

An
Coimisiún
Pleanála

**Commission Order
ACP-323770-25**

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

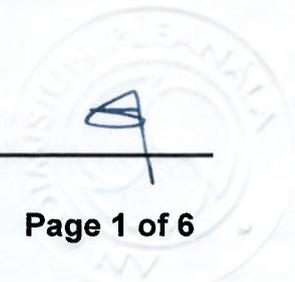
Planning Register Reference Number: 24/60893

Appeal by Máire McCafferty against the decision made on the 3rd day of September, 2025 by Kildare County Council to grant, subject to conditions a permission, to Derek Hennessy in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of four number three-bedroom townhouse style dwellings, form connections to public services, including foul water sewer, surface water sewer and watermains, together with all associated site works, including replacement of two number existing trees located in grass margin fronting the site, all at 12 and 13 Pairc Bhríde, Athy, 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 residential land use zoning objective pertaining to the site, as indicated in the Athy Local Area Plan 2021-2027, the policies and objectives of the Kildare County Development Plan 2023-2029, the nature, scale and design of the proposed development, the separation distances between the proposed development and existing neighbouring dwellings, and the orientation of the proposed development on the site relative to existing neighbouring dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of the area by way of overlooking, overshadowing or overbearance, would not adversely impact on the visual amenities of the receiving environment and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would be consistent with national, regional and local planning policies and objectives supporting compact urban growth, densification and intensification of use of existing built-up serviced, zoned lands, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 21st day of February, 2025 and on the 7th day of August, 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 proposed 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 and to ensure an appropriate standard of development.

3. 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 or public holidays. Deviation from these times shall 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.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

6. All of the in-curtilage car parking spaces serving the proposed residential units shall be provided with electric connections to the exterior of the proposed houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. Prior to occupancy of any of the proposed dwellings, the developer shall comply with the requirements of the planning authority for the Fortbarrington Road/Pairc Bhríde junction pedestrian priority work and the dished footpaths at the vehicle entrances, as shown on drawing number 1980-301 Revision A received by the planning authority on the 21st day of February, 2025.

Reason: In the interest of road safety and to cater for the development.

8. Prior to commencement of development, the developer, following consultation with ESB Networks, shall submit and agree proposals for the diversion of the powerlines traversing the site with the local authority.

Reason: In the interest of orderly development and to cater for the development.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting in this regard shall be provided to facilitate broadband infrastructure.

Reason: In the interests of visual and residential amenity.

10. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

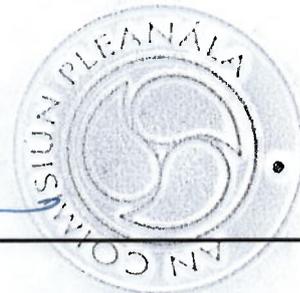
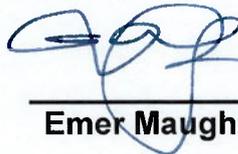
Reason: In the interests of public safety and residential amenity.

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. 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.



Emer Maughan

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

Dated this ^{9th} day of February 2026.