

An  
Coimisiún  
Pleanála

Commission Order  
PL-500326-KE

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

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 25/60817**

**Appeal** by Peter Dunne and Rachel Burke against the decision made on the 30<sup>th</sup> day of October, 2025 by Kildare County Council to grant subject to conditions a permission to Alex Doyle in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a two-storey type house, garage/store for domestic use, the installation of an Oakstown BAF wastewater treatment system with polishing filter percolation area, and upgrading works to the existing farm entrance gateway and all associated site works, all at Coolagh, Kilmeague, Naas, 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 location of the site in a rural area and the provisions of the Kildare County Development Plan 2023–2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the rural housing policy framework, given that the applicant has demonstrated a local housing need, and is a family member seeking to construct a house in a backland location on family lands, would not give rise to a pattern of speculative development, would not adversely affect the rural character of the area, would not give rise to undue impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard, and would be suitable for the provision of wastewater treatment. The proposed development 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 3<sup>rd</sup> day of October, 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. (a) The proposed dwelling, when completed, 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. 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, as amended, 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.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs 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 finishes for the proposed house and garage/store shall be as indicated on the submitted drawings, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. (a) Lines of sight at the shared entrance to the site shall be provided strictly in accordance with Transport Infrastructure Ireland (TII) Document (DN-GEO 03060).
- (b) The existing front roadside verge shall be kept free from obstruction and shall be maintained by the developer so as not to impede lines of sight at the shared entrance as provided in accordance with Transport Infrastructure Ireland (TII) Document (DN-GEO-03060).

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

5. (a) The site shall be landscaped using only indigenous deciduous trees, hedging species and grasses in accordance with the Landscape Plan provided with the planning application and as amended by the further plans and particulars received by the planning authority on the 3<sup>rd</sup> day of October, 2025.
- (b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development, 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 order to screen the proposed development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.

6. Drainage arrangements, including the attenuation and 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.

7. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

8. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the planning application 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.

9. The developer shall use “Best Practicable Means” to prevent/minimise noise and dust emissions during the construction phase of the proposed development through the provision and proper maintenance, use and operation of all machinery, all to the satisfaction of the planning authority.

**Reason:** In the interest of public health, and the use of best practice guidelines in order to avoid nuisance.

10. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0700 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.

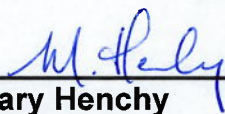
**Reason:** In order to safeguard the amenities of property in the vicinity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual amenity.

13. 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.



Mary Henchy

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

Dated this 31<sup>st</sup> day of March 2026.