

An  
Coimisiún  
Pleanála

Commission Order  
PL-500389-KE-25

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

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 25/61030**

**APPEAL** by Avoca Homes Limited against the decision made on the 31<sup>st</sup> day of October, 2025 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** An amendment to previously permitted development Register Reference 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 number additional apartments. The principal amendments to the permitted development comprise: omission of basement level and provision of a new podium level, incorporating landscaped open space, resulting in the creation of lower ground floor level access via a ramp at the same location as the permitted basement ramp; provision of 10 number additional apartments (two number one-bed and eight number two-bed units) as a result of the new lower ground floor level and the provision of a part penthouse level to permitted Blocks A and B; consequential increase in the height of permitted Blocks A and B from five number storeys over basement to six number storeys, part seven number storey (presenting as five number part six number storeys over podium level) and all associated

elevational amendments; reduction in the total quantum of car parking from 50 number spaces permitted to 35 number spaces now proposed at lower ground level and the associated increase in bicycle parking from 126 number spaces permitted to 151 number spaces now proposed at lower ground and podium level; and all associated and ancillary landscape, services infrastructure, site and development works associated with the proposed amendments. The proposed amendments will result in the total number of residential units increasing from 49 number previously permitted to 59 number now proposed, comprising of 14 number one-bed, 41 number two-bed and four number three-bed units. The footprint of Blocks A and B and the layouts of the permitted apartments and childcare facility are unchanged from the permitted development Register Reference 20/108 (ABP-309929-21), all on lands to the north of Louisa Park, Station Road, Leixlip, 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 provisions of the residential zoning objective of the subject site, its location in proximity to Leixlip Town Centre and Leixlip Lousia Bridge Train Station, and to the nature and scale of the proposed development, 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 or property in the vicinity and would be acceptable in terms of the protection of existing residential amenity, traffic and pedestrian safety, surface water design and flooding. The proposed density at 162 d.p.h is marginally above the 150 d.p.h guideline contained within the Sustainable Residential Development Compact Settlements (2024), but the Commission is satisfied, given the proximity of the train station and the absence of more definitive guidance in the Kildare County Development Plan 2023 - 2029, that it is acceptable in this instance. 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, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (granted under planning register reference number 20/108/ABP-309929-21) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. Prior to the commencement of development the applicant shall submit the following for the written agreement of the planning authority:
  - (a) an updated landscape plan showing the children's play area within the grassed area to the south of the podium level and a detailed landscape proposal for the open space area to the north of Block A at lower ground floor level and adequate privacy strip between the proposed terraces at lower ground floor level and the adjacent areas of open space;
  - (b) a drawing showing pedestrian routes through the car park; and
  - (c) the extent of hardstanding and reinforced grass area to be shown on the site layout map.

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

4. 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. 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 interests of residential and visual amenity.

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), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, 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. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

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

7. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (a) measures to ensure that no pollutants including dust and hydrocarbons enter any water bodies;
- (b) collection and disposal of construction waste;

- (c) surface water run-off from the site;
- (d) on-site road construction; and
- (e) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interests of environmental protection, residential amenities, public health and safety, and environmental protection.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021.

**Reason:** In the interest of sustainable waste management.

9. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of sustainable transport and safety.

10. (a) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Prior to construction, all previously identified archaeological features and deposits should be conserved by record (full excavation) prior to any ground works under the terms of an agreed Method Statement agreed by the Department. All topsoil stripping associated with the archaeological monitoring should be carried out using a toothless flat grading bucket only.
- (b) Should further archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (for example, preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest.

11. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

12. 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

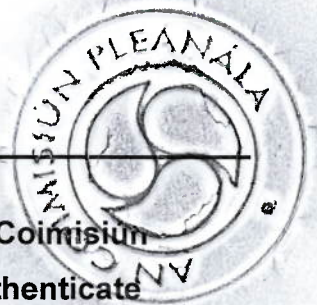
13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

  
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**Declan Moore**

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



Dated this 5<sup>th</sup> day of MAY 2026.