An Coimisiún Pleanála

Commission Order
PL-501627-KE

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 25/61126

Appeal by Castlefarm Residents' Association against the decision made on the 2nd day of June, 2026 by Kildare County Council to grant subject to conditions a permission to Little Harvard Creche in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey creche with 10 number classrooms, staff room, kitchen, lift, plant room, offices, toilets, foyer and storage. Development will also consist of the construction of four number dwelling units consisting of one number one-bed apartment and three number two-bed apartments, including car parking, bin storage, bicycle parking, including all associated boundary treatments, site works and services, all at Castle Farm, Jigginstown, 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 provisions of the existing/infill Residential zoning objective of the site, its location in proximity to Naas Town Centre, the planning history for the site and 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 property in the vicinity, would be acceptable in terms of traffic safety and surface water design, would not result in a risk of flooding, would not impact on any European Site, and 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 6th day of May, 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 development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

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2. No development shall commence on site until such time as the following requirements have been agreed with the planning authority and complied with:

(a) All render finishes shall be replaced with a high-quality durable finish so as to match the brick as shown at ground floor level.
(b) The area of communal open space shall be separated from the outdoor play area associated with the creche by way of a boundary wall or other such mechanism.
(c) Car parking space number 12 shall be reallocated from providing car parking for the residential element of the scheme to the creche element of the scheme.
(d) Provision for the charging of electrical vehicles for each of the dwellings shall be provided for to the satisfaction of the planning authority.
(e) The bin store shall be relocated from its current proposed location to the south-west of the entrance of the building to a location to the south-east of the entrance of the building.
(f) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Full details with regard to the above shall be agreed with the planning authority prior to commencement of development, and all works shall be completed to the satisfaction of the planning authority prior to occupation of the proposed development.

Reason: In the interest of roads and traffic safety, protection of the environment, public health and the proper planning and sustainable development of the area.

3. (a) The four number permitted apartments shall be occupied by staff of the creche. The apartment units shall not be sold or let independently of the creche facility. Prior to commencement of development, the developer shall submit to the planning authority for formal written agreement, pursuant to section 47 of the 2000 Planning and Development Act, as amended, a deed specifying that the occupancy of the four number permitted apartments is solely by staff of the creche and that the apartment units shall not be sold nor let independently of the creche facility without the benefit of a separate planning permission.

(b) The external common areas of the proposed development shall be retained in private ownership by an Owners' Management Company, or by another acceptable legal entity. The external common areas shall not be taken in charge by the planning authority and shall instead be maintained in perpetuity in such private ownership. The owner shall hold insurance for public liability risk at all times for all areas under control or responsibility of the owner. Any significant changes to the status or nature of the ownership shall be notified to the planning authority.

Reason: In the interest of clarity and to ensure the proper planning and sustainable development of the area.

4. Prior to the occupation of the creche, an updated mobility management plan shall be submitted to the planning authority for written agreement. All mitigation measures contained in the Mobility Management Plan, Car Parking Demand Assessment, and Stage 1 Road Safety Audit shall be implemented in full.

Reason: In the interest of traffic safety.

5. All external lighting shall comply with the Outdoor Lighting Report received with the planning application.

Reason: In the interest of pedestrian, cyclist and vehicular safety, and the proper planning and sustainable development of the area.

6. Prior to commencement of development and/or occupation of the proposed development, a Stage 2 Road Safety Audit(s) of the proposed development, including the main entrance/exit, including any interactions with Castlefarm Bailey, car parking layout, and path layouts, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

7. Prior to occupation of the proposed development, the developer shall submit a Stage 3 Road Safety Audit to the planning authority. This Stage 3 Road Safety Audit shall be the subject of the written agreement of the planning authority.

Reason: In the interests of pedestrian, cyclist and vehicular safety, and the proper planning and sustainable development of the area.

8. 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 planning 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.

9. Proposals for an apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and 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 proposed 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 place names for new residential areas.

10. 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.

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 interests of visual and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 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 residential amenities of property in the vicinity.

13. Prior to commencement of development, 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) Specific measures to ensure the protection of the amenity of abutting properties during the construction phase, including the dwelling to the west of the site.

(b) The collection and disposal of construction waste.

(c) Surface water run-off from the site.

(d) On-site road construction.

(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 proposed development.

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

14. 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.

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15. 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 the following:

(a) Arrangements for routes for construction traffic.

(b) Parking during the construction phase.

(c) The location of the compound for storage of plant.

(d) Machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

16. 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 planning 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.

17. 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 duly authorised to authenticate the seal of the Commission.

Dated this 30th **day of** Oct. **2026.**