



An
Coimisiún
Pleanála

Inspector's Report

PL-500607-KE-26

Development	Sub-division of existing site for the construction of 2no. detached one and half storey, two bedroom houses and all associated site works.
Location	Rear of 677 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	2560409.
Applicant(s)	Patrick Stokes.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Patrick Stokes.
Observer(s)	None on file.
Date of Site Inspection	3 rd April, 2026.
Inspector	Aiden O'Neill.

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development	3
3.0	Planning Authority Decision.....	4
4.0	Planning History	8
5.0	Policy Context	8
6.0	EIA Screening	11
7.0	The Appeal	11
8.0	Assessment.....	13
9.0	AA Screening	16
10.0	Water Framework Directive	18
11.0	Recommendation	19
12.0	Reasons and Considerations	19
13.0	Conditions	19
	Appendix 1: Form 1 EIA Pre-Screening	22
	Appendix 2: Form 2 - EIA Preliminary Examination.....	24

1.0 Site Location and Description

- 1.1. The proposed development site is c. 0.072ha in area, is relatively long, irregular in shape, and opens out to the rear of 677 Ballymany Cottages. Consistent with the pattern of development to the east and west, 677 Ballymany Cottages is a single-storey semi-detached dwelling with rear conservatory/kitchen area, located to the south of the R445 in the established residential area of south-west Newbridge. To the immediate south of 677 Ballymany Cottages is a single-storey detached dwelling, for which retention permission was recently granted. To the north, on the opposite side of the R445 is a commercial centre including a service station, motor parts, cycle store, and car wash. To the north-west is a local centre, anchored by Spar. The town centre of Newbridge is c. 1.5km to the north-east, and is accessible via footpath.
- 1.2. The majority of dwellings in the immediate vicinity of the site are single-storey, including to the immediate south-east on the northern end of Green Road, with two-storey dwellings located further south along Green Road. Further west are new residential estates (including estates under construction) of two and three-storeys to the north and south of the R445.

2.0 Proposed Development

- 2.1. The proposed development will consist of the construction of 2no. 1 and a half-storey 2-bedroom gable-fronted pitched roof dwellings, each 106m² in area, 7m to ridge height, with velux windows to the side elevations, rear garden space, 2no. external EV car parking spaces per dwelling, bins stores and bike storage, and all associated landscaping and drainage works. The 2no. dwellings will be accessed from the existing entrance off the R445 via a 5.5m wide internal access. Proposed external materials include a burnt/charred timber façade on all elevations and a pressed metal standing seam roof. The boundary between the 2 dwellings will be a 1.8m high capped and plastered block wall.
- 2.2. The proposed dwellings will connect to public services. Surface water is proposed to be collected via ACO drain. The application form states that soakpits will be installed.

3.0 **Planning Authority Decision**

3.1. **Decision**

Kildare County Council refused planning permission on 9th December, 2025 for 1no. reason as follows:

1. Having regard to the zoning objective of the site as 'B' Existing Residential/infill in the Newbridge Local Area Plan 2013-2019 (extended to 2021) and the Draft Settlement Plan for Newbridge 2025-2031 which primarily seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification, it is considered that the proposed detached one and a half storey dwellings would result in the overlooking of the private amenity open spaces of neighbouring properties to the east, southeast, west and northwest, would seriously injure the residential amenity of these properties, and depreciate the value of properties in the area, would materially contravene the zoning objective pertaining to the site, establish an undesirable precedent for similar development in the area and would therefore be contrary to the proper planning and sustainable development of the area.

3.1.1. Conditions

N/A.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Assistant Planner's report dated 5th June, 2025 notes the following:

- The principle of the proposed development is acceptable.
- It is considered that storey and a half dwellings are not excessive in scale for infill developments in general.
- The proposed dwellings do not have a significant negative impact on the streetscape of the R445 and that the form of the proposed dwellings is considered acceptable for the subject site.
- Details of proposed finishes are insufficient.

- The proposed subdivided dwellings meet the minimum standards for floor area and private open space for two bed houses. Cycle parking and storage have not been indicated on the proposed floor plans or site layout plan.
- On the day of the site visit, it appeared that two individual dwellings were present on site.
- It is acknowledged that there may be a degree of overlooking of the adjoining rear gardens and the Applicant will be requested to submit a revised site layout plan indicating appropriate tree planting to interrupt the overlooking of neighbouring properties.
- It is noted that the dwellings to the west and southwest are single storey structures and are at an oblique angle to the fenestration on the proposed dwellings. Having regard to the proposed design and the distance to other properties in the area, it is considered that there are adequate separation distances between opposing first floor windows in terms of overlooking.
- Further Information is recommended, and was issued on 6th June, 2026. A response was received on 12th November, 2025.

The Assistant Planner's report dated 5th December, 2025 notes the following:

- Proposed materials are acceptable.
- The proposed landscaping which includes a "300-500mm high planted area" an "800mm high raised water planter" and 3 "structural trees to break visual" would not serve to interrupt overlooking of adjoining properties. No planting is indicated on the southwest boundary to screen overlooking of the private amenity open space of the adjoining property to the west 678 Ballymany Cottages. The Applicant has not indicated any planting to interrupt overlooking of the private amenity open space of the dwellings to the east, 1 Green Road and southeast, 2 Green Road, and it has not been demonstrated to the satisfaction of the Planning Authority that the proposed landscaping would adequately interrupt overlooking of the private amenity open space of the dwelling to the north-west 677 Ballymany Cottages.

- The proposed storage has a total area of 5.9m², which is a minor shortfall of the 6m² required for a two-bedroom dwelling under the Kildare County Development Plan 2023-2029.
- The proposed bicycle storage and bin storage arrangement is considered acceptable.
- The Part V request is not adequately addressed.
- The Planning Authority had serious concerns in relation to overlooking of neighbouring properties and the Applicant was afforded the opportunity to revise the proposal to address this matter. However, it is considered that the response was inadequate and the proposed development would result in an unacceptable degree of overlooking of the private amenity open space of neighbouring properties including 677 and 678 Ballymany Cottages and 1 and 2 Green Road. The development is also contrary to the zoning objective of the site as 'B' Existing Residential/infill in the Newbridge Local Area Plan 2013-2019 (extended to 2021) and the Draft Settlement Plan for Newbridge 2025-31 which primarily seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification.

The planner's report is the basis for the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

- The Report of the Kildare Newbridge Municipal District Office dated 30th May, 2025 raises no objection subject to conditions.
- The Report of the Assistant Engineer of the Water Services Department dated 7th May, 2025 raised no objection subject to conditions.
- The Report of the Building Control and Development Control Section dated 20th May, 2025 request further information in relation to Taking in Charge. The Report of the Building Control and Development Control Section dated 25th November, 2025 raises no observations.
- The Report of the Chief Fire Officer dated 22nd May, 2025 raises no objection.

- The Report of the Environment Section dated 13th May, 2025 raises no objection subject to conditions.
- The Report of the Roads, Transportation and Public Safety Department dated 20th May, 2025 requests further information in relation to car parking, EV charging, surface water run off and a Construction Management Plan. The Report of the Roads, Transportation and Public Safety Department dated 4th December, 2025 raises no objection subject to conditions.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

There is 1no. observation on file, which makes the following points:

- The proposed development, involving the construction of two 1.5 storey dwellings in a rear garden, is incompatible with the established urban form, character, and scale of the immediate surrounding area.
- Furthermore, the proposed dwellings' ridge height and overall massing are excessive relative to their surroundings, resulting in a visually overbearing presence.
- The Kildare County Development Plan clearly states that infill and backland development must respect the existing built form, be subordinate in scale to surrounding properties, and integrate sensitively into the existing streetscape.
- The proposed design includes first-floor windows that create direct sightlines into private rear gardens, who currently enjoy high levels of privacy due to the single-storey nature of the surrounding homes.
- Kildare County Council typically requires a minimum 22-metre back-to-back separation distance between opposing dwellings to preserve privacy and prevent overlooking. However, the application does not clearly demonstrate compliance with this standard, and the relevant measurements are not visible or clearly indicated on the submitted plans.

- The proposal lacks a thoughtful design response to its context and fails to consider the low-density, single-storey character of the surrounding neighbourhood.
- The scale of the proposed dwellings is likely to dominate the surrounding homes, resulting in a loss of privacy, a sense of enclosure, and a reduction in the area's overall openness.

4.0 Planning History

4.1. The following history pertains to the proposed development site.

- 25/61275: Retention permission was granted on 18th March, 2026 for an existing single storey detached living unit as constructed located behind the original cottage on site with permission to construct a single storey extension linking the original cottage on site with the existing detached living unit located to the rear of the original cottage as one residential unit and all associated site works.

5.0 Policy Context

5.1. Development Plan

The provisions of the Kildare County Development Plan 2023-2029 refer.

The Core Strategy in Chapter 2 of Vol 1 of the Kildare County Development Plan 2023 designates Newbridge as a Self-Sustaining Growth Town in the County Settlement Strategy. This designation refers to towns with a reasonable level of jobs and services to meet the needs of people in its service catchment.

The Core Strategy also allocates 11.6 % of the county housing and population growth to the Self-Sustaining Growth Town of Newbridge. This results in a target increase of 2,917 persons for the period of Q1 2023 to Q4 2028 with a housing target of 1,061 units for the same period.

Policy objective HO O5 seeks to encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

Furthermore, policy objective HO O6 seeks to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

In addition, policy objective HO P6 seeks to promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Chapter 15 sets out the development management standards of the Plan.

Section 15.2.4 and Table 15.1 of the Plan sets out the standards for soft landscaping of native trees and shrubs, including the planting of semi-mature trees.

Table 15.2 of the Plan sets out minimum floorspace and open space standards for houses. A minimum floor area of 85m², storage area of 6m², and 55m² private open space is required for 2-bed houses.

Section 15.4.6 of the Plan that adequate provision shall be made for the storage and collection of waste materials. Each house shall have adequately screened storage for at least 3 number 'wheelie' bins.

Section 15.6.7 of the Plan stipulates that rear gardens should be a minimum of 11 metres in depth (22 meters back-to-back as a general rule) to protect privacy, sunlight, and avoid undue overlooking. Reductions will be considered for single storey developments and / or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting, and sunlight can be achieved.

Variation 2 of the Kildare County Development Plan 2023-2029 – Newbridge Settlement Plan

At a Special Meeting of Kildare County Council on 23rd February 2026 the Elected Members of Kildare County Council adopted Variation 2 of the Kildare County Development Plan 2023 - 2029: Newbridge Settlement Plan. Variation 2 of the Kildare County Development Plan 2023 - 2029 takes immediate effect.

Table 2.1 page 18 states that the Settlement Plan aims to combat urban sprawl by supporting compact growth and the consolidation of the existing urban form in Newbridge.

Section 6.3 of the Plan in relation to residential mix and design states that the Plan aligns with SPPR 1 of the Guidelines on Urban Development and Building Heights (2018) which requires Planning Authorities to identify areas for higher building heights in locations with good public transport accessibility, particularly town/city cores. Accordingly, the Plan does not propose to place any height limitations on new development. In addition, the overall design and layout of residential development should be of high-quality and comply with the urban design and placemaking provisions contained in the CDP, along with any provisions in Section 28 Ministerial Guidelines.

Map 11.1 of Variation 2 identifies that the site is zoned 'B' Existing Residential/Infill. Section 11.3 and Table 11.6 of Variation 2 defines the zone 'B' designation as one that seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification. Residential units are permitted in principle on lands zoned B.

Newbridge Local Area Plan 2013-2019 as extended

The planner's report refers to the Newbridge Local Area Plan (LAP) 2013-2019, incorporating Amendment No.1, effective from 16th October 2015, which was extended on 19th December 2018 to 22nd December 2021.

It appears that adopted Variation 2 of the Kildare County Development Plan 2023 - 2029: Newbridge Settlement Plan supersedes the LAP.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

National Planning Objective (NPO 9) of the National Planning Framework First Revision 2025 (NPF) requires that at least 30% of all new homes targeted for settlements (excluding the five major cities and their suburbs) must be delivered within their existing built-up footprints and ensure compact and sequential patterns of growth. Achieving compact growth will require, in the context of this appeal, more intensive use of infill sites, and to increase the scale of new buildings.

The Sustainable Residential Development and Compact Settlements Guidelines 2024 set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation

of compact settlements. SPPR 1 of the Guidelines state that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing first floor windows serving habitable rooms. It is further stated that there shall be no specified minimum separation distance at ground level and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. SPPR 2 indicates a requirement of 30m² private open space for 2-bed dwellings. SPPR 4 sets out provisions for cycle parking and storage.

5.3. Natural Heritage Designations

The proposed development site is c. 1.272km to the south-east of the Pollardstown Fen SAC and pNHA (Site Code: 000396); and 1.384km to the north-east of the Curragh (Kildare) pNHA (Site Code: 000392).

6.0 EIA Screening

6.1 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). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The First Party appeal sets out the following grounds:

- The planning application before the commission represents a sustainable and reasonable intensification of urban development on urban lands in Newbridge.
- The proposed development attempts a backland development on a large urban site where there is a pattern of development broadly consistent with the proposed development.

- The Planning Department failed to take cognisance of the location of the development and planning precedent in the area.
- The site was not inspected objectively and thoroughly to understand the impact of the proposed development on adjoining properties.
- This area of Newbridge consists of pre-1963 sites with semi-detached cottages which are long and narrow. Scarce urban land which is serviced is a perfect opportunity to supply housing.
- It is understood and accepted that a balance must be made between the protection of residential amenity and new infill and backland development. It is clear in the 2024 Guidelines that planning authorities must be cognisant of balancing the needs for protection of residential amenity and also exploiting and maximising brownfield development lands.
- Precedent is established in application register references 23/60380 (single-storey dwelling to the rear of 682 Ballymany Cottages and 21/1709 one and a half storey dwelling to the rear of 683 Ballymany Cottages). These are examples of successful infill sites.
- SPPR 1 of the 2024 Guidelines allows for separation distances to be informed by layout, design and site characteristics of the proposed development, which was not considered by the Planning Authority. Adequate separation distances are provided.
- There is no direct overlooking of properties to the east or south-east, and these houses are orientated at an oblique angle to the proposed development.
- The existing beech hedge along the south-west boundary maintains the residential amenity of properties to the south-west. Details of proposed pleached hawthorn trees are shown on a revised site layout drawing that accompanies the appeal.
- The proposed development would not seriously injure the residential amenities of adjacent properties.

7.2. Applicant Response in the case of a 3rd Party Appeal

- N/A.

7.3. **Planning Authority Response**

- Kildare County Council's response dated 11th February, 2026 to the appeal states that it confirms its decision and requests the Commission to refer to the planner's report and various technical department reports in relation to the assessment of the appeal.

7.4. **Observations**

- None on file.

7.5. **Further Responses**

- N/A

8.0 **Assessment**

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2. The main appeal issues are, therefore, as follows:

- Compliance with the Plan.
- Impact on adjoining amenities.

8.3. Compliance with the Plan

8.3.1 The proposed development will consist of the construction of 2no. 2-bed one and a half storey dwellings on a backland site to the rear of 2no. existing single-storey dwellings.

8.3.2 Having regard to national and local planning policy which favours compact growth, increased density and reuse of underutilised brownfield land, and as noted by the Assistant Planner, the proposed development is acceptable in principle.

8.3.3 Specifically in the context of the Kildare County Development Plan 2023-2029, it is considered that the proposed development:

- Is aligned with the provisions of the Core Strategy of the County Development Plan which designates Newbridge as a Self-Sustaining Growth Town.

- Is consistent with policy objective HO 05 as it will support an increased density of an appropriate scale on a backland site.
- Is supported by policy objective HO P6 as it will support residential consolidation in Newbridge, and the sustainable intensification of an underutilised backland site.

8.3.4 Having regard to Variation 2 of the Plan incorporating the Newbridge Settlement Plan, the proposed development:

- Will support compact growth and the consolidation of the existing urban form in Newbridge, having regard to Table 2.1 of the Settlement Plan.
- Is aligned with the provisions of the Plan with respect to height, with no height limitations on new development, consistent with SPPR 1 of the Guidelines on Urban Development and Building Heights 2018.

8.3.5 The proposed development is well in excess of the minimum floor areas in the County Development Plan for two-bedroom dwellings, which more than compensates for the marginal deficit in minimum storage space area provided.

8.3.6 While the depths of the gardens, at c. 7.7m, are less than the 11m required by the Plan, this is offset by the larger private open space, of c. 65.835m² per garden, which is well over the minimum 55m² required. It is noted that section 15.6.7 of the Plan provides for reductions in this standard where it can be demonstrated that adequate levels of privacy, natural lighting, and sunlight can be achieved. In this context, the existing dwellings in the immediate vicinity are single-storey and are located between 12.3m and 21.5m to the south-east and south, and 43.2m to the north-west of the proposed development site. In this regard, it is considered that the proposed garden depth is acceptable and supported by the provisions of section 15.6.7 of the Plan. The existing dwellings on site will also retain sufficient private open space. It is further noted that other than the objection received during the initial 5-week submission period from a person with an address in Saudia Arabia, it would appear that there are no other objections from adjoining properties.

8.3.7 Car parking, bicycle parking and bin storage is provided.

8.3.8 I also note that the reports prepared by the relevant Council Departments recommended permission subject to conditions, including in relation to drainage.

- 8.3.9 In this respect, the overall design and layout of residential development is of high-quality and generally complies with the relevant provisions of the County Development Plan.
- 8.3.10 I note particularly that the Planning Authority had recommended refusal on the basis that the proposed development would materially contravene the 'B' Existing Residential/Infill zoning objective of the Newbridge Local Area Plan 2013-2019 (extended to 2021). The LAP has been superseded by the Variation 2 Settlement Plan form Newbridge of the County Development Plan, however the 'B' zoning objective is retained. Residential units are permitted in principle on lands which attract the B zoning objective. This objective primarily seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification. For the reasons discussed below, it is considered that the proposed development will protect the amenities of established residential communities, and with additional landscaping as proposed to be attached by condition (see below), will also enhance the area. As noted above, the resulting intensification of the proposed development site is aligned with prevailing policy and is therefore sustainable.
- 8.3.11 I also note the precedents referred to by the applicant in the appeal, which are located further west of the proposed development site at Ballymany Cottages, and which confirm the acceptability of the proposed development in policy terms.
- 8.3.8 In addition, and noting that the planning authority's reason for refusal states that the proposed development materially contravenes zoning objective 'B' Existing Residential/infill of the Newbridge Local Area Plan 2013-2019 (extended to 2021), the zoning objective is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.
- 8.4 Impact on adjoining amenities.
- 8.4.1 The Planning Authority had refused permission on the basis that the proposed 2no. dwellings would result in the overlooking of the private amenity open spaces of neighbouring properties to the east, southeast, west and northwest, would seriously injure the residential amenity of these properties, and depreciate the value of properties in the area.

- 8.4.2 However, in his original report, the Assistant Planner commented that the storey and a half dwellings are not excessive in scale for infill developments in general.
- 8.4.3 The Assistant Planner also noted the oblique angle of the existing single-storey dwellings to the fenestration on the proposed dwellings.
- 8.4.4 Given the one and a half story height of the proposed dwellings, their distance from the boundary of the proposed development site, the nature of the existing boundaries, including the existing 2m block wall to the south-eastern (rear) and north-eastern (side) elevations and the existing beech hedging to the south-west, the existing landscaping treatment of boundaries to properties in the vicinity, and the distance of the proposed dwellings from the single-storey dwellings in the vicinity – between 12.3m and 21.5m to the south-east and south, and 43.2m to the north-west as shown on Site Layout Plan drawing no. PS/APP-002Z that accompanied the appeal – it is considered that no significant overlooking of the private open spaces of existing dwellings in the vicinity, in particular the closest dwellings to the south-east, will arise.
- 8.4.5 I also note the larger rear garden spaces, as referred to above.
- 8.4.6 It is therefore also considered that the proposed development would not seriously injure the residential amenity of properties in the vicinity in this context, and would also not depreciate their value.
- 8.4.7 It is noted that the basis for the refusal of permission was on the inadequate landscaping proposals submitted in response to the RFI. Having regard to the matters discussed above, I do not consider the inadequacy of the submitted landscaping details to warrant a refusal of permission. It is, however, recommended that the applicant submits a more comprehensive landscaping plan to the Planning Authority for the improvement of the amenities of the proposed dwellings for agreement prior to the commencement of development, in the event that the Commission is minded to grant planning permission.

9.0 **AA Screening**

- 9.1. I have considered the sub-division of existing site for the construction of 2no. detached one and half storey, two bedroom houses and all associated site works on a site to the

rear of 677 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 9.2 The proposed development site is c. 1.272km to the south-east of the Pollardstown Fen SAC (Site Code: 000396).
- 9.3 The proposed development will consist of the sub-division of existing site for the construction of 2no. detached one and half storey, two bedroom houses and all associated site works on a site to the Rear of 677 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Pollardstown Fen SAC (Site Code: 000396) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

- 9.6 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.7 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.
- 9.8 Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1 The proposed development site is located in the south-western area of Newbridge town. The nearest relevant water body is the Cloncumber Stream, code IE_SE_14C170200, c. 1.333km to the north-west, the status of which is 'At Risk'.

10.2 The proposed development comprises the sub-division of existing site for the construction of 2no. detached one and half storey, two bedroom houses and all associated site works on a site to the Rear of 677 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare.

10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the sub-division of existing site for the construction of 2no. detached one and half storey, two bedroom houses and all associated site works on a site to the Rear of 677 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare, 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.

10.4 The reason for this conclusion is as follows:

- The nature and scale of the development proposed.
- Distance from the nearest relevant water body, and the lack of hydrological connections.

10.5 Conclusion

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.

11.0 Recommendation

11.1. I recommend that permission for the development to be retained is granted for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2023-2029, in particular policy objectives HO 05 and HO P6, and the applicable 'B' Existing Residential/Infill zoning objective of Variation 2 of the Kildare County Development Plan incorporating the Settlement Plan for Newbridge, and to the nature, scale and design of the proposed dwellings, and their separation from existing dwellings, it is considered that, subject to compliance with the conditions set out before, the proposed development will not be seriously injurious to existing residential amenities by reason of overlooking, overshadowing or access to daylight/sunlight, would not adversely impact on the visual amenities of the area, and would not have an adverse impact upon the character of the area. It is considered that the proposed development is in the interests of the proper planning and sustainable development of the area.

13.0 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 submitted on the 12th day of November, 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. External finishes to the proposed development shall be in accordance with the details received by the planning authority on the 12th day of November, 2025.

Reason: In the interest of visual amenity.

3. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater network.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a landscaping plan illustrating additional native planting along the south-eastern boundary of the proposed development site.

Reason: In order to improve the amenities of the proposed development site, and in the interest of visual amenity.

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.



Aiden O'Neill
Planning Inspector

13th April, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500607-KE-26
Proposed Development Summary	Sub-division of existing site for the construction of 2no. detached one and a half storey two bedroom houses and all associated site works.
Development Address	Rear of 677 Ballymany Cottages, Ballymany, Newbridge, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<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 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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> 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)	Class 10 (b) (i) of Part 2 of Schedule 2. Threshold is 500 dwelling units.
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 <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

Adan O'Sullivan

Inspector: _____

Date: 13th April, 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500607-KE-26
Proposed Development Summary	Sub-division of existing site for the construction of 2no. detached one and a half storey two bedroom houses and all associated site works.
Development Address	Rear of 677 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The site comprises an urban infill site within an existing built up area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions, pollutants or nuisance due to the nature of the proposed residential use. The development does not require demolition works. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development is situated to the rear of 2no. existing dwellings in an established residential area. The site is not located within, or immediately adjoining, any protected areas, or other areas of heritage or cultural interest. The development is located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Ad. O'Sullivan

Inspector: _____ Date: 13th April, 2026

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)