



An  
Coimisiún  
Pleanála

Commission Order  
PL-500013-KE

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

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 2560274**

**Appeal** by Tom Simpson against the decision made on the 9<sup>th</sup> day of September, 2025 by Kildare County Council to grant, subject to conditions, a permission to permission to Thoval Properties Limited in accordance with the plans and particulars lodged with the said Council.

**Proposed Development:** The development involves 66 homes including 16 number three-bed semi-detached two storey houses, two number three-bed terraced two storey houses, one number two-bed Terraced two storey house, one number four-bed detached two storey house, eight number two-bed ground floor duplex units, eight number three-bed duplex units first and second floor, 30 number two-bed apartments in three storey blocks; access roads, public open spaces, and associated services, at lands measuring approximately 1.89 hectares east of the R415 in the townlands of Kildare and Whitesland East, Kildare Town, 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 condition(s) set out below.**

## **Reasons and Considerations**

Having regard to the provisions of the Kildare County Development Plan 2023-2029, including the C- New Residential zoning objective for the land and the relevant policies and objectives of the development plan in addition to the Building Height Guidelines, Apartment Guidelines, and Compact Settlement Guidelines, and having regard to the scale, form, design, and layout of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, would have no significant transport or traffic impacts, and would overall promote the efficient development of housing on an accessible and sustainable site, would not seriously injure the residential amenity of dwellings in the area (including those under construction), would not compromise the development potential of neighbouring residential zoned land, would not be prejudicial to public health, and would comply with the policies and provisions of the County Development Plan, and 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 14th day of March 2025 and as revised by Further Information received on the 13<sup>th</sup> 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings, apartments, duplexes, and structures 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 high standard of development.

3. A landscaping scheme shall be implemented in accordance with Landscape Plan Drawing Number 1658-300-Rev.8 submitted to the planning authority on the 13<sup>th</sup> day of August, 2025, unless otherwise agreed in writing with the planning authority, prior to commencement of development. Precise details of the scheme shall include the following:

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) landscaping details including the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of all proposed play equipment; and
- (e) details of all proposed boundary treatments, including type, heights, materials and finishes. All boundary treatments shall be of a permanent nature and designed to facilitate the retention and protection of existing trees and hedgerows. Boundaries shall be installed in a manner that prevents the creation of inaccessible or unmanaged areas.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interests of visual and recreational amenity.

4. 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.

5. (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 or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant 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.

6. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 placenames for new residential areas).

7. The development hereby permitted shall be carried out and completed at least to the construction standards, as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards, as set out in the 'Recommendations for Site Development Works for Housing Areas', issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

8. (a) The apartments, duplexes, communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
  
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. Prior to the commencement of any development works on the site, including the removal of any landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting and foraging purposes and an assessment of any potential impact on the species arising from the proposed development, shall be undertaken by a suitably qualified ecologist and the findings submitted for the written approval of the planning authority. Should the significant presence of bats be established on the site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation of this species.

10. The landscaping scheme shown on Drawing Number 1658 (Big Space), as submitted to the planning authority on the 13<sup>th</sup> day of August 2025, shall be carried out within the first planting season following substantial completion of external construction works. The landscape and open space areas shall be soil seeded and the proposed hedge around the soakaway basin shall be removed to provide passive surveillance of the area. 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.

11. Prior to the commencement of development, a revised operational waste management plan (OWMP) in accordance with the Kildare County Council Waste Presentation Byelaws shall be prepared by a competent person and submitted for the written agreement of the planning authority. The OWMP shall consider the domestic waste management needs of the proposed occupants, the storage needs (including calculations) for receptacles including in shared locations, in accordance with the byelaws, and the servicing needs with regards to domestic waste for the long-term.

**Reason:** In the interests of public health and the use of best practice guidelines in order to avoid pollution.

12. 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 routes through open spaces and shall take account of trees within the drawings. 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.

13. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section 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 interests of public health and surface water management.

14. Prior to occupation of the first unit, the applicant shall provide a 2.5-metre-high blockwork wall along the boundary between the subject site and the railway line. The maintenance of this boundary treatment rests with the applicant and any Successor-in-Title. The exact location and details of this boundary treatment shall be identified on site in co-operation with, and the written agreement of, Iarnród Éireann and copies of all agreements shall be submitted to the planning authority.

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

15. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards, as outlined in the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.

**Reason:** In the interest of traffic safety.

16. 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.

17. 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 and/or wastewater collection network. The developer shall note that all development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Where it is proposed to build over or divert existing water or wastewater services, the applicant shall have received written Confirmation of Feasibility from Uisce Éireann prior to any works commencing.

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

18. 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 shall 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.

19. Prior to the commencement of development, the Developer shall confirm, to the written satisfaction of the planning authority, that the noise mitigation construction measures, as set out in Section 8 of the Whitelands Residential Development (Stage 2), Planning Stage Acoustic Design Statement (prepared by Amplitude Acoustics in February 2025) are being fully incorporated into the fabric of the approved homes, including measures relating to glazing, ventilation, external walls, and roof construction.

**Reason:** To mitigate the effects of railway noise and ensure a satisfactory standard of residential amenity.

20. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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 properties in the vicinity.

21. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, noise and dust management measures, storage of plant and materials, and off-site disposal of construction/demolition waste.

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

22. 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.

23. 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 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. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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



Paul Caprani

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 28<sup>th</sup> day of January 2026.

