

An
Coimisiún
Pleanála

Commission Order
LV-501657-KE

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 25/61347

Application for Leave to Appeal against the decision of the planning authority by Eirgrid PLC having an interest in land adjoining the land in respect of which Kildare County Council decided on the 2nd day of June, 2026 to grant subject to conditions a permission to Mountkerry Ventures Limited.

Proposed Development: Phase 2 of a three-phase residential development on an overall landholding with an area of circa 9.29 hectares. The proposed Phase 2 development will consist of 95 number two-storey houses to be provided as follows: seven number two-bed two-storey mid and end-terrace houses (House Type T1c), 32 number three-bed two-storey mid-terrace houses (House Type R2c-Mid), 15 number three-bed two-storey end-terrace houses (House Type 6c), 21 number three-bed two-storey end-terrace houses (House Type R2c-End), four number three-bed two-storey semi-detached houses (House Type House Type N1), 16 number four-bed two-storey semi-detached houses (House Type O1). A total of 151 number surface car parking spaces is proposed to serve the houses. A total of 78 number secure long-stay cycle parking spaces is proposed for residents. The development includes cycle paths, footpaths, and internal roads, with proposed infrastructure and access points provided up to the application site boundary to facilitate potential

future connections to adjoining lands. Provision of new vehicular accesses off the R148 and the R158, a new footpath along the R148, and the provision of a link street from the R158 to the boundary of the adjoining Bawnogues Park residential development to the south-east of the subject site. The development includes foul and surface water drainage, including attenuation system, bin stores, public and communal open space, public lighting, landscaping and boundary treatment works, services and all associated and ancillary site works and development, all on a circa 5.47-hectare site at Boycetown, Kilcock, County Kildare. The application site is located to the south of the R148, east of the R158, north-east of the M4 Junction 8 roundabout, to the west of Boycetown Court and, north of Bawnogues Park residential development (currently under construction).

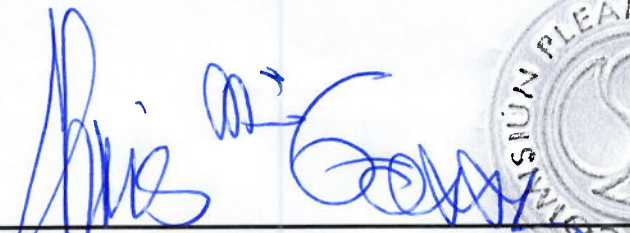
Decision

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

It is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject. In reaching this determination, the Commission considered the totality of the documentation on file. The Commission acknowledged the expressed concerns of the applicant for leave. In particular, the Commission noted the (understandable) concern of the applicant for leave with regard to an argued overlap between its existing planning consent (An Coimisiún Pleanála reference number ABP-316372-23) and the subject site for the current residential application. However, while such expressed concerns are noted, Section 37(6) of the Planning and Development Act 2000, as amended, is not the

appropriate legislative provision within which to determine these concerns. Section 37(6) is confined to a context wherein a decision to grant permission has changed materially from the development as set out in the application for permission by reasons of condition/s imposed and that the material difference within the condition/s is the cause of a material effect on the enjoyment of the land or a reduction of the land of the applicant for leave. Options to ensure no practical conflict (and noting also for example the provisions of Section 34(13) of the Planning and Development Act 2000, as amended), may separately be considered; nevertheless, they do not alter the narrow meaning of Section 37(6). In this current case, the development, as granted permission by the planning authority, is not materially different as a consequence of any condition imposed from that as originally proposed and, in this context, the Commission must refuse leave to appeal for the current case.


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

Dated this  day of  2026.