is sought for three number single storey animal welfare buildings and associated works as follows:

- (a) 'Building A' – single storey cattery building (146 square metres) with corrugated metal pitched roof design incorporating cat homing and assessment rooms, staff accommodation, reception area, office, laundry;
- (b) 'Building B' – single storey cattery building (30 square metres) with flat roof design incorporating cat isolation rooms and associated washing facilities;
- (c) 'Building C' – single storey dog kennel building (662 square metres) with corrugated metal pitched roof design incorporating kennels, enclosed outdoor

spaces, isolation kennels, treatment rooms, staff accommodation, storage, laundry, reception, office, staff accommodation;

(d) Associated access and circulation roads, footpaths and landscaping works;

(e) Car parking spaces for 15 number cars, including four number EV spaces.

(f) Ancillary site development works that includes swales, detention and attenuation ponds, the installation of pipes and connections to the public water supply, Installation of waste water treatment system and Service utilities;

(g) Widening of existing entrance, new entrance gates and signage at existing entrance location at Shanacloon Lane.

As revised by Significant Further Information which consists of a noise management plan, boundary treatment and entrance details, revised landscape plans, ecological reports and waste water treatment details, all at Shanacloon Lane, Newtown, Kildare, County Kildare.

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

Having regard to the rural location, and proximity to Kildare Town and M7 Motorway, the pattern of permitted development in the area, to the provisions of the Kildare County Development Plan 2023-2029, and to the nature and scale of the proposed development for which permission is sought, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health. 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 received by the planning authority on the 15th 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development, the developer shall submit a revised Site Layout Plan, for the written approval of the planning authority, with the correct drawing title and berm orientation labelling.

Reason: In the interest of clarity.

4. The noise mitigation measures set out in the Noise Management Plan submitted to the planning authority on the 15th day of April 2025 shall be implemented in full.

Reason: In the interest of residential amenity.

5. Noise from the construction stages of the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between the hours of 0800 and 1800 Mondays to Fridays inclusive (excluding bank holidays) and between 0800 and 1300 on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels from site development works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

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

6. Noise from the operational stages of the planned development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:
- (a) 55 dB(A) between the hours of 0800 and 1800 Mondays to Fridays inclusive (excluding bank holidays) and 45 dB(A) at any other time.
 - (b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. A detailed Noise Study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare County Council. The Noise Study shall be submitted for the consent of the planning authority.

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

7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

Reason: in the interest of public health and to ensure adequate water facilities.

9. All foul waste and soiled water shall discharge to the proposed Wastewater Treatment System. A final detailed design of the Wastewater Treatment System shall be submitted for the written approval of the planning authority prior to commencement of development. The detailed design shall include for any overflow from the surface water system elsewhere within the development.
- (a) The constructed wetland shall be designed and constructed in accordance with Section 8 of the 2021 Environmental Protection Agency (EPA) Code of Practice "Domestic Waste Water Treatment Systems", or alternative agreed specification agreed with the planning authority prior to commencement.
- (b) A suitably qualified person shall supervise construction and submit certification to the planning authority that all works have been completed in compliance with the requirements of the Environmental Protection Agency (EPA) Codes of Practice "Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" and the EPA Wastewater Treatment Manual "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels". The developer shall note that access to the ICW should be effectively closed, except for maintenance. This should be done with fencing that is in accordance with section 8.1.7 of the EPA Code of Practice "Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)". Staged photographs and a revised Site Layout Plan showing the location of the constructed wetland shall be included.

Reason: In the interest of public health and avoid pollution.

10. There shall be no discharge of treated effluent from the development to ground or surface waters until such time as a Section 4 Effluent Discharge Licence under the Local Government (Water Pollution) Act 1977, as amended, is obtained. The developer is advised to engage with the Kildare County Council Environment Department discharge licensing section regarding their requirements on at the earliest opportunity, and prior to commencement of any onsite development works.

Reason: In the interest of public health and avoid pollution.

11. The Sustainable Urban Drainage Systems (SuDS) Strategy and Sustainable Urban Drainage Systems (SuDS) Scheme Design detailed within the Engineering Drainage Report carried out by Clarke Engineers Architects and outlined on planning-stage design drawings 6036- 01-105 REV 01 contained within the Planning Drawings Sustainable Drainage documents and Specific Site Flood Risk Assessment 6036-01, shall be implemented in full unless otherwise agreed with the planning authority.

Reason: To ensure proper servicing of the development and to eliminate the potential impact of pluvial flood risk.

12. Prior to commencement of development, the developer shall submit the final cross-sectional views of all proposed Sustainable Urban Drainage Systems (SuDS) for the development. A final Scheme Implementation Report shall also be submitted, all for the written approval of the planning authority. The design should include but not be limited to:

- (a) Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for

the same rainfall event for the 1-in-1 year and 1-in-100-year rainfall events.

- (b) Provide sufficient surface water management so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1-in-30 year event, and 1-in-100 year event in any part of a building, utility plant susceptible to water within the development.
- (c) Provide sufficient water management to ensure no off-site flooding as a result of the development during all storm events up to and including the 1-in-100 year plus climate change event.
- (d) Final modelling and calculations for all areas of the Sustainable Drainage Systems.
- (e) The appropriate level of treatment for all runoff leaving the site.
- (f) Detailed engineering drawings of each component of the drainage scheme.
- (g) A final drainage plan which details exceedance and conveyance routes, Finished Floor Levels (FFL) and Ground Plane Levels (GPL), and location and sizing of any drainage features.
- (h) A written report summarising the final strategy and highlighting any changes to the approved strategy. The design shall subsequently be implemented prior to occupation.

Reason: To ensure proper and sustainable servicing of the proposed development.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, hours of work and off-site disposal of construction/demolition waste.

Reason: in the interests of public safety and residential amenity.

14. Vehicular access to the development shall be constructed as shown on drawing number 6036-01-204, received by the planning authority on the 15th day of April 2025. The developer shall ensure that the hedgerow is subsequently maintained, and sight visibility lines are kept free from obstruction, so as not to impede lines of sight at the entrance; as provided in accordance with Transport Infrastructure Ireland (TII) Documents (DN-GEO-03031 and DN-GEO-03060).

Reason: In the interest of clarity and traffic safety.

15. The developer shall ensure that existing land and road-side drainage are not impaired, changes at the entrance shall be designed and shaped to ensure an uninterrupted flow of existing roadside drainage.

Reason: In the interest of traffic safety.

16. All of the car parking spaces serving the proposed animal shelter shall be provided with electric connections to the exterior of the proposed structures to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

17. The mitigation measures set out in the ecological impact assessment submitted with the application shall be implemented in full.

Reason: In the interest of orderly development.

18. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of residential and visual amenity.

19. (a) Prior to the commencement of development, a detailed Lighting Design Plan shall be submitted to, and approved in writing by, the planning authority. This plan must demonstrate how the lighting design will minimize impacts on the local bat populations, specifically those recorded on site as mentioned in the Bat Survey document submitted with this application; that is, the soprano pipistrelle, common pipistrelle, Leisler's bat, and possible whiskered or Natterer's bat.

- (b) All external lighting shall be designed to be bat friendly. This includes the use of low-pressure sodium lamps or warm white LED lights with a wavelength greater than 550nm. The lighting should be directed away from bat roosts, foraging areas, and commuting routes.
- (c) The lighting levels shall be kept as low as possible (typically below 3 lux) while ensuring safety and security. Lighting should be timed to be off during peak bat activity periods (dusk to dawn) unless absolutely necessary for security reasons.
- (d) All lighting fixtures shall be fully shielded to prevent light spill into bat habitats. Lights should be directed downwards and away from bat roosts and foraging areas to minimize disturbance.
- (e) A post-installation monitoring plan shall be implemented to assess the effectiveness of the bat-friendly lighting. Adjustments to the lighting design shall be made if monitoring indicates that bats are being adversely affected.
- (f) A qualified Bat Ecologist shall be consulted during the design and installation of the lighting to ensure that the needs of the local bat populations are adequately addressed.
- (g) A compliance report, prepared by a suitably qualified Bat Ecologist, shall be submitted to the planning authority within 12 months of the installation of the lighting. This report shall confirm that the lighting has been installed in accordance with the approved Lighting Design Plan and is functioning as intended to protect the local bat populations.

Reason: To ensure the protection of bats.

20. (a) Prior to the commencement of any construction works, a detailed badger survey shall be conducted by a qualified Ecologist in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. The survey report shall be submitted to, and agreed in writing with, the planning authority.
- (b) A buffer zone of at least 30 meters shall be established around the known active badger sett and greater during breeding period. This buffer zone shall be clearly marked on site and no construction activities, including vehicle movement and material storage, shall occur within this zone.
- (c) Prior to the commencement of development, a Construction Method Statement (CMS) shall be prepared and submitted for the written approval of the planning authority. The CMS shall detail measures to avoid disturbance to badgers, including noise and vibration reduction strategies, and shall comply with the Badger Trust Recommendations.
- (d) Construction activities within 50 meters of the active badger sett shall be restricted to daylight hours to minimize disturbance. No works shall be carried out during the badger breeding season (December to June) unless otherwise agreed in writing with the planning authority.
- (e) A qualified Ecologist shall be present on site during all construction activities within 50 meters of the active badger sett to ensure compliance with the approved CMS and to monitor badger activity. The Ecologist shall have the authority to halt works if badgers are observed to be disturbed.

- (f) Temporary protective fencing shall be erected around the buffer zone to prevent accidental encroachment by construction personnel and machinery. The fencing shall be maintained in good condition for the duration of the construction works.
- (g) Retain vegetation around setts to provide cover and shelter.
- (h) Cut any woody vegetation if required to be cut back away from setts and avoid blocking pathways.
- (i) Plant dense native shrubs around setts to enhance protection.
- (j) No artificial lighting shall be directed towards the active badger sett or the buffer zone. Any necessary lighting shall be low-intensity and shielded to prevent light spill into the buffer zone, as per guidelines for bats.
- (k) Minimize noise and vibration near active setts.
- (l) Avoid activity between dusk and dawn, when badgers are most active.
- (m) Cap exposed pipe systems and cover or provide exit ramps from trenches to prevent badgers from getting trapped.
- (n) Store chemicals in a safe place.
- (o) Following the completion of construction works, a post-construction monitoring plan shall be implemented to assess the impact on the badger sett. The monitoring shall be carried out by a qualified Ecologist and a report shall be submitted to the planning authority within 12 months of the completion of works.
- (p) All works shall comply with the provisions of the Wildlife Act 1976 (as amended), which provides legal protection to badgers and their setts. Any breach of these conditions may result in enforcement action by Kildare County Council.

- (q) If any activities are likely to disturb badgers or their setts, a derogation licence must be obtained from the National Parks and Wildlife Service (NPWS) in accordance with the Wildlife Act 1976 (as amended). The licence application must be supported by a detailed impact assessment and mitigation plan prepared by a qualified Ecologist.

Reason: To ensure the protection of badgers.

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

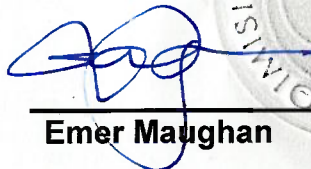
Reason: In the Interests of visual amenity.

22. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the 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.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 the 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 developers, 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.



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

Dated this 20th day of October 2025