



An
Coimisiún
Pleanála

Inspector's Report ACP-322790-25

Development	Kennels and cattery with ancillary buildings and associated development works.
Location	Shanacloon Lane, Newtown, Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	24/60821
Applicant(s)	Kildare and West Wicklow Society for the Prevention of Cruelty to Animals, KWWSPCA.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Decision
Appellant(s)	J.M. Byrne.
Observer(s)	None.
Date of Site Inspection	15 th September 2025.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Newtown, Co. Kildare. The site is c. 1km south of the M7 motorway and c.2km south west of Kildare town centre.
- 1.2. The area is predominantly rural in nature with a Stud Farm to the north and agricultural fields to the east. The nearest residential property adjoining the site is located to the south with another located directly across the lane to the west.
- 1.3. The site which is currently in agricultural use is accessed from Shanacloon Lane to the west which is located off Local Road L7024 to the north. The Lane consists of a narrow single carriageway in the form of a Cul de sac bounded by traditional rural verges and hedgerow. It serves approx. 16 no. residential properties and a sign posted speed limit of 80km/hr applies.
- 1.4. The existing entrance to the site is located in the northwestern corner of the site. The sites boundaries feature tree lines with mature native planting inside post and wire fencing.
- 1.5. The topography of the land is relatively low lying. The site slopes from northwest OD 84.2m to southeast OD 81.4m. There is a stream running along the northern, eastern and southern boundary of the site.
- 1.6. The subject site is roughly rectangular in shape and has a stated area of 5.9ha.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 23/08/2024.
- 2.2. Permission to construct 3 no. single storey animal welfare buildings and associated works as follows:
 - A) 'Building A' – single storey cattery building (146 m²) with corrugated metal pitched roof design incorporating cat homing & assessment rooms, staff accommodation, reception area, office, laundry B)
 - B) 'Building B' – single storey cattery building (30 m²) with flat roof design incorporating cat isolation rooms and associated washing facilities.
 - C) 'Building C' – single storey dog kennel building (662 m²) with corrugated metal pitched roof design incorporating kennels, enclosed outdoor spaces,

isolation kennels, treatment rooms, staff accommodation, storage, laundry, reception, office, staff accommodation.

D) Associated access & circulation roads, footpaths and landscaping works.

E) Car parking spaces for 15 no. cars, including 4 no. EV spaces.

F) Ancillary site development works that includes swales, detention & attenuation ponds, the installation of pipes & connections to the public water supply, Installation of wastewater treatment system and Service utilities.

G) Widening of existing entrance, new entrance gates & signage at existing entrance location at Shanacloon Lane.

2.3. The application was accompanied by:

- Architectural Design Statement
- 3D Visualisations
- Site Assessment Report
- Bat Survey Report
- Lighting Proposal
- Landscape Design
- Noise Survey
- Drainage -SuDS Strategy Report
- Flood Risk Assessment
- Engineering Service Report
- Traffic and Transport Assessment Report

2.4. Following the PA request for Further Information (FI) on the 15/10/2024, an application for Extension of Time to FI request was submitted by the applicant. This application was granted by the PA for a period of 3 months on 24/03/2025.

2.5. Further plan and details submitted on 15/04/2025 triggered revised public notices which were submitted on 24/04/2025.

2.6. In response to the further information request the following drawings and report were submitted:

2.7. Additional drawings include a Proposed Site Layout, Parking Layout, New Vehicular Entrance, Boundary Treatment, Bike Storage and Site Services, and Landscape Plans.

2.8. Additional reports submitted include;

- ICW Design Report
- Noise Management Plan
- Ecological Survey Report
- Petrifying Spring Survey
- Schedule of Finishes
- Confirmation of Feasibility – Uisce Eireann.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **grant** permission 21/05/2025 subject to 24 no. conditions.

Condition No. 2 External Finishes

Condition No. 3 Revised site Layout

Condition No. 4 Noise Management Plan

Condition No. 5 Vehicular Entrance

Condition No. 6 Road-side drainage

Condition No. 7 Bicycle Parking

Condition No. 8 Connection Agreement with Uisce Éireann.

Condition No. 9-13 Sustainable Urban Drainage System (SuDS) requirements.

Condition No. 14 Waste Water Treatment System requirements.

Condition No.15 Effluent Discharge Licence

Condition No. 16 Construction and Demolition Resource Waste Management Plan.

Condition No.17 Chemical Storage tank requirements.

Condition No. 18 & 19 Noise level requirements during construction and operational stages.

Condition No. 20 Noise and Dust prevention/minimisation.

Condition No.21 Lighting Design requirements.

Condition No. 22 Badger protection requirements.

Condition No. 23 Landscaping

Condition No. 24 Section 48 Development Contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Planner's Report** dated 15/10/2024 is the basis or the Planning Authority decision. It includes;

- *Design Statement* - Notes nature and capacity of the proposed development.
- *Site Layout Plan* - Site sits on an extensive mass of land however no details have been submitted as to the purpose of the lands to the rear of the facilities.
- *Bat Survey/Lighting Proposal* – Notes findings and tree removal at entrance, and recommendations to incorporate bat boxes into the final landscape plan.
- *Flood Risk Assessment* – Notes watercourse that flows from northwest to north east and north west to south east, which feed drains towards the Tully Stream and onto the River Barrow to the southwest of the site. Notes there are pre-existing overland pluvial and fluvial flood flow routes through and out of the site to the Watercourse. Post development flood flow route is to the ground with proposed floor levels are in excess of any possible flood plain. Assessment concludes that there is minimal risk of flooding to the site due to the development.
- *SuDS*- Notes proposed Surface Water Drainage Design Strategy, and review by the Water Services and Environment Department who have not requested FI.
- *Services*- Note Engineering Services Report and that wastewater will be discharged to a proposed waste water treatment system which has been designed for animal waste which will be collected by a registered waste collector. No evidence of a water connection agreement from Uisce Éireann.
- *Landscape Plan* submitted is noted.

- *Noise Survey* – Notes description of ambient noise environment which is quiet overall, and recommendations to reduce noise, Noise Management Plan. Notes proposed landscape plan differs from measures proposed for noise reduction. Applicant to clarify, and amend accordingly, exact measures which are proposed to reduce noise impact on neighbouring properties, particularly along the western boundary.
- *Traffic Impact Assessment* – Notes conclusion that site access junction is adequate to accommodate traffic generated and development traffic will have a negligible and unnoticeable impact upon the established traffic conditions, but that the Transportation Department have requested FI.
- *Opening Hours* – Requires clarification as discrepancy between that stated in cover letter and Traffic Assessment.
- *Proposed Renders* – Finishes proposed require clarification.
- *Design and appearance* - Considered in compliance with Policy.
- Recommends Further Information in relation to noise impact, traffic and environment.

The **2nd Planner's Report** dated 19/05/2025 included the following comments on responses to request for FI;

- **Item 1 - Noise Management Plan** - Provides details on maximum number of dogs, arrangement including times for exercise and feeding, locations for external activity/walking together with any details on how complaints are handled. Considered these matters can be dealt with by condition.
- **Item 2– Open Space to the Rear** - Satisfied that the purpose/use of the large open green space to the rear of the facility will be used for dog exercise and dog walking purposes.
- **Item 3– Boundary Treatment** - Will be high timber post & rail fence with sheep wire infill and satisfied with the response provided. Notes incorrect labelling on site layout plan but that a clarification of further information is not possible and should be conditioned.
- **Item 4 - Public Access** – Satisfied with details received in relation to members of the public visiting the site.

- **Item 5– *Landscape Plan*** – Note revised plans submitted and consider noise measures proposed will lessen the impact of the proposal on neighbouring properties.
- **Item 6 – *Capacity of the specific WWTS*** – Note details and drawings of the proposed design of the WWTS as per the ICW Design Report produced by Vesi Environmental, and report of the Environment Section of the PA.
- **Item 7 - *Design Calculations and proposal with regard to final disposal of treatment effluent.*** – Notes submission of details on design calculations and Site Assessment form as per 'Integrated Constructed Wetlands - Guidance Document for farmyard soiled water and domestic wastewater applications', (Department of Environment, Heritage and Local Government)' in replacement of Site Characterisation form and report of the Environment Section of the PA.
- **Item 8 – *Pre Connection Enquiry submitted to Uisce Éireann*** – Notes correspondence provided and report from UÉ.
- **Item 9 – *Vehicular Entrance*** – Notes gateway set back indicated on proposed new vehicular entrance drawing submitted along with proposed native planting and surface water culvert details across the entrance, and report of the Roads Section of the PA.
- **Item 10 - *Finishes proposed for public road tie-in with recessed entrance*** – Notes pavement overlay to be used and report of the Roads Section of the PA.
- **Item 11 – *Internal access road and parking*** – Notes road width and location, dimensions and finishes proposed of disabled parking spaces indicated on Site Layout Plan submitted and report of the Roads Section of the PA.
- **Item 12 – *Use of underground storage tanks for attenuation*** – Notes proposal to incorporate an Integrated Constructed Wetlands for surplus surface water due to ground saturation as detailed on drawing submitted, and report of the Environment Section of the PA.
- **Item 13 – *Bicycle Parking/Storage*** – Notes Proposed Parking layout plan submitted which indicates 15 no. car parking spaces, 2 disabled spaces and bike storage and report of the Roads Section of the PA.

- **Item 14 – *Electrical Vehicles*** – Notes EV charging points indicated on Proposed Parking layout plan submitted and report of the Roads Section of the PA.
- **Item 15 – *Finishes*** – Notes schedule of finishes proposed which are considered acceptable given the setback and proposed screening on the site.
- **Item 16 – *Issues raised by third parties*** – Notes response to concerns raised in relation to traffic as outlined in the Traffic and Transport Assessment Report, noise as outlined in the Noise Management Plan, ecology as outlined in the Ecological Survey Report and Petrifying Spring Survey, and boundary treatment at Shanacloon Lane, and the report of the Heritage Section of the PA. The PA considered matters raised in submissions were satisfactorily addressed.
- **Conclusion** – On balance proposal is considered acceptable, acknowledges issues raised in submission are understandable given the nature of the proposal, but that these can be overcome by way of condition.
- Recommends a **grant** of permission.

3.2.2. Other Technical Reports

- **Water Services:** 1st Report dated 12/09/2024 recommend **no objection** subject to requirements in relation to surface water management. 2nd Report dated 06/05/2025 recommends no objection subject to requirements.
- **Environment:** 1st Report dated 27/09/2024 recommends **further information** in relation to the capacity of the specific WWTP, method of transfer of animal waste, design of WWTS and design calculations and proposals for the disposal of the treated effluent. If disposal is to a percolation area requirement for an EPA Site Characterisation form for on-site WWTS.

2nd Report dated 14/05/2025 recommends **no objection** subject to conditions in relation to the proposed WWTS and constructed wetland, certification post construction in accordance with EPA Code of Practice, obtaining a Section 4 Effluent Discharge Licence, Construction and Demolition Resource Waste Management Plan (RWMP), chemical storage tanks requirements, noise limits during construction and operational stages, noise and dust emissions prevention.

- **Transport, Mobility and Open Spaces:** 1st Report dated 09/10/2024 recommends **further information** in relation to the vehicular entrance, finishes proposed for public road tie-in, width of internal access road, avoidance of underground storage tanks for attenuation, proposals for SuDS, bicycle parking, and Electric Vehicle infrastructure. 2nd Report dated 19/05/2025 recommends conditions in relation to proposals indicated on FI drawings submitted 15/04/2025.
- **EHO:** Report dated 03/10/2024 recommends no comment.
- **The Heritage, Biodiversity and Conservation Unit:** The Kildare County Council Ecologist Report dated 20/05/2025 recommends requirements in relation to the protection of Bats and Badgers, protection and enhancement of water quality and aquatic/wetland habitats on site and recommendation for planting schemes, while not favouring the planting of a wild flower meadow, instead favouring meadow rejuvenation.

3.3. Conditions

The following bespoke conditions were attached to the grant of permission.

- **Condition No. 3** Revised site Layout - Prior to the commencement of development, the Applicant shall submit a revised Site Layout, for the written approval of the Planning Authority, omitting the incorrect labelling on the Site Layout Plan which states 'Proposed Kennel Building' at the top boundary of the site. Similarly, the berm proposed on the western boundary (bottom boundary) of the site has a label which states 'extended berm to northern boundary at stud farm. berm to be 1.5m - 2.0m in height, with dense hedging at top.' This should be amended accordingly.
- **Condition No. 4** Noise Management Plan - The measures, investigations and procedures shall be carried out in full as per the Noise Management Plan submitted to the Planning Authority on the 24/04/2025.
- **Condition No. 5** Vehicular Entrance - The Applicant shall construct a new vehicular entrance as shown on drawing 6035-01-204, received by the Planning Authority on 15/04/2025. The Developer shall ensure that the hedgerow is subsequently maintained, and sight visibility lines are kept free

from obstruction, so as not to impede lines of sight at the entrance; as provided in accordance Transport Infrastructure Ireland (TII) Documents (DN-GEO-03031 and DN-GEO-03060).

- **Condition No.10** The Sustainable Urban Drainage Systems (SuDS) Strategy and Sustainable Urban Drainage Systems (SuDS) Scheme Design detailed within the Engineering Drainage Report carried out by CLARKE Engineers Architects and outlined on planning-stage design drawings 6036- 01-105 REV 01 contained within the Planning Drawings Sustainable Drainage documents and Specific Site Flood Risk Assessment 6036-01, shall be implemented in full unless otherwise agreed with the Planning Authority.
- **Condition No.11** Prior to commencement of development, the Applicant shall submit the final cross-sectional views of all proposed Sustainable Urban Drainage Systems (SuDS) for the development. A final Scheme Implementation Report shall also be submitted, all for the written approval of the Planning Authority. The design should include but not be limited to:
 - (a) Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1-in-1 year and 1-in-100-year rainfall events.
 - (b) Provide sufficient surface water management so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1-in-30 year event, and 1-in-100 year event in any part of a building, utility plant susceptible to water within the development.
 - (c) Provide sufficient water management to ensure no off-site flooding as a result of the development during all storm events up to and including the 1-in-100 year plus climate change event.
 - (d) Final modelling and calculations for all areas of the Sustainable Drainage Systems.
 - (e) The appropriate level of treatment for all runoff leaving the site.
 - (f) Detailed engineering drawings of each component of the drainage scheme.
 - (g) A final drainage plan which details exceedance and conveyance routes,

Finished Floor Levels (FFL) and Ground Plane Levels (GPL), and location and sizing of any drainage features.

(h) A written report summarising the final strategy and highlighting any changes to the approved strategy. The design shall subsequently be implemented prior to occupation.

- **Condition No. 14**

(a) All foul waste and soiled water shall discharge to the proposed Wastewater Treatment System. A final detailed design of the Wastewater Treatment System shall be submitted for the written approval of the Planning Authority prior to commencement of development. The detailed design shall include for any overflow from the surface water system elsewhere within the development.

(b) (i) The constructed wetland, shall be designed and constructed in accordance with Section 8 of the 2021 Environmental Protection Agency (EPA) Code of Practice “Domestic Waste Water Treatment Systems”, or alternative agreed specification agreed with the Planning Authority prior to commencement.

(ii) A suitably qualified person shall supervise construction and submit certification to the Planning Authority that all works have been completed in compliance with the requirements of the EPA Codes of Practice “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” and the EPA Wastewater Treatment Manual “Treatment Systems for Small Communities, Business, Leisure Centres and Hotels”. The Applicant shall note that access to the ICW should be effectively closed, except for maintenance. This should be done with fencing that is in accordance with section 8.1.7 of the EPA Code of Practice “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”. Staged photographs and a revised Site Layout Plan showing the location of the constructed wetland shall be included.

- **Condition No. 15.**

There shall be no discharge of treated effluent from the development to ground or surface waters until such time as a Section 4 Effluent Discharge Licence under the Local Government (Water Pollution) Act 1977, as

amended, is obtained. The Applicant is advised to engage with the Kildare County Council Environment Department discharge licensing section regarding their requirements on at the earliest opportunity, and prior to commencement of any onsite development works.

- **Condition No. 18**

Noise from the construction stages of the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and between 08:00 and 13:00 on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels from site development works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

- **Condition No. 19**

Noise from the operational stages of the planned development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits: (a) 55 dB(A) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time. (b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. A detailed Noise Study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare County Council. The Noise Study shall be submitted for the consent of the Planning Authority.

- **Condition No. 21**

(a) Prior to the commencement of development, a detailed Lighting Design Plan shall be submitted to and approved in writing by the Planning Authority. This plan must demonstrate how the lighting design will minimize impacts on the local bat populations, specifically those recorded on site as mentioned in the Bat Survey document submitted with this application i.e. the soprano pipistrelle, common pipistrelle, Leisler's bat, and possible whiskered or Natterer's bat.

(b) All external lighting shall be designed to be bat-friendly. This includes the use of lowpressure sodium lamps or warm white LED lights with a wavelength greater than 550nm. The lighting should be directed away from bat roosts, foraging areas, and commuting routes.

(c) The lighting levels shall be kept as low as possible (typically below 3 lux) while ensuring safety and security. Lighting should be timed to be off during peak bat activity periods (dusk to dawn) unless absolutely necessary for security reasons.

(d) All lighting fixtures shall be fully shielded to prevent light spill into bat habitats. Lights should be directed downwards and away from bat roosts and foraging areas to minimize disturbance.

(e) A post-installation monitoring plan shall be implemented to assess the effectiveness of the bat-friendly lighting. Adjustments to the lighting design shall be made if monitoring indicates that bats are being adversely affected.

(f) A qualified Bat Ecologist shall be consulted during the design and installation of the lighting to ensure that the needs of the local bat populations are adequately addressed.

(g) A compliance report, prepared a suitably qualified Bat Ecologist, shall be submitted to the Planning Authority within 12 months of the installation of the lighting. This report shall confirm that the lighting has been installed in accordance with the approved Lighting Design Plan and is functioning as intended to protect the local bat populations

- **Condition No. 22** Badger protection requirements.

‘(a) Prior to the commencement of any construction works, a detailed badger survey shall be conducted by a qualified Ecologist in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. The survey report shall be submitted to and for the written approval of the Planning Authority.

(b) A buffer zone of at least 30 meters shall be established around the known active badger sett and greater during breeding period. This buffer zone shall be clearly marked on site and no construction activities, including vehicle movement and material storage, shall occur within this zone.

(c) Prior to the commencement of development, a Construction Method Statement (CMS) shall be prepared and submitted for the written approval of the Planning Authority. The CMS shall detail measures to avoid disturbance to badgers, including noise and vibration reduction strategies, and shall comply with the Badger Trust Recommendations.

(d) Construction activities within 50 meters of the active badger sett shall be restricted to daylight hours to minimize disturbance. No works shall be carried out during the badger breeding season (December to June) unless otherwise agreed in writing with the Planning Authority.

(e) A qualified Ecologist shall be present on site during all construction activities within 50 meters of the active badger sett to ensure compliance with the approved CMS and to monitor badger activity. The Ecologist shall have the authority to halt works if badgers are observed to be disturbed.

(f) Temporary protective fencing shall be erected around the buffer zone to prevent accidental encroachment by construction personnel and machinery. The fencing shall be maintained in good condition for the duration of the construction works. Vegetation Management:

(g) Retain vegetation around setts to provide cover and shelter.

(h) Cut any woody vegetation if required to be cut back away from setts and avoid blocking pathways.

(i) Plant dense native shrubs around setts to enhance protection.

(j) No artificial lighting shall be directed towards the active badger sett or the buffer zone. Any necessary lighting shall be low-intensity and shielded to prevent light spill into the buffer zone, as per guidelines for bats.

(k) Minimize noise and vibration near active setts.

(l) Avoid activity between dusk and dawn, when badgers are most active.

(m) Cap exposed pipe systems and cover or provide exit ramps from trenches to prevent badgers from getting trapped.

(n) Store chemicals in a safe place.

(o) Following the completion of construction works, a post-construction monitoring plan shall be implemented to assess the impact on the badger sett. The monitoring shall be carried out by a qualified Ecologist and a report shall

be submitted to Planning Authority within 12 months of the completion of works.

(p) All works shall comply with the provisions of the Wildlife Act 1976 (as amended), which provides legal protection to badgers and their setts. Any breach of these conditions may result in enforcement action by Kildare County Council.

(q) If any activities are likely to disturb badgers or their setts, a derogation licence must be obtained from the National Parks and Wildlife Service (NPWS) in accordance with the Wildlife Act 1976 (as amended). The licence application must be supported by a detailed impact assessment and mitigation plan prepared by a qualified Ecologist.

Reason: *To be adhere to the objectives of the Kildare County Development Plan 2023 - 2029 in relation to the protection of badgers.'*

- **Condition No. 23**

(a) Landscaping works indicated on the 'Landscape Plan' received by the Planning Authority on the 15/04/2025 shall be carried out in full no later than the first planting season after the first occupation of the dwelling.

(b) Planting proposed shall be of a native species as per table 15.1 of the Kildare County Development Plan 2023-2029 only, there shall be no invasive species (such as laurel) planted.

(c) Any trees or planting that dies within the first year of planting shall be replaced at the expense of the Developer.

(d) The creation of the wetland area shall be constructed as per the Landscape Context Map submitted on the 15/04/2025.

(e) The planting of a wildflower meadow shall be omitted from the proposal. Meadow rejuvenation of the existing meadow shall be carried out through an appropriate meadow management plan as outlined in the All Ireland Pollinator Plan Guidelines in the document How-to-guide Creating and restoring meadows in local communities and gardens How to transform grassy areas into semi-natural grassland.

(f) The boundary treatment shall be constructed as per the submitted Proposed Boundary Treatment and Landscape Plan submitted on

15/04/2025. A 1.5m high timber post & rail fence with sheep wire infill shall replace any existing damaged fencing on site.

3.4. Prescribed Bodies

- **Uisce Éireann:** 1st Report dated 22/09/2024 recommends further information in relation to a pre-Connection Enquiry (PCE).

2nd Report dated 18/04/2025 notes that a Confirmation of Feasibility has been issued to the applicant advising that a water connection is feasible subject to upgrades of the existing 3" main in Saint Brigid's Square. UÉ recommends **no objection** subject to standard requirements in relation to Connection Agreements with UÉ and Code of Practice with regard to building over UÉ assets.

- **Department of Agriculture Food and the Marine:** No report received.

3.5. Third Party Observations

3.5.1. Four no. observations were submitted from the following parties;

- J.M. Byrne Milburn Lodge Shanacloon Lane, Newtown
- Jacqueline Norris Newtown Lodge Stud Farm Shanacloon
- Noel and Mary Angela Guilfoyle Shanacloon Lane
- Maura Geraghty – Shanacloon Lane

3.5.2. The issues raised are similar to those raised in the grounds of the third-party appeal and are on file for the Coimisiúns consideration.

4.0 Planning History

Appeal Site

None.

Adjoining Site to the North and West

PA Reg. Ref. 21/1423: Retention permission **granted** 22/04/2022 for existing out-buildings, including agricultural storage sheds and stables, on the north west corner of the overall site and all ancillary site works at Newtown Stud Farm, Newtown Lodge, Newtown, Co. Kildare.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

- 5.1.1. The development is considered under policies relating to rural enterprise and **Chapter 9** is considered relevant in this regard as it deals with 'Our Rural Economy'.
- 5.1.2. **Section 9.3** refers to Rural Economy and Rural Enterprise

Policy RE P13: Support and facilitate sustainable agriculture, horticulture, forestry and other rural enterprises at suitable locations in the County.

Objective RD O1: Encourage the development of appropriately scaled alternative rural based small-scale enterprises that are appropriate in rural areas. All planning applications for one off enterprises in rural areas shall have regard to the criteria listed in Table 9.1 of the Plan.

Section 9.3 of the Plan notes that 'One-off enterprises in the rural area may be situated in the open countryside only where the council is satisfied that there is a demonstrable need for the enterprise at the specific location in the first instance and where it complies with the criteria outlined in Table 9.1'.

The criteria listed in Table 9.1 include the following:

- The development will enhance the strength of the local rural economy
- The proposed development shall be located on the site of a redundant farm building / yard or similar agricultural brownfield site
- There is a social and economic benefit to being located in a rural area
- The proposal will not adversely affect the character and appearance of the landscape
- The development will not be detrimental to the amenity of nearby properties, and in particular the amenities of nearby residents
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal
- The proposal should be accompanied by a mobility plan catering for employees' home to work transportation
- Adequate proposals to cater for any waste arising at the facility

- All advertising should be kept to a minimum and be suitable in design and scale to serve the business
- Proper planning and sustainable development
- The proposals should conform to other objectives of the County Development Plan.

5.1.3. **Chapter 15** of the Development Plan deals with Development Management Standards and Section 15.7.5 deals with sightlines.

It is noted that sightline requirements are determined by the Council on a case-by-case basis and factors including the type, speed limit and condition of the road are taken into consideration. Where sightlines are inadequate, and would give rise to a traffic hazard, development will not be permitted, and in cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing-up of this entrance prior to the use of an alternative access with adequate sightlines.

5.2. **National Policy**

5.2.1. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon [last year's Plan](#) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.2.2. Ireland's 4th National Biodiversity Action Plan 2023–2030 - Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in

which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5-Strengthen Ireland's Contribution to International Biodiversity Initiatives

5.2.3. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

5.2.4. Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- EPA Code of Practice 2021 provides guidelines for the design, operation, and maintenance of domestic wastewater treatment systems.
- EPA Wastewater Treatment Manuals – Treatment Systems for small Communities, Business, Leisure Centres and Hotels.
- NPWS Monitoring Guidelines for the Assessment of Petrifying Springs in Ireland. (Irish Wildlife Manuals No. 94) 2016.

5.3. **Natural Heritage Designations**

There are no designated areas in the vicinity, the following European sites are within the vicinity of the appeal site.

- The River Barrow and River Nore SAC (Site Code 002162) is c.9km (watercourse pathway via the Tully Stream) to the west and c. 6km to the south.
- Pollardstown Fen SAC (Site Code 000396) is c. 7km to the north-east.
- Mouds Bog SAC (Site Code 002331) is c. 9.4km to the north-east.

The Curragh p(NHA) (Site Code 000392) is c 3.3km to the north-east.

5.4. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report).

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

5.5. Water Framework Directive

The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

The site is located within the Tully Stream (Catchment ID -20) Water Framework Directive catchment area and in the River Barrow_SC_130 Sub-catchment.

The nearest river waterbody to the site is the Tully Stream (IE-SE-14T020409) which is located c.900m southeast of the site. The Tully Stream which is of 'poor' water quality status flows in a southerly direction to the River Barrow.

The site is located within the Bagenalstown Upper (IE-SE-G-153) groundwater body which is of 'good' water quality status.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal against the decision to grant permission by the planning authority has been lodged J.M. Byrne.
- 6.1.2. The grounds of appeal can be summarised as follows;

Petrifying Springs

- Number located within the appeal site as well in the streams that border the site.
- Clear evidence of Tufa found in these streams and area in general.
- Site is part of the landmass adjacent to Kings Bog which is an area of conservation under the remit of the NPWS.
- Refer to 'Guidelines for the Assessment of Annex 1 Priority Petrifying Springs in Ireland and 'Irish Wildlife Manual 94 and 142' respectively. Refer also to the Habitats Directive 92/43/EEC.

Biodiversity

- Proposed development will have a negative impact and detrimental effect on the biodiversity of the area.
 - Badger sets located at the top left-hand corner of the site from the entrance gate. Presence of Tufa makes for easier burrowing, and they are also close to a plentiful supply of fresh water from the surrounding springs. Department of Agriculture monitor and test these animals regularly.
 - Silver eels are found in the streams that border this site which the NPWS identify as the adult form of 'glass eels'. They have a lifespan of 5-20 years. These eels can be clearly seen when routine maintenance is being carried out in the area.
 - A pair of herons are seen regularly feeding in the stream surrounding the site. Lapwing and snipe can also be observed here. Red Kites are visible.

- Raptors including buzzards, sparrowhawks and barn owls all inhabit the hinterland. In spring the cuckoo can be clearly heard in the area.
- In the roadside ditch hedging, yellowhammers can be found – a once common species throughout Ireland but now confined to the east of the country.

Recent planning decisions

- Two local people one a resident and the other a farmer who has land on the lane were refused planning permission to build homes for a son and daughter respectively (planning refs 19/624, 20/921, 20/241, 20/1315 and 21/536).

Traffic

- Laneway does not have the capacity to service additional traffic.
- Single carriage thoroughfare on which two vehicles cannot meet and pass.
- Lane acts as access to active farming land which is the subject of significant agricultural traffic in the spring and summer months.
- A number of school going children have to walk to and from the entrance lane to access school bus services as the bus companies do not enter onto the lane due to its narrow nature. Further the bin collection lorries have to reverse the length of the lane as there are no suitable or safe points for them to turn.
- Many retired people and those with small children use this lane for recreation given its quiet atmosphere and lack of traffic.
- Inconceivable that this development should be granted permission, development outside the town boundary and will be visually intrusive and totally out of character with the area.

6.2. Applicant Response

6.2.1. The applicant was provided an opportunity to respond. Their Planning Consultant responded on their behalf and in summary it included;

- Refer to existing KWWSPCA animal sanctuary at Oldtown, Athgarvan, Newbridge Co. Kildare, and temporary nature of permissions granted under

PL09.246754 and PL09.304734. Notes subsequent consent permission under ABP-315767-23 did not have a time limit.

- Submit that reference in appeal to those who live on the L-7024 (60 houses approx.) does not relate to widespread opposition to this proposal but to an attempt to secure a footpath

Traffic Volumes

- Appellant has overstated both the volume of traffic already using Shanacloon Lane and the traffic generated by the proposed development. Reference to Kildare Farm Foods is misplaced as best route to it is via Local Road L7024 and not via Shanacloon Lane
- Refusals of planning permission along the lane referenced in the grounds of appeal were refused on the density of dwellings outside Kildare Town and not on traffic issues.
- Refers to NRB Consulting Engineers Report which finds ‘that there are no adverse traffic/transportation capacity or operational issues...’

Parking Provision

- Design accommodates the maximum number of vehicles, to avoid overspill car parking on the carriageway, and does not imply that all bays would be occupied on a regular basis. Full occupation only expected on a very limited no. of occasions and should not be used as an indication of traffic generation.

Open Days

- Suggestion that ‘Open Days’ and other fund-raising events are held at the premises is incorrect, and consequent unacceptable levels of traffic is flawed.
- Details of fund-raising model are outlined at locations elsewhere.
- Refer to RFI under item 4 which clarifies that ‘the public are to be admitted strictly by appointment only with the majority of visits limited to Saturday mornings.’ Confirm that ‘the applicant does not plan to hold open days/charity days or any public events’.

Pedestrian Safety

- Notes appellant suggestion that the lane is used for recreational walks, which contradicts earlier claim that it is a heavily trafficked carriageway.

- Refers to WCC-v-Fortune High Court case which envisages a certain degree of practicality when considering issues of road safety.
- Submit that the road conditions do not render the carriageway unsuitable for the purpose of the proposed development especially as it can be used for agricultural activities without the need for planning permission.

Ecology

- Refer to findings of the applicant's ecological report submitted at FI stage and that no evidence presented by appellant to support the claim that activity associated with the proposed development would encroach on the nesting areas of many wild birds, badgers, foxes and hares.

Residential Amenity

- Submit activity is acceptable in principle in rural locations and note Report of the Inspector in appeal ref. ABP-315767-23 in relation to the applicant's operation at Oldtown.

Visual Amenity

- Disagree that the proposal would adversely affect visual amenity, taking into account the heavily vegetated nature of the roadside boundary, the proposed planting scheme, the height of the development and the exempted development provisions set out in the Planning and Development Regulations, 2001(as amended).

Need for Development

- Unfortunate reality that there is a great need for the activities of the KWWSPCA, which serves a much wider area of Co. Kildare and the western part of Co. Wicklow, within which there is considerable demand for its services.

Conclusion

- Submit this is a reasonable proposal, which is low-profile in character, and which is suitable in the open countryside, and that the Coimisiún have thrice endorsed the applicant's facility at Oldtown, Athgarvan, Co. Kildare.
- Contend given the nature and extent of activities proposed would not place undue strain on the capacity of Shanacloon Lane to accommodate local residents' cares or prejudice public safety in terms of traffic movement.

- Invite the Coimisiún to dismiss the appeal and to grant planning permission for this much needed proposal.

6.3. Planning Authority Response

The contents of the appeal are noted, and PA confirms its decision and refers to the Planners Report, reports of the technical departments of the PA and prescribed bodies.

6.4. Observations

None.

6.5. Further Responses

The application was circulated to the NPWS and IFI. No comments were received at the time of writing.

7.0 Assessment

7.1. Introduction

- 7.1.1. I would draw the Boards attention to the fact that the application was revised by Significant Further Information which consists of a noise management plan, boundary treatment & entrance details, revised landscape plans, ecological reports & waste water treatment details. The layout, scale and overall nature of the development was not however materially altered.
- 7.1.2. References are made by the applicant and third-party appellant to the existing shelter operated by the applicant in Athgarvan, Co. Kildare for which a no. of planning applications to Kildare County Council and planning appeals relate.
- 7.1.3. These include ABP-315767 where an application for retention was refused by the PA and subsequently overturned on appeal by the Coimisiún 20/02/2024. While these applications are not directly related to the subject appeal, they do nonetheless provide a context to the current application and subsequent planning appeal.

7.1.4. Reference is also made in the grounds of appeal and subsequent First Party response, to a number of other recent planning applications in the vicinity of the site including the Stud Farm to the north and residential developments to the south. These include PA decisions (planning refs 19/624, 20/921, 20/241, 20/1315 and 21/536). These are not however in my opinion material or particularly relevant to the current appeal.

7.1.5. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings;

- Principle of Development
- Residential and Visual Amenity
- Impact on Biodiversity
- Foul and Surface Water Drainage
- Traffic Safety

7.2. Principle of Development

7.2.1. The development is located in the rural area of Newtown in Co. Kildare c2.km southwest of Kildare Town. It is not located within any settlement or rural node and is located on unzoned lands. Thus, the policies and objectives for rural development apply and in particular Chapter 9 'Our Rural Economy' of the Kildare County Development Plan 2023-2029 (the Plan).

7.2.2. The information supplied with the application indicates that KWWSPCA (Kildare and West Wicklow Society for the Prevention of Cruelty to Animals) have for the last 10 years been operating from a rented property (formerly a riding school) in Athgarvan, Co. Kildare. It is stated in the cover letter with the application lodged that the KWWSPCA have purchased the subject site where they now propose to erect a new facility.

7.2.3. The applicant states in the cover letter that the proposed development is most appropriate in the open countryside, as it is animal related activities of this type that

can be established in rural areas and is in line with adopted policies in the KCDP. It is submitted by the applicant that this activity comprises a rural development.

- 7.2.4. The animal shelter is considered as a Rural Enterprise, notwithstanding the fact that it is a registered charity and the facility is run by volunteers.
- 7.2.5. Section 9.3 of the Plan refers to Rural Economy and Rural Enterprise which recognises that there is a role for rural employment in contributing to the general economic development of the county. Criteria are listed in Table 9.1 for assessment of one-off enterprises. While this is identified as a 'general guide'
- 7.2.6. I am satisfied given the proximity of the subject site to the Kildare Town, that the proposed development while providing a facility which is a social and economic benefit to the community is appropriately located in a rural area.
- 7.2.7. I address the criteria with respect to rural enterprises not being detrimental to the amenity of nearby properties and traffic hazards below. However, having regard to the criteria listed in Table 9.1 of the Plan, I am satisfied that the principle of the animal shelter development is acceptable in this area and the development is providing a facility which I do not believe could be easily established in a town or settlement, and I am therefore of the opinion that it is not a material contravention of the Development Plan policies for rural development.

7.3. Residential and Visual Amenity

- 7.3.1. The appellant is concerned about the impact on their residential amenities. They are concerned that many retired people and those with small children who use this lane for recreation given its quiet atmosphere and lack of traffic, will be impacted by the proposed development.
- 7.3.2. The appellant also raises concern in relation to the negative visual impact of the proposed development which it is asserted would be out of character with the area.
- 7.3.3. I visited the site mid-morning mid-week and can confirm that noise levels on the site, along the lane/Cul de sac and area in general were typical of that in a quiet rural area. I noted also very little traffic noise on the laneway which ends in a cul de sac. I noted also the existing densely planted field boundary treatment along the perimeter of the site.

- 7.3.4. I have had regard to the Architectural Design Statement prepared by Clarke and Company Consulting Engineers and Architects, which accompanied the application.
- 7.3.5. It describes the proposed animal shelter buildings as being located in northern corner of the site. These consist of two single storey buildings, one providing cattery facilities, the other dog facilities, with a mix of pitched and mono-pitch roof design. The cattery building includes a small detached single storey flat roof building, while the cattery kennels and dog kennels are linked at the eastern (front) elevation by a screen wall with openings for entrance points.

Noise

- 7.3.6. I note the noise reduction strategy adopted in the design approach to the development outlined in the Architectural Design Statement. This informed the building position on site, the inclusion of a screen wall, the location of the dog kennels within the building cluster, the landscaping measures which include berms and hedging, building construction and materials with high acoustic values and monitoring of noise levels.
- 7.3.7. The berms are topped with dense hedging and proposed to be located to the north, west and southwest of the development structures.
- 7.3.8. I have also had regard to the proposed Landscape Design prepared by Hayes Ryan Landscape Architects which indicate a mixture of mid-sized native trees, hedging and shrubs to areas surrounding the proposed buildings and along the proposed access road. The Landscape Plan identifies acoustic fencing adjacent to proposed hedge line and follows the curved layout of planting inside of which is further tree planting in the vicinity of the buildings and car park area.
- 7.3.9. Revised Landscape Plans were submitted in response to the request for further information which correspond with noise mitigation proposals outlined in the Noise Management Plan. These include additional buffer planting along the western roadside boundary, and acoustic buffer planting on proposed mounding. Further planting details are also outlined which include native hedgerow and tree species. I am satisfied that the additional hedge planting will assist in buffering noise while also providing spatial division.

- 7.3.10. I have had regard to the noise survey submitted with the application and corresponding recommendations along with the Noise Management Plan (NMP) prepared by Redkite Environmental submitted in response to the request for further information. Condition no. 4 requires that the measures, investigations and procedures be carried out in full as per the NMP.
- 7.3.11. I note the requirements of the EHO in respect to noise level limits, and associated planning conditions No.18 & 19 in relation to noise level requirements during construction and operational stages.
- 7.3.12. I note concerns were raised by the PA in the request for further information in relation to when members of the public could visit the animal shelter. This was clarified by the applicant in their response opening/operating hours of the facility. I note no specific condition is included in the PA decision limiting the hours for members of the public to visit the rescue dogs and cats at the shelter as the applicant states it is by appointment only. I do not consider it reasonable to limit the hours for visitors to arrive.
- 7.3.13. If the Coimisiún are minded granting permission similar conditions to those included in the PA decision namely no. 4, 18, and 19 are appropriate and could be appended to a grant of permission.

Visual Impact

- 7.3.14. I have had regard to the existing site layout, site levels and existing mature hedgerow boundaries around the perimeter which are to be retained and will screen the development from public view.
- 7.3.15. I have had regard to the overall scale, layout, and design of the proposed development. I am satisfied having visited the site, given the modest scale of development relative to the overall site area, the gable presentation to and significant set back from existing roadside site boundary, single storey design of the structures (ridge height of 4.74m), the elevations of which are largely screened by the screen wall, tree planting and hedgerow configuration, that the proposed development would not be visually obtrusive.

- 7.3.16. I have had regard to the elevation and site section drawings, render and metal finishes as illustrated on render drawings, I am satisfied would integrate successfully into the rural landscape.
- 7.3.17. I have also had regard to the proposed landscaping proposals and consider the existing site has the capacity to absorb the scale of development proposed to accommodate the animal shelter and would not be out of character in my opinion in a rural area.

Light Pollution

- 7.3.18. I have also had regard to potential light pollution. I note from the VeeLite lighting layout Drawing No. 24-06-09-01BB lodged with the application 23/08/2024 that the proposed internal lighting scheme indicates lighting along the internal access road, road and parking areas and along paths in the vicinity of the proposed catteries and kennel buildings. I note the majority of the proposed lighting is located away from site boundaries and adjoining residential developments.
- 7.3.19. I note Condition No.21 relates to the Lighting Design requirements. I am satisfied that subject to these requirements that the proposed development will not result in light pollution that would impact to a significant degree on the residential amenities of the adjoining area.
- 7.3.20. I can confirm that the Site Layout Plan and orientation of a proposed berm along the western boundary have not been labelled correctly as identified by the PA and to which condition No.3 relates. If An Coimisúin are minded granting permission a similar suitably worded condition can be attached.
- 7.3.21. I have had regard to potential noise and light pollution, and proposed opening hours, and am satisfied that the residential and visual amenities would not be so seriously impacted such as to warrant a refusal of permission.

7.4. Impact on Biodiversity

- 7.4.1. The appellant has raised concerns in relation to the impact of the proposed development on biodiversity and wildlife, and specifically on Petrifying Springs tufa formations.

- 7.4.2. The application was accompanied by a Bat Survey Report dated July 2023. Further reports were submitted in response to the further information request by the PA following issues raised by third parties. These include an Ecological Survey Report and Petrifying Spring Survey.
- 7.4.3. Both were considered by the Ecologist in the Heritage Section of the PA, and considered matters raised in submissions were satisfactorily addressed subject to a number of recommendations for the protection of bats, badgers, and protection and enhancement of water quality and aquatic/wetland habitats on site.
- 7.4.4. Condition No. 22 of the PA notification of decision refers to a number of requirements in respect of the protection of badgers, and construction activities, overseen by an Ecologist on site.

Ecology

- 7.4.5. I can confirm from my site visit mid-September that the site is currently in use as grazing for sheep and is bounded by mature trees along the western and northern parts of the field boundary and native hedgerow primarily along the eastern and southern field boundaries.
- 7.4.6. I can also confirm from walking the perimeter of the site, that the drainage ditches along the western and northern boundaries were dry, but that there was evidence of running water along the stream to the east and south. I noted bird activity and mammal tracks with evidence of badger tunnels along a number of site boundaries

Bat Survey

- 7.4.7. I have had regard to the Ecological Survey Report dated 09/04/2025 which refers to the previous Bat Survey and its finding that trees present were of negligible quality for roosting bat potential. It notes tree damage following Storm Éowyn in January 2025 a reassessment was considered appropriate given the date of the previous survey.
- 7.4.8. A terrestrial fauna survey was undertaken on the 20/03/2025, while a dedicated breeding bird survey was undertaken on 03/04/2025. An amphibian habitat survey was undertaken on 20/03/2025.

- 7.4.9. The Report notes the survey limitations as the habitat and floral surveys were conducted in the sub-optimum survey period. Notwithstanding no protected plant species were recorded by the Ecologist during the ecological walkover.
- 7.4.10. The habitats recorded using the Fossitt Classification include improved agricultural grassland, wet grassland, hedgerows, treelines, spoil and bare ground/recolonising bare ground and drainage ditches.
- 7.4.11. While I note evidence of standing water was recorded during the survey 20th March 2025, no evidence of same was found on 3rd April 2025. I can also confirm that I found no evidence of standing water on site during my site visit mid-September 2025. The dominant habitat is spoil and bare ground with vegetation being reduced in size and overgrazed by livestock.
- 7.4.12. The more recent Bat Survey carried out found no evidence of any potential roost features. An active badger sett with two entrances were recorded on the boundary with two subsidiary setts found (but not within the proposed development boundary). The report notes the sensitive nature of badger sett locations and that a confidential map of their locations has been supplied to the applicant.
- 7.4.13. A dedicated Breeding Bird survey was undertaken on 3rd April 2025 which confirms that one species (Rook) was breeding within the site. Survey results are presented in Table 4 of the Ecology Report. At the time of my site inspection the trees were in foliage, so it was not possible to see evidence of bird nests.
- 7.4.14. The report notes the presence of a culvert on the eastern drainage ditch, the shallow nature of the drainage ditch, high silt levels and vegetation presence do not provide suitable breeding habitat for amphibians.
- 7.4.15. The report concludes with a number of recommendations including those for bats outlined previously in the Bat Survey carried out in 2023. These relate to tree felling at the entrance and bat friendly lighting design, incorporation of bat boxes into the landscaping plan.
- 7.4.16. The report states that the active badger sett which is on the edge of the proposed development is to be retained, noting that the footprint of the proposed works are greater than 50meters from the sett location.

- 7.4.17. The Landscape Plans submitted and further expanded in response to the RFI, provide a detailed planting schedule, and specifications of native hedgerows, trees and pollinators to support the sustainability / biodiversity strategy for the development of the site. Landscape Plans submitted also detail the provision of bat boxes to be located at selected locations.
- 7.4.18. I would further note that the existing 1.5m timber post and rail fencing with sheep wire infill along the perimeter of each site boundary is largely intact. This fencing already protects existing planting and where damaged it is proposed to be prepared namely in the northeast corner of the site.
- 7.4.19. While I share the concerns of the appellants in relation to the need to protect the rich biodiversity and wildlife on site and along the boundaries of the site in particular, I am satisfied that the proposed development by reason of its nature and scale, which is set off all existing field boundaries will not result in a significant negative impact on the ecology or biodiversity of the site.
- 7.4.20. I further note the concerns of the Ecologist of the PA in relation to the planting of a new wildflower meadow and Condition No 23 (e) requiring the omission of the planting of a wildflower meadow and instead to facilitate the rejuvenation of the existing meadow by way of an appropriate meadow management plan. I consider this reasonable.

Petrifying Spring Tufa Formation

- 7.4.21. The appellant has raised concern in relation to the significant number of petrifying springs located in proximity to the site and springs in the streams that border the site. The appellant asserts that there is evidence of Tufa in these streams and the area in general.
- 7.4.22. I have had regard to the Monitoring Guidelines for the Assessment of Petrifying Springs in Ireland, Irish Wildlife Manual No. 94, prepared by the National Parks and Wildlife Service 2016. This defines Petrifying springs as lime rich water sources that deposits tufa, a porous calcareous rock. The term 'tufa' applies to cool water deposits of highly porous or 'spongy' freshwater carbonates.

- 7.4.23. A Petrifying spring survey was carried out by Dr. Joanne Denyer (botanist and bryologist) in January 2025. Dr. Denyer is a national expert and lead author of new guidance on petrifying spring assessment and monitoring (Denyer et al., 2023).
- 7.4.24. The survey report notes the small pond/are of standing water in the centre of the site, the vegetation present, and neutral pH of the water present which suggests there is no or little groundwater input into the pond area. The survey confirms there was *'no vascular plants or bryophytes indicative of petrifying springs present (and there were no bryophytes present in the pond area). The remainder of the field was walked over and there was no signs of petrifying spring or alkaline fen vegetation in the survey area and no petrifying spring surveys are required.'*
- 7.4.25. The survey notes the stream running north-west to south-east on the eastern border of the site and then south-east to south-west along the southern boundary. A good flow was recorded at the time of the survey however the report states *'there were no signs of tufa or petrifying spring species in the visible stream sections.'*
- 7.4.26. The appellant submits that the appeal site is adjacent to an area known as Kings Bog which is an area of conservation under the remit of the NPWS.
- 7.4.27. I have had regard to the National Parks and Wildlife Service Flora Protection Order Map Viewer – Bryophytes. A Survey dated 2005 identifies an area north east of Kingsbog having *Ephemerum cohaerens*, designated as a rare and threatened bryophyte. This site is located approx. 1.4km to the southeast of the appeal site. I note that the NPWS were invited by An Coimisiún to comment on the appeal but that no response was received at the time of writing.
- 7.4.28. I note the location of a spring mid-way along the northern site boundary and to the east of the site as identified on the 25Inch Map from 1829-1941 (see map attached). I can confirm on the day of my site visit that there was no ponding of water visible on site.
- 7.4.29. In the absence of a specific location being identified by the appellant in respect of a recorded petrifying spring with tufa formation, I can only reasonably conclude further to the specialist survey carried out that the subject site does not currently support a petrifying spring with tufa formation.

- 7.4.30. I am satisfied therefore that the proposed development which is set off all site boundaries where there are existing streams within which petrifying springs with tufa formations have not been identified that the proposed development is acceptable. will not interfere with any Bryophytes.
- 7.4.31. If An Coimisiún are minded granting planning permission a suitably worded condition similar to that cited as condition no 22 of the PA notification of decision could be attached.

7.5. Foul and Surface Water Drainage

- 7.5.1. The subject site is a greenfield site, located in a rural area, which is not serviced in terms of foul drainage but does benefit from a public watermain.
- 7.5.2. The landholding is 5.92 hectares of which 1ha is being developed as part of the proposed development.
- 7.5.3. Existing surface water drainage is to the ground or to adjoining watercourses that bound the site. Watercourses flow from northwest to northeast, and northwest to southwest to southeast, east and south. This watercourse feed drains towards the Tully stream and onto River Barrow to the southwest of the site.

Foul Drainage

- 7.5.4. It is proposed to provide a wastewater treatment system on site to serve the development.
- 7.5.5. I have had regard to the Engineering Services report and related Proposed Foul Sewer Layout Drawing prepared by Clarke and Company Consulting Engineers and Architects, which accompanied the application.
- 7.5.6. Animal waste is categorised as controlled waste, with treatment governed by more stringent regulations than domestic waste. The WWTS has been designed to meet Environment Protection Agency (EPA) discharge consent of 10:1510mg/l for ammonia and suspended solids and 10mg/L biological oxygen demand (BOD).
- 7.5.7. A High-Performance aerated filter packaged WWT plant (HiPAF) enhanced by Robust packaged sewerage treatment system (RADS) designed for animal waste is proposed. The stored waste is collected by a registered waste collector and

disposed of at an authorised site while the discharge to sand filter which provides a level of tertiary treatment.

- 7.5.8. A HiPAF Site Assessment Form accompanies the application which indicates a loading of 60L/HD/day associated with staff. The Environment Section of the PA sought further information in relation to the capacity of the proposed WWTP, how animal waste would be transferred to it, along with design calculations with regard to the final disposal of the treated effluent. The applicant was advised that if treated effluent is to discharge to a percolation area an EPA Site Characterisation form for an onsite WWTS was to be submitted.
- 7.5.9. I have had regard to the revised Proposed Site Layout Drawing No.25650_3_02 and Site Section Drawings 25650_3_03 submitted in response to this further information request outlining the layout and design of the proposed Integrated Constructed Wetland (ICW). Drawing No.25650_3_02 details the location of the proposed septic tank and associated pipework which feeds to Cell 1, then to Cell 2 and finally to a discharge Cell. The treatment Cells have a combined area of 1,680m³ and are to be vegetated. The discharge Cell has stated area of 75m³. All three Cells which make up the ICW are located within an area to the southeast of the overall site
- 7.5.10. I note the Environment Section of the PA had no objection to the proposals and have included specific requirements in relation to the fencing around the constructed wetland, certification post construction in accordance with EPA Code of Practice for treatment of Domestic Waste and also the EPA Wastewater Treatment Manual for 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', and the need to obtain a Section 4 Effluent Discharge Licence. Condition No. 14 and 15 of the notification of decision refer. If An Coimisiún are minded granting permission similar conditions could be attached.
- 7.5.11. I am satisfied given the requirement to obtain an effluent Discharge Licence in advance of the operation/occupation of the facility and subject to monitoring of the subject site, the proposed WWTP and associated ICW would not be prejudicial to public health.

Flooding

- 7.5.12. I have had regard to the Site-Specific Flood Risk Assessment report and related SuDS and Site Services Plan Drawings prepared by Clarke and Company

Consulting Engineers and Architects, which accompanied the application. This report indicates that there are no flood events specific to the site, and that the proposed floor levels of 83m are well in excess of any possible flood plain level. The assessment concludes that there is minimal risk of Fluvial flooding and that no mitigation measures are required.

- 7.5.13. The report notes that data from the site investigation carried out in June 2024 indicate groundwater table levels at 2.1m in one of the boreholes. The Site Investigation Report dated 21/22/06/2024 Appendix G indicates soft grey/brown very sandy silt/clay with occasional gravel.

Surface Water

- 7.5.14. Surface water runoff from the site will be collected throughout the site and piped to attenuation storm water management system to discharge to ground. The assessment concludes that there is minimal risk of Pluvial flooding and that no mitigation measures are required.

SuDS

- 7.5.15. I have had regard to the Drainage- SuDS Strategy Report prepared by Clarke and Company Consulting Engineers and Architects, which accompanied the application.
- 7.5.16. The proposal provides for a main catchment consisting of all roof and hardstanding areas draining to controlled and restricted flow rates discharging to the proposed infiltration soakaway and bioretention areas.
- 7.5.17. The proposed surface water network is to be split into two main catchment areas (Ref A and B), with Catchment A divided into two sub-catchments (Ref. 1A and 1B). It is proposed to reduce and restrict rainfall runoff from the proposed development to the ground, with a ground infiltration rate of 3.5E-05m/s using the proposed attenuation storage treatment.
- 7.5.18. The report notes that infiltration systems will be provided in off podium areas, with further attenuation to be provided. This is because permeability tests carried out on site indicate that shallow infiltration is not possible for long durations and systems such as impermeable surface, rain gardens or planters have limited capacity due to soil saturation. The attenuation storage tank has a stated capacity of 54CUM.

- 7.5.19. Instead, pervious pavement is to be provided in all car parking areas. The bio retention area is to act as the development's primary attenuation providing 30m³ storage, as well as treatment and interception through the use of engineering soils in the filter medium.
- 7.5.20. I note the proposed network if designed to allow for an additional 30% increase in rainfall intensity to allow for climate change.
- 7.5.21. The report refers to the attenuation system which will be integrated into the landscape proposals around the development. I note the Environment Section of the PA had no objections to the proposals in relation to the SuDS proposals.
- 7.5.22. I have had regard to the surface water drainage calculations provided in Appendix A design calculations and discharge rate proposals provided for a variety of return periods, that the proposed SuDS measures are acceptable. I am satisfied that the proposals have been appropriately designed given the soil infiltration conditions and are acceptable given the overall area of the site.
- 7.5.23. I further note that if An Coimisiún are minded granting permission that similar conditions to those attached by the PA namely Conditions 10 and 11 could be attached.
- 7.5.24. In summary, I am satisfied that the proposed foul drainage and surface water proposals would not be prejudicial to public health or give rise to flooding.

7.6. Traffic Safety and Parking

- 7.6.1. The subject site is accessed from Shanacloon Lane to the west which is located off Local Road L7024 to the north. The Lane meets the L7024 approx. 175 to the north in the form of a simple priority T junction.
- 7.7. The Lane is approx. 3m in width and ends in a cul de sac to the south. It serves approx. 16 no. residential properties.
- 7.7.1. Concern is raised by the appellant in relation to the capacity of the existing laneway to service additional traffic, noting in particular the single carriageway width on which two vehicles cannot pass, and the significant agricultural traffic which use the laneway in the spring and summer months.

- 7.7.2. Concern is also raised in relation to pedestrian safety particularly for school children using the school bus services and collection/drop off point at the junction with the Local Road L7024 to the north of the laneway. The appellant also notes that bin collection lorries currently reverse the length of the lane as there are no suitable or safe points for them to turn.

Access

- 7.7.3. Access to the subject site is via a new gateway which is to be situated at the position of the existing agricultural entrance gates onto Shanacloon Lane in the northwestern corner of the site. A new paved access road is proposed to link the entrance to the new building and associated parking facilities.

Traffic

- 7.7.4. I have had regard to the Traffic and Transport Assessment Report prepared by NRB consulting engineers, submitted with the application. The report includes a number of appendices including Traffic Surveys, Trip Distribution and Traffic Flow diagrams, in addition to Junction Capacity Modelling at the proposed site access junction.
- 7.7.5. I note the traffic surveys were carried out during 2024 in a normal traffic period and during the tradition peak commuter periods in accordance with TII's Traffic and Transport Assessment Guidelines. The Transport Assessment confirms that the site access junction is adequate to accommodate the level of traffic generated and that the development traffic will have a negligible impact on established traffic conditions.
- 7.7.6. I note the Transportation Department of the PA had no objections in principle to the proposed access arrangements but sought further information on items relating to the internal operation of the site.
- 7.7.7. The Proposed Site Access Sight Lines Drawing No. NRB-TA-002 submitted with the application dated 23/08/2024 details demonstrate 3x90m sight lines in line with TII Guidelines DN-GEO-03060.
- 7.7.8. Further details were submitted in response to the request for further information detailing the proposed reconfigured entrance gates, existing and proposed fencing, disabled parking bays, Ev charging and bike storage.
- 7.7.9. Drawing No. 6036-01-204 details, the reconfigured entrance gates and adjacent fencing. This drawing shows the existing stream to be culverted across the

entrance, with proposed rendered blockwork wing wall and piers and recessed entrance gates to new access road. A section of new 1.5m high fencing is to be provided on the southern side of the entrance to allow clear sightlines, with existing hedgerow along the road edge to be replanted with native species.

- 7.7.10. Condition No. 5 of the grant of permission requires that the new vehicular entrance shall be constructed as shown on this drawing. The condition also requires that the hedgerow is maintained, and sight visibility lines are kept free from obstruction, so as not to impede lines of sight at the entrance as provided in accordance Transport Infrastructure Ireland (TII) Documents (DN-GEO-03031 and DN-GEO-03060). If the Coimisiún are minded granting permission a similar condition could be attached.

Carparking

- 7.7.11. In terms of car parking, it is anticipated that the development will have a maximum of 5 staff in place at any one time, and it is proposed to provide 10 no car parking spaces to cater for arrivals/departures during the shift turnover. It is proposed to provide 3 to 5 double sided Sheffield Stands for bicycles. In terms of visitor parking, it is proposed to an additional 5 no car parking spaces given.
- 7.7.12. There is no use of 'Animal Shelter' contained within the various land-use definitions set out in Table 15.8 of the Kildare CDP 2023-2029. I consider this provision of car parking and bicycle parking acceptable given that the site is not constrained in terms of space, and its relative proximity to Kildare Town.

Traffic

- 7.7.13. The laneway runs north south and ends in a cul de sac on its southern end, it therefore has no through traffic, and on the day of my site inspection mid-September was very lightly trafficked. This corresponds with the traffic survey carried out both along the lane and along the Local Road L7024 to the north, included in Appendix B of the TIA Report.

Trip Generation

- 7.7.14. I note the Trip Rate Information Computer System (TRICS) database was used to establish typical daily traffic generated by the facility. I am satisfied that this provides a robust traffic modelling exercise enabling an assessment of the impact in the network emanating from the site including the key link towards the M7 Motorway

junction no. 13 and Kildare town. The TIA refers to the selection of an opening year of 2027 and even allowing for a delay in opening of 1-3 years concludes that no significant impact upon the conclusions of the TIA would result.

- 7.7.15. In accordance with the TII Traffic and Transport Assessment Guidelines a Threshold Assessment of the impact on the local roads was also carried out to determine whether further, more detailed modelling and assessment of particular critical junctions is required. The TIA concludes that with very low volumes of vehicular traffic added to the local road network, no significant or noticeable level of new trips on the local roads with all anticipated traffic increases beyond the site access junction itself is expected to be way below the Industry Standard of 5% above which further assessment is required.
- 7.7.16. The TIA includes a Site Access Junction Capacity Analysis which used a PiCADY (Priority Intersection Capacity And Delay) software package to assess the capacity of the proposed site access junction. The simulation model results for the proposed site access are set out in Appendix D of the TIA.
- 7.7.17. The results of the modelling show that the simple T-Junction in the location of the field access will have significantly more than adequate capacity to accommodate the worst-case traffic associated with the development.
- 7.7.18. I concur with the conclusions of the TIA, which take into account the narrow nature of Shanacloon Lane leading to the site should not represent a barrier to the proposed development given the nature of the business and extremely low traffic conditions.
- 7.7.19. In summary, I am satisfied that the proposed development will not give rise to a traffic hazard and is acceptable in terms of traffic safety. The grounds of appeal therefore should not be upheld on this basis.

8.0 AA Screening

I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises kennels and cattery with ancillary buildings and associated development works as described in section 2 of this report.

The subject site is not located within or adjacent to a European Site.

- The River Barrow and River Nore SAC (Site Code 002162) is c.9km (watercourse pathway via the Tully Stream) to the west and c. 6km to the south.
- Pollardstown Fen SAC (Site Code 000396) is c. 7km to the north-east.
- Mouds Bog SAC (Site Code 002331) is c. 9.4km to the north-east.

Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. This determination is based on:

- Nature of the development
- Distance from European sites.
- Likelihood of indirect connections to the European sites.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission be **granted** for the proposed development for the following stated reason and subject to the following stated conditions.

10.0 Reasons and Considerations

Having regard to the rural location, and proximity to Kildare Town and M7 Motorway, the pattern of permitted development in the area, and to the provisions of the Kildare County Development Plan 2023-2029, and to the nature and scale of the proposed development for which permission is sought, 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, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The 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 15th day of April 2025, and by An Coimisiún Pleanála on the 17th day of June 2025 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: in the interest of visual amenity.

3. Prior to the commencement of development, the Applicant shall submit a revised Site Layout Plan, for the written approval of the Planning Authority, with the correct drawing title and berm orientation labelling.

Reason: In the interest of clarity.

4. The noise mitigation measures set out in the Noise Management Plan submitted to the Planning Authority on the 24th day of April 2025 shall be implemented in full.

Reason: In the interest of residential amenity.

5. Noise from the construction stages of the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and between 08:00 and 13:00 on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels from site development works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

6. Noise from the operational stages of the planned development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:
- (a) 55 dB(A) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time.
 - (b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. A detailed Noise Study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare County Council. The Noise Study shall be submitted for the consent of the Planning Authority.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: in the interest of public health.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) 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. (a) All foul waste and soiled water shall discharge to the proposed Wastewater Treatment System. A final detailed design of the Wastewater Treatment System shall be submitted for the written approval of the Planning Authority prior to commencement of development. The detailed design shall

include for any overflow from the surface water system elsewhere within the development.

(b) (i) The constructed wetland, shall be designed and constructed in accordance with Section 8 of the 2021 Environmental Protection Agency (EPA) Code of Practice “Domestic Waste Water Treatment Systems”, or alternative agreed specification agreed with the Planning Authority prior to commencement.

(ii) A suitably qualified person shall supervise construction and submit certification to the Planning Authority that all works have been completed in compliance with the requirements of the EPA Codes of Practice “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” and the EPA Wastewater Treatment Manual “Treatment Systems for Small Communities, Business, Leisure Centres and Hotels”. The Applicant shall note that access to the ICW should be effectively closed, except for maintenance. This should be done with fencing that is in accordance with section 8.1.7 of the EPA Code of Practice “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”. Staged photographs and a revised Site Layout Plan showing the location of the constructed wetland shall be included.

Reason: In the interest of public health and avoid pollution.

10. There shall be no discharge of treated effluent from the development to ground or surface waters until such time as a Section 4 Effluent Discharge Licence under the Local Government (Water Pollution) Act 1977, as amended, is obtained. The Applicant is advised to engage with the Kildare County Council Environment Department discharge licensing section regarding their requirements on at the earliest opportunity, and prior to commencement of any onsite development works.

Reason: In the interest of public health and avoid pollution.

11. The Sustainable Urban Drainage Systems (SuDS) Strategy and Sustainable Urban Drainage Systems (SuDS) Scheme Design detailed within the Engineering Drainage Report carried out by CLARKE Engineers Architects

and outlined on planning-stage design drawings 6036- 01-105 REV 01 contained within the Planning Drawings Sustainable Drainage documents and Specific Site Flood Risk Assessment 6036-01, shall be implemented in full unless otherwise agreed with the Planning Authority.

Reason: To ensure proper servicing of the development and to eliminate the potential impact of pluvial flood risk.

12. Prior to commencement of development, the Applicant shall submit the final cross-sectional views of all proposed Sustainable Urban Drainage Systems (SuDS) for the development. A final Scheme Implementation Report shall also be submitted, all for the written approval of the Planning Authority. The design should include but not be limited to:
- (a) Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1-in-1 year and 1-in-100-year rainfall events.
 - (b) Provide sufficient surface water management so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1-in-30 year event, and 1-in-100 year event in any part of a building, utility plant susceptible to water within the development.
 - (c) Provide sufficient water management to ensure no off-site flooding as a result of the development during all storm events up to and including the 1-in-100 year plus climate change event.
 - (d) Final modelling and calculations for all areas of the Sustainable Drainage Systems.
 - (e) The appropriate level of treatment for all runoff leaving the site.
 - (f) Detailed engineering drawings of each component of the drainage scheme.
 - (g) A final drainage plan which details exceedance and conveyance routes, Finished Floor Levels (FFL) and Ground Plane Levels (GPL), and location and sizing of any drainage features.

(h) A written report summarising the final strategy and highlighting any changes to the approved strategy. The design shall subsequently be implemented prior to occupation.

Reason: To ensure proper and sustainable servicing of the proposed development.

13. Vehicular access to the development shall be constructed as shown on Drawing 6035-01-204, received by the Planning Authority on the 15th day of April 2025. The Developer shall ensure that the hedgerow is subsequently maintained, and sight visibility lines are kept free from obstruction, so as not to impede lines of sight at the entrance; as provided in accordance Transport Infrastructure Ireland (TII) Documents (DN-GEO-03031 and DN-GEO-03060).

Reason: In the interest of clarity and traffic safety.

14. The Applicant shall ensure that existing land and road-side drainage are not impaired, changes at the entrance shall be designed and shaped to ensure an uninterrupted flow of existing roadside drainage.

Reason: In the interest of traffic safety.

15. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: in the interest of amenity and of traffic and pedestrian safety.

16. All of the car parking spaces serving the proposed animal shelter shall be provided with electric connections to the exterior of the proposed structures to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

17. The Applicant shall provide bicycle parking as shown on Drawing 6036-01-207 received by the Planning Authority on the 15th day of April 2025.

Reason: In the interest of sustainable transport.

18. The mitigation measures set out in the ecological impact assessment submitted with the application shall be implemented in full.

Reason: in the interest of orderly development.

19. 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.

Reason: in the interest of residential and visual amenity.

20. (a) Prior to the commencement of development, a detailed Lighting Design Plan shall be submitted to and approved in writing by the Planning Authority. This plan must demonstrate how the lighting design will minimize impacts on the local bat populations, specifically those recorded on site as mentioned in the Bat Survey document submitted with this application i.e. the soprano pipistrelle, common pipistrelle, Leisler's bat, and possible whiskered or Natterer's bat.

(b) All external lighting shall be designed to be bat-friendly. This includes the use of low pressure sodium lamps or warm white LED lights with a wavelength greater than 550nm. The lighting should be directed away from bat roosts, foraging areas, and commuting routes.

(c) The lighting levels shall be kept as low as possible (typically below 3 lux) while ensuring safety and security. Lighting should be timed to be off during peak bat activity periods (dusk to dawn) unless absolutely necessary for security reasons.

(d) All lighting fixtures shall be fully shielded to prevent light spill into bat habitats. Lights should be directed downwards and away from bat roosts and foraging areas to minimize disturbance.

(e) A post-installation monitoring plan shall be implemented to assess the effectiveness of the bat-friendly lighting. Adjustments to the lighting design shall be made if monitoring indicates that bats are being adversely affected.

(f) A qualified Bat Ecologist shall be consulted during the design and installation of the lighting to ensure that the needs of the local bat populations are adequately addressed.

(g) A compliance report, prepared by a suitably qualified Bat Ecologist, shall be submitted to the Planning Authority within 12 months of the installation of the lighting. This report shall confirm that the lighting has been installed in accordance with the approved Lighting Design Plan and is functioning as intended to protect the local bat populations.

Reason: To ensure the protection of bats.

21. (a) Prior to the commencement of any construction works, a detailed badger survey shall be conducted by a qualified Ecologist in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. The survey report shall be submitted to and for the written approval of the Planning Authority.

(b) A buffer zone of at least 30 meters shall be established around the known active badger sett and greater during breeding period. This buffer zone shall be clearly marked on site and no construction activities, including vehicle movement and material storage, shall occur within this zone.

(c) Prior to the commencement of development, a Construction Method Statement (CMS) shall be prepared and submitted for the written approval of the Planning Authority. The CMS shall detail measures to avoid disturbance to badgers, including noise and vibration reduction strategies, and shall comply with the Badger Trust Recommendations.

(d) Construction activities within 50 meters of the active badger sett shall be restricted to daylight hours to minimize disturbance. No works shall be carried out during the badger breeding season (December to June) unless otherwise agreed in writing with the Planning Authority.

(e) A qualified Ecologist shall be present on site during all construction activities within 50 meters of the active badger sett to ensure compliance with the approved CMS and to monitor badger activity. The Ecologist shall have the authority to halt works if badgers are observed to be disturbed.

(f) Temporary protective fencing shall be erected around the buffer zone to prevent accidental encroachment by construction personnel and machinery. The fencing shall be maintained in good condition for the duration of the construction works. Vegetation Management:

(g) Retain vegetation around setts to provide cover and shelter.

(h) Cut any woody vegetation if required to be cut back away from setts and avoid blocking pathways.

(i) Plant dense native shrubs around setts to enhance protection.

(j) No artificial lighting shall be directed towards the active badger sett or the buffer zone. Any necessary lighting shall be low-intensity and shielded to prevent light spill into the buffer zone, as per guidelines for bats.

(k) Minimize noise and vibration near active setts.

(l) Avoid activity between dusk and dawn, when badgers are most active.

(m) Cap exposed pipe systems and cover or provide exit ramps from trenches to prevent badgers from getting trapped.

(n) Store chemicals in a safe place.

(o) Following the completion of construction works, a post-construction monitoring plan shall be implemented to assess the impact on the badger sett. The monitoring shall be carried out by a qualified Ecologist and a report shall be submitted to Planning Authority within 12 months of the completion of works.

(p) All works shall comply with the provisions of the Wildlife Act 1976 (as amended), which provides legal protection to badgers and their setts. Any breach of these conditions may result in enforcement action by Kildare County Council.

(q) If any activities are likely to disturb badgers or their setts, a derogation licence must be obtained from the National Parks and Wildlife Service (NPWS) in accordance with the Wildlife Act 1976 (as amended). The licence application must be supported by a detailed impact assessment and mitigation plan prepared by a qualified Ecologist.

Reason: To ensure the protection of badgers.

22. All service cables associated with the proposed development such as electrical, and telecommunications 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 amenity.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: in the interests of public safety and residential amenity.

24. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

25. The developer shall pay to the planning authority a financial contribution 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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan McHugh
Senior Planning Inspector

13th October 2025

Case Reference	ACP-322790-25
Proposed Development Summary	Kennels and cattery with ancillary buildings and associated development works.
Development Address	Shanacloon Lane, Newtown, Kildare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. In addition, the application is supported by the following documentation

- Bat Survey Report,
- Ecological Survey Report, and
- Petrifying Spring Survey
- These documents have been prepared on behalf of the Applicant and the objective information presented informs the screening determination.

The site is located in a rural area on the outskirts of the town of Kildare, Co. Kildare. I have provided a detailed description of the site location and its surrounding context in section 1 of my report, while the development is described in detail in section 2. Detailed specifications of the proposed development are provided in other planning documents provided by the Applicant. In summary, the development seeks planning consent for the construction of 2 no cattery buildings, 1 no. dog kennel building with ancillary carparking. The development will also include a wastewater treatment plant and constructed wetland.

I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.

There are no Natura Sites within the immediate vicinity of the appeal site. The nearest designated site (Pollardstown Fen (Site Code 000396)) is located c. 7.km to the north east of the appeal site.

European site (SAC/SPA)	Site code	Distance to subject site	Connections (source, pathway, receptor)	Considered further in Screening (Y/N)
Pollardstown Fen SAC	000396	c.7km to the north-east	No potential connections	N
The River Barrow and River Nore SAC	002162	c.9km to the west and c. 6km to the south	No potential connections	N

In the case of the each of the SACs, there are no direct or indirect hydrological pathways from the proposed development site to the European Sites. Potential significant effects are unlikely as there are no source – pathway – receptor linkages and each European Site is therefore screened out. In this regard, it is considered that

the construction and operation of the proposed development will not impact on the conservation interests of the Designated Sites, and no potential impacts are foreseen.

Step 2: Potential impact mechanisms from the project

The proposed development will have no significant effects upon the designated sites identified. It is noted that there are no individual elements of the proposed project that are likely to give rise to negative impacts on these aforementioned sites. In addition, there is a sufficient distance between the application site and all designated areas within its Zone of Influence to ensure that no impacts will arise. Furthermore, there are no source-pathway-receptor linkages between the application site and the designated areas identified. Having regard to the foregoing, there will be no direct, indirect or cumulative impacts upon the qualifying interest (habitat or species) arising from the proposed development.

Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

N/A

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

The development and use of this rural site is catered for through land use planning, including the Kildare County Development Plan, 2023-2029, covering the location of the application site. This plan has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is to be served by a waste water treatment plant and constructed wetland, which will be the subject of a Waste Discharge Licence. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

The potential impact of the proposed development on Kings Bog is referred to in the appeal. Kings Bog is located c. 1.33km south of the appeal site. The NPWS Survey 2005 identified and recorded a Taxon Site to the north of Kings Bog as having bryophytes (*Ephemerum cohaerens*). See [Flora Protection Order - bryophytes](#) with Map attached 10/04/2017.

I have considered 'In-Combination/Cumulative Impacts' in terms of other developments or proposed developments in the adjoining area and potential cumulative impacts were considered. I have had regard to a number of permitted developments within the site surrounds; these mainly relate to other agricultural or residential developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore, I conclude on the basis of objective information, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion - Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

- Objective information presented, Bat Survey Report, Ecological Survey Report, and Petrifying Spring Survey,
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.

I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-322790-25	Townland, address	Shanacloon Lane, Newtown, Kildare, Co. Kildare.
Description of project		Kennels and cattery with ancillary buildings and associated development works.	
Brief site description, relevant to WFD Screening,		Site is located in a rural location. It slopes from northwest OD 84.2m to southeast OD 81.4m. The nearest river waterbody to the site is the Tully Stream which is located c.900m southeast of the site. The Tully Stream which is of 'poor' water quality status flows in a southerly direction to the River Barrow. Soil type comprises a soft grey/brown very sandy silt/clay with occasional gravel. Site is currently in use as grazing.	
Proposed surface water details		Proposed SuDS design.(see section 7.5 of my report above)	
Proposed water supply source & available capacity		Existing public water supply.	
Proposed wastewater treatment system & available capacity, other issues		The WWTS has been designed to meet Environment Protection Agency (EPA) discharge consent of 10:1510mg/l for ammonia and suspended solids and 10mg/L biological oxygen demand (BOD). A High-Performance aerated filter packaged WWT plant (HiPAF) enhanced by Robust packaged sewerage treatment system (RADS) designed for animal waste is proposed. The stored waste is collected by a registered waste collector and disposed of at an authorised site while the discharge to sand filter which provides a level of tertiary treatment. A HiPAF Site Assessment Form accompanies the application which indicates a loading of 60L/HD/day associated with staff.	

	Integrated Constructed Wetland (ICW). Drawing No.25650_3_02 details the location of the proposed septic tank and associated pipework which feeds to Cell 1, then to Cell 2 and finally to a discharge Cell. The treatment Cells have a combined area of 1,680m ³ and are to be vegetated. The discharge Cell has stated area of 75m ³ . All three Cells which make up the ICW are located within an area to the southeast of the overall site.
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	900m	Tully Stream (Catchment ID - 20)	Poor	Under Review	Proposed WWTP and ICW	No
Groundwater	Underlying site	Bagenalstown Upper (IE-SE-G-153)	Good		Proposed WWTP and ICW	No

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Tully Stream	No direct discharge pathway.	Siltation, Hydrocarbon Spillages	Standard Construction	No	Screened out

		(Catchment ID -20)	Risk of overland flows to watercourses is low due to distances		Measures/Conditions		
2.	Ground	Bagenalstown Upper (IE-SE-G-153)	Pathway does not exist as soils are not free draining, limiting the connectivity to groundwaters	Hydrocarbon Spillages	Standard Construction Measures/Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Tully Stream (Catchment ID -20)	No direct discharge pathway. Risk of overland flows to watercourses is low due to distances	Discharges of raw sewage to surface waters via overland flow	Implementation of WWTP Operational & Maintenance Plan	No	Screened out
4.	Ground	Bagenalstown Upper (IE-SE-G-153)	Pathway does not exist as soils are not free draining, limiting the connectivity to groundwaters	Discharges of excess volumes of untreated sewage to groundwaters	Implementation of WWTP Operational & Maintenance Plan	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						