

An
Coimisiún
Pleanála

Commission Order
PL-501069-KE-26

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

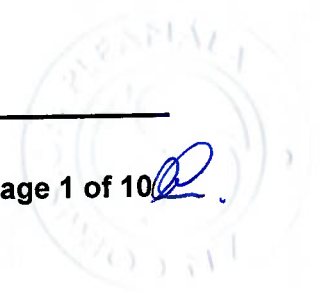
Planning Register Reference Number: 25/61357

Appeal by Maria Macari against the decision made on the 2nd day of March, 2026 by Kildare County Council to refuse permission.

Proposed Development: Construction of a detached two-storey apartment block consisting of three number one-bedroom apartments, bicycle, bin, open space areas, connection to public four sewer and all associated site works, all at Firecastle Lane, Kildare Town, County Kildare.

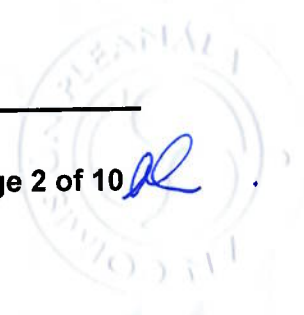
Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.



Reasons and Considerations

Having regard to the 'A Town Centre' zoning objective for the site, the provisions of the Kildare County Development Plan 2023-2029 and the Kildare Town Local Area Plan 2023–2029 relating to Architectural Conservation Areas and protected structures and their settings, the Statement of Character for the Kildare Town Architectural Conservation Area, the established pattern of development in the vicinity, the planning history of the adjoining site, and national and local policy support for compact residential development at infill sites, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location in terms of design, scale, height and massing of the development, would not be detrimental to the character of the Architectural Conservation Area or to the setting of Saint Brigid's Cathedral (a protected structure), would not seriously injure the residential or visual amenities of the area, would provide an acceptable standard of residential amenity for future occupants, would be adequately serviced, would not adversely affect the integrity of any European Site, and would not materially contravene the Kildare County Development Plan 2023-2029. 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 4th day of February, 2026 and by An Coimisiún Pleanála on the 30th day of March, 2026, 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the following details:
 - (a) Details of all external finishes and materials, including the render finish and its colour, the roof, parapet and eaves detailing, the treatment of the rear return, window and door types and finishes, and rainwater goods.
 - (b) All internal areas of the proposed development shall be adequately ventilated. Any external vents, flues or grilles shall be located and finished so as not to detract from the appearance of the building, and details thereof shall be agreed in writing with the planning authority prior to commencement of development.
 - (c) No plant, machinery, aerials, antennae, solar panels or other equipment shall be erected on the roof of the building.
 - (d) The developer shall ensure that the permeable paving for the internal hard landscaped area are interlocking/keyed paving or otherwise, to ensure the internal permeable paving will be made

durable, to withstand shear loads arising. In addition, the developer shall ensure that surfaces will have adequate slip/skid resistance into the future.

- (e) The materials and specific details for the laneway reinstatement along the frontage shall have regard to the requirements of the planning authority.
- (f) The existing land and road-side drainage shall be maintained and any changes at the entrance to the site shall be designed and shaped to ensure an uninterrupted flow of existing roadside drainage.
- (g) The developer shall ensure that public lighting is provided in the bike storage areas/access and delivery yard in accordance with the planning authority's online specification for public lighting. Any external lighting system shall be designed to minimise potential glare and light spillage, in particular to residential properties in close proximity to the site and shall be of a type that ensures deflection of lighting downwards.

Reason: In the interest of residential and visual amenity in the area, to protect the character of the Architectural Conservation Area and views from the enclosure of St. Brigid's Cathedral and in the interest of road and pedestrian safety.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a specification and method statement covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).

4. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring shall be required.

Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

5. Prior to commencement of development, 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 proposed development, including traffic management, noise and dust levels and management measures and off-site disposal of construction/demolition waste. The plan shall address the location of site compounds and materials storage, site security and hoarding, access and deliveries, protection of the Cathedral boundary wall, measures to prevent the deposit of debris on the laneway, and the maintenance of pedestrian access along Firecastle Lane during the works.

Reason: In the interest of public safety and amenity and the protection of built heritage.

6. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 sustainable waste management.

7. Prior to occupation of the development, an operational waste management plan prepared in accordance with the requirements of the planning authority shall be submitted to, and agreed in writing with, the planning authority. Details of the design, materials and finish of the bin store shall be agreed with the planning authority prior to commencement of development, and the bin store and the cycle store shall be provided prior to occupation of any unit and shall be retained thereafter for those purposes.

Reason: In the interest of public health, residential amenity and the promotion of sustainable transport.

8. 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/or wastewater collection network.

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

9. 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: To prevent flooding and in the interest of sustainable drainage.

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

11. 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 interest of visual and residential amenity.

12. Proposals for apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. 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).

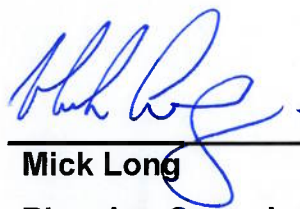
Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. 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, 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 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.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 the 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 developers, 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.



Mick Long

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 4th day of August 2026