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**Planning and Development Act 2000, as amended**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 2460449**

**Appeal** by Myles O'Reilly and Patrycja Urbaniak against the decision made on the 18<sup>th</sup> day of June 2025, by Kildare County Council to grant, subject to conditions, a permission to John Kirkland in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) Erection of a single storey type house with the installation of a proprietary wastewater treatment plant with polishing filter percolation area, (b) erection of a one and a half storey type house for stud grooms' accommodation with the installation of a proprietary wastewater treatment plant with polishing filter percolation area, (c) erection of 20 horse stables, tack room, dry feed store, office, staff amenities with the installation of a proprietary wastewater treatment plant with polishing filter percolation area, (d) erection of hay storage shed, (e) Erection of covered dungstead, (f) erection of two number horse exercise walkers, (g) exercise sand arena (h) upgrading of existing farm entrance to a vehicular recessed entrance.

Retention permission for: (i) horse exercise gallop and service road; all at Barronstown East, Milltown, Newbridge, County Kildare as amended by the revised public notices received by the planning authority on the 27<sup>th</sup> day of

May 2025, which include revisions to the site boundaries and a closing of one of the proposed roads.

## **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 performed its functions in relation to the making of its decision, in a manner consistent with the Climate Action and Low Carbon Development Act 2015, as amended; the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the nature, scale and design of the development, including the groom's dwelling which is considered to be an intrinsic part of the overall equine business, together with the surrounding rural context, the established pattern development and the provisions of:

- (a) Policy RD P3, Policy RD P4 and Objective RD O15 of the Kildare County Development 2023-2029, which supports and encourages the development of equine related activities within the provisions of the plan,
- (b) Policy HO P11 which facilitates dwellings in the open countryside subject to a demonstratable rural housing need.

- (c) National Policy Objective 28 of the National Planning Framework (First Revision) which states that the provision of single housing in the countryside is based on siting and design criteria for rural housing in statutory guidelines and plans,
- (d) National Policy Objective 32 of the National Planning Framework First Revision, to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise, and
- (e) The “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005,

it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would support and expand rural diversification, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in a deterioration of water quality, would be acceptable in terms of traffic safety and convenience and would not pose a flood risk. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Appropriate Assessment Screening Report and other documentation submitted with the application to Kildare County Council, the Inspector’s report, and submissions on file received at application and appeal stage. In completing the screening

exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

## Conditions

1. The development shall be retained, 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 23<sup>rd</sup> 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed main dwellinghouse shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter, unless otherwise agreed in writing with the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.
- (c) The dwelling shall be used as a single dwelling unit and shall not be sub-divided for multi-unit occupancy.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing need and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 3. The ancillary house shall provide for staff accommodation only and shall be used solely for the purpose of offering residential housing to people directly employed in the equine facility on site and shall not be leased or sold separately save as part of the equine business on site. Any proposed amendment or deviation from the above model as authorised in this permission shall be subject to a separate planning application. The staff accommodation shall not be subdivided to provide for multiple staff accommodation units.

**Reason:** To ensure that the proposed house is used to meet the housing need of persons employed in the equestrian facility on site and that the housing need in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4. The equestrian facility shall not be used for human habitation or any commercial purpose other than a purpose incidental to the equine/bloodstock industry, whether or not such use might otherwise constitute exempted development.

**Reason:** In the interests of orderly development and the amenities of the area.

5. Prior to commencement of development, details of materials, colour and texture of all the external finishes to the proposed houses and equestrian facility shall be submitted to, and agreed in writing with, the planning authority.

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

6. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. 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 interest of residential and visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation, including hydrological and geotechnical investigations, relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Each house and the communal parking area serving the equestrian facility shall be provided with a functional electric vehicle charging point. 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.

9. 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.

10. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:

- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,
- (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In the interest of environmental protection and public health.

11. The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.

The applicant shall provide for the relevant storage requirements as outlined in schedule 3 of the aforementioned Regulations. The landspreading of soiled waters and farmyard manure shall be carried out

in strict accordance with the requirements as outlined in the aforementioned Regulations. Prior to the commencement of the development, details showing how the applicant intends to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In order to avoid pollution and to protect residential amenity.

12. (a) The septic tank/wastewater treatment systems serving each of the dwellings and the proposed stables hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Report submitted with this application on the 22<sup>nd</sup> day of May 2024, and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021
- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

13. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

14. 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

15. 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 Environmental Protection Agency'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 proper planning and sustainable development.

16. 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 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.



**Paul Caprani**

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



Dated this 25<sup>th</sup> day of February 2026.