An Coimisiún Pleanála

Commission Order
PL-500485-KE-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2461392

APPEAL by JJMS Properties Limited against the decision made on the 20th day of November 2025, by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Construction of a residential scheme of 22 number housing units with the application site area of circa 0.65 hectares. The residential accommodation proposed consists of 16 number houses that includes three number two-storey three-bedroom semi-detached houses, seven number two-storey three-bedroom terraced houses, one number two-storey four-bedroom semi-detached house and five number three-storey four-bedroom terraced houses; one number apartment block, part two storey and part three storey, comprising of two number one-bedroom apartments, two number two-bedroom apartments and two number three-bedroom apartments. The proposed development has two number pedestrian access points off the R409 and Gingerstown Park and one number vehicular access point to serve the development is provided off Gingerstown Park. All with associated site works, surface carparking spaces, bin storage, bike stores, opens spaces, landscaping, boundary treatment and drainage.

The proposed development was revised by further public notices received by the planning authority on the 30th day of October 2025 outlining Significant Further Information consisting of: the entire layout has been redesigned to include the reduction in dwelling units and the increase in apartment units across the site, the alignment of the development has also been significantly changed. The proposed development consists of construction of a residential scheme of 22 number housing units. The residential accommodation proposed consists of: six number houses that includes two number two-storey three-bedroom terraced houses, two number three-storey four-bedroom detached houses and two number 2.5-storey four-bedroom terraced houses; three-storey apartment block with 16 number units, comprising of one number one-bedroom apartment, six number two-bedroom apartments, one number two-bedroom duplex apartment, one number three-bedroom apartment, six number three-bedroom duplex apartments and one number four-bedroom duplex apartment, all at Gingerstown Park, Caragh, Naas, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

On the basis of the information submitted with the application and the appeal, the Commission is not satisfied that the applicant has sufficiently demonstrated that the arrangements for the management and discharge of surface water are adequate to cater for the proposed development in accordance with policy objective IN O23 of the Kildare County Development Plan 2023-2029, which requires that all new developments reduce the generation of storm water run-off and ensure all storm water generated is disposed of on site or attenuated and treated prior to discharge to an approved water system.

The Commission considered that the provision of an underground attenuation solution, in the form of an oversized pipe, is unacceptable in this instance and that the applicant has not incorporated sufficient SuDS and Nature Based Solutions to manage surface water within the site given the extent of roadways, parking and hard landscaping within the proposed development. Although the Commission considered the SuDs Layout Plan (Drawing number 930-450 Maloney Millar) submitted with the appeal, incorporating improved measures to optimise surface water including rain planters, tree pits and bio swales, the Commission could not be satisfied that the calculated surface water run off rates could be relied upon given that rain gardens are proposed within the private rear gardens of unit numbers 1-6 and could, therefore, be removed by the future occupants of these units.

The proposed development would be contrary to Policy IN P4 of the Kildare County Development Plan 2023-2029, which aims to ensure adequate surface water drainage systems are in place which meet the requirements of the EU Water Framework Directive and the River Basin Management Plan in order to promote the use of Sustainable Drainage Systems and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this 21st **day of** October **2026.**