



An
Coimisiún
Pleanála

Inspector's Report PL-500121-KE

Development	New agricultural entrance and associated works.
Location	Naas East, Kilcullen Road, Naas, Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460949
Applicant(s)	Brendan & Jacinta Colivet
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Brendan & Jacinta Colivet
Observer(s)	None
Date of Site Inspection	16 th January 2026
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located on the R448 c. 400m south of the Kilcullen Road roundabout to the south of the town of Naas, Co. Kildare. The existing landholding serves as agricultural land at present. There are three existing entrances serving the landholding from the R448. I refer the Commission to the map submitted with the appeal response from the applicant. These are labelled as 'existing northern entrance', 'existing southern entrance' and 'existing entrance to be blocked up'. A cycle and footpath adjoin the landholding. The site is within the 50km/h speed limit zone.
- 1.2. There are a school and residential properties in close proximity to the site.

2.0 Proposed Development

- 2.1. Permission sought for new agricultural access together with all associated site works.
- 2.2. In response to a Further Information Request, the applicant indicated that it is proposed to close up an existing entrance c. 85m north of the proposed access.

3.0 Planning Authority Decision

- 3.1. **Decision**
- 3.2. Permission granted subject to 6 No. conditions. Condition 2 required that within one month of this permission, the applicant shall submit for the written agreement of the Planning Authority photographic evidence of the removal of the existing entrance as

indicated on the drawings to the Planning Authority dated the 21/08/25. The entrance shall remain permanently closed and planted with native hedgerow.

3.3. All other conditions are of a standard nature for a development of this type.

3.4. **Planning Authority Reports**

3.4.1. Planning Reports

- Report (14/11/24) noted the policy of the Planning Authority to discourage the proliferation of access points onto public roads and requested Further Information in relation to closing up one of the existing three entrances serving the site.
- Report (17/09/25) considered that the removal of an existing agricultural entrance was acceptable from a planning perspective and recommended permission subject to conditions.

3.4.2. Other Technical Reports

Environment Section: No objection subject to conditions.

Water Services: No objection subject to condition.

Area Engineer: Recommend refusal as follows:

It is the policy of the council to discourage the proliferation of access points onto public roads. The proposed development would take access from the Regional Road R448, this would conflict with the objectives of the County Development Plan 2023-2029 and set a precedent for similar developments.

Transportation (7/11/24): Field already has alternative accesses. Refusal recommended.

Transportation (13/11/24): Further Information required. Report states that this report follows discussions with the Kildare County Council Housing Department.

Transportation (19/09/25): Considers that one entrance is enough to serve the site. Requests the applicant to submit a revised site layout showing all entrances. Refusal recommended as follows:

The proposed development located on a Regional Road by the precedent which a grant of permission would set:

- could lead to a proliferation of similar type developments, and
- would interfere with the safety and free flowing nature of traffic on the road.

The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the traffic generated by the development onto an existing regional road.

3.5. Prescribed Bodies

- No reports.

3.6. Third Party Observations

- 3.6.1. One third party submission was made to the Planning Authority. The issues raised are similar to those in the appeal

4.0 Planning History

No previous applications outlined on the site.

Unauthorised Development UD8162- Case closed- unauthorised opening of an entrance, laying of hardcore surfacing and works relating to land reclamation.

5.0 Policy Context

5.1. Development Plan Kildare Co. Co. Development Plan 2023-2029

Chapter 5 deals with Sustainable Mobility and Transport. Section 5.7 sets out policy in relation to regional roads. Table 5 includes the R448 as a regional road identified for improvement.

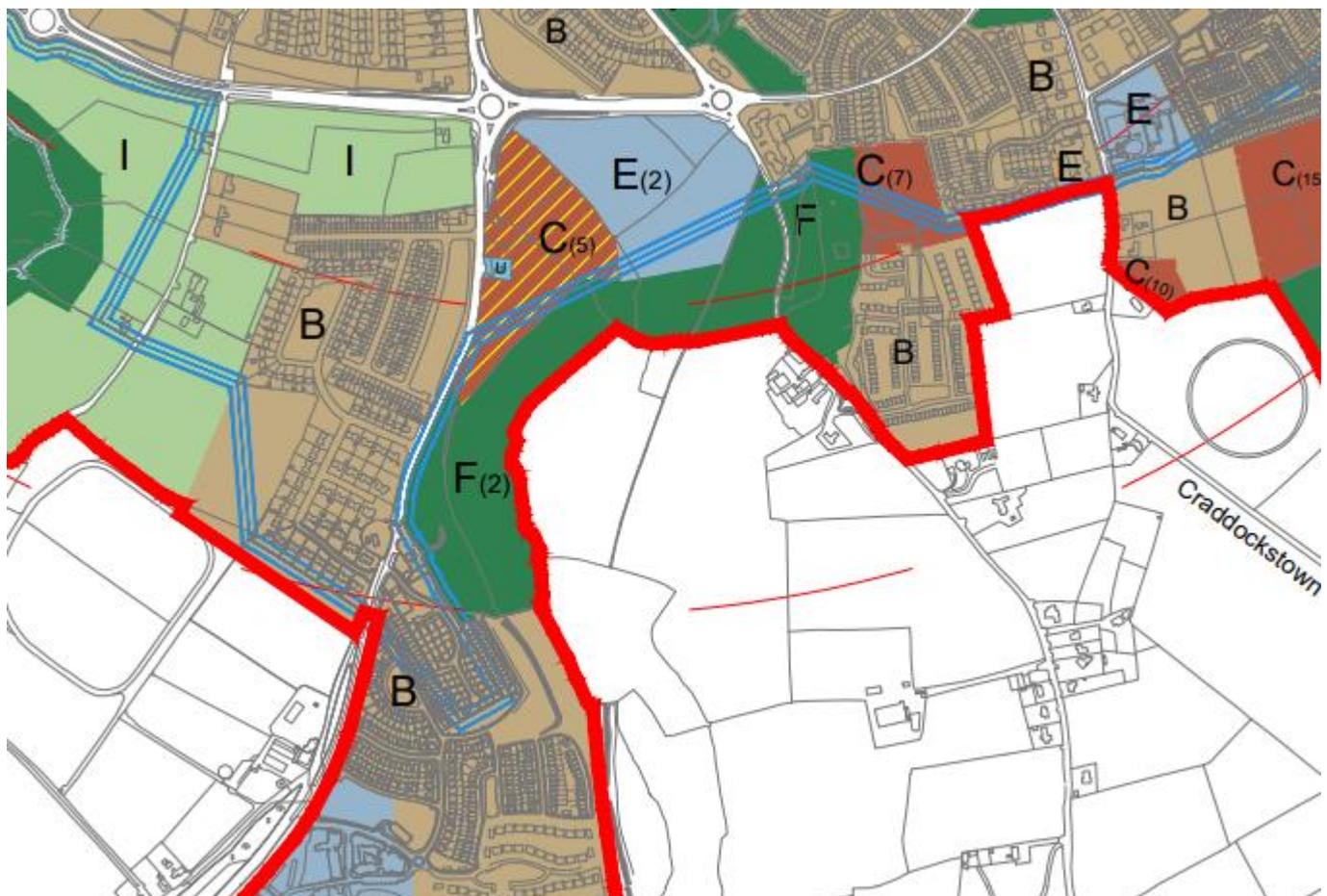
Policy TM P6 - Maintain and improve the capacity, safety and function of the regional road network (as finance becomes available) and to ensure that it is planned for and managed to enable the sustainable economic development of the county and wider area while encouraging a shift towards more sustainable travel and transport in accordance with the Core Strategy, the Spatial Planning and National

Roads Guidelines (2012) and the Draft Transport Strategy for the Greater Dublin Area 2022-2042.

Section 15.7.6 sets out Access Requirements- generally, it is the policy of the Council to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern in accordance with the objectives in Section 5.6. The Council also encourages and promotes shared access points in all circumstances.

5.2. Naas Local Area Plan 2021-2027

5.2.1. Lands are zoned C - New Residential Phase 2 and F (2) Strategic Open Space.



5.3. Natural Heritage Designations

5.3.1. None relevant.

5.4. EIA Screening

- 5.4.1. 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. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of the third party appeal can be summarised as follows:
- There is no immediate or urgent requirement for any additional entrances to the land.
 - The residential zoned lands are not needed at this time and there is no commitment that they will be used in the lifetime of the next Naas LAP.
 - The land in question already has 3 access points, including one which was blocked up until recently and is unsafe. (See Appendix 4).
 - Kildare County Council are rewarding the landowner for closing an unofficial / unauthorised entrance.

6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- The original application was for a new gate. Having regard to the concern raised by the Planning Authority regarding proliferation of entrances serving the agricultural lands at this location, an existing entrance will be closed. See Figures 1-3 showing entrance to be closed. This was readvertised as significant Further Information.
- The proposed entrance does not adversely affect the appellants or their property.

- A map is attached showing all existing entrances to the landholding from the R448.
- A letter is attached showing that the proposed entrance complies with DMURS and the cycle design manual.

6.3. **Planning Authority Response**

6.3.1. The response from the Planning Authority is as follows:

- The Planning Authority confirms its decision and refers to the internal department reports in relation to the assessment of the planning application.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that 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 main issue in this appeal is as follows:

- Need for proposed entrance at this location

7.1.1. This site is located on the R448 c. 400m south of the Kilcullen Road roundabout to the south of the town of Naas. The lands are in agricultural use at present and are served by 3 entrances all within the 50km/ h speed limit zone. I am not aware of the planning status of the existing entrances. I note that the planner's report identifies that one of the entrances is 'unofficial'- this entrance is located c. 85m north of the proposed entrance. Revised drawings submitted to the Planning Authority dated the 21st of August 2025 propose to close this access. The appeal identifies that this entrance is 'unofficial' however the appeal response disputes this as the entrance has been in place for a considerable period of time and was facilitated by Kildare County Council when upgrading the infrastructure on the public road in 2015.

- 7.1.2. Regardless of the planning status of the existing entrances, and the proposal to close one of the entrances, I concur with the reports of the Area Engineer and the Transportation Section which identify that there is a proliferation of entrances serving the lands. I note that it is the policy of the council to discourage the proliferation of access points onto public roads and consider that the proposed development would conflict with the County Development Plan 2023-2029 and set a precedent for similar developments.
- 7.1.3. The stated purpose of the proposed access as set out in the Further Information Response is to maintain an independent access to the landholding should residential zoned lands be developed. I am not satisfied that this reason is sufficient justification having regard to the unknown timeframe in this regard and the existing entrances serving the lands. Table 5 of the Development Plan includes the R448 as a regional road identified for improvement. The policy set out in Policy TM P6 is to maintain and improve the capacity, safety and function of the regional road network. The creation of additional entrances would be contrary to this policy. Whilst the access proposed has sufficient sightlines, I inspected the site at a time when the road was very busy due to school closing time and noted that the R448 carries a considerable amount of traffic on a daily basis. It is the policy outlined in Section 15.7.6 to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern in accordance with the objectives in Section 5.6. The Council also encourages and promotes shared access points in all circumstances.
- 7.1.4. Having regard to the circumstances outlined above, I consider that the applicant has not adequately justified multiple entrances at this location. The proliferation of entrances onto a busy regional road identified for improvement in Table 5, would set an undesirable precedent, and would be contrary to Policy TM P6 to maintain and improve the capacity, safety and function of the regional road network. The proposed development would, therefore, interfere with the safety and free flow of traffic and would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

8.0 AA Screening

- 8.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Water Framework Directive

- 9.1. There are no water courses in the immediate vicinity of the appeal site with the nearest water body being the LIFFEY_110, IE_EA_09L011300, c. 130m east of the proposed development. The proposed development comprises the development an agricultural entrance. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced area, the distance from nearest water bodies, and the lack of direct hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that permission is refused.

11.0 Reasons and Considerations

The proposed development which seeks to construct an agricultural entrance onto the R448 on lands which are presently served by 3 No. existing entrances, would lead to proliferation of entrances at this location, notwithstanding the proposal to close one of the existing entrances. This would conflict with Policy TMP6, would interfere with the safety and free flow of traffic and would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

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.

Emer Doyle

Planning Inspector

12th February 2026

Case Reference	Appendix 1- Form 1- EIA Pre-Screening PL-500121-KE
Proposed Development Summary	Construction of agricultural entrance
Development Address	Kilcullen Road, Naas, Co. 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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> 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?	
<input checked="" type="checkbox"/> 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.	

<p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ **Date:** _____