Inspector's Report
PL-501627-KE-26

Development	Construction of creche, 4 no. dwelling units including all associated boundary treatments, site works and services
Location	Castle farm, Jigginstown, Naas
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2561126
Applicant(s)	Little Harvard Creche
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Stephen Dunne obo Castlefarm Residents Association
Observer(s)	None
Date of Site Inspection	2 October 2026
Inspector	Ronan Murphy

1.0 Site Location and Description

1.1. The site is located approximately 2km to the west of Naas Town Centre and has a rectangular shape with a stated area of 1,834m². At present the site is overgrown in parts and also contains a cleared gravel surface and is enclosed by temporary fencing.

1.2. The area surrounding the site is residential in character with existing residential to the west and a vacant site to the north. To the south is the access road into Castle Farm Bailey and the South Ring Road is located to the east of the site.

2.0 Proposed Development

2.1. The initial application comprised of permission for the construction of a two-storey creche with 10 no. classrooms, staff room, kitchen, lift, plant room, offices, toilets, foyer, and storage.

2.2. The proposed development will also consist of the construction of 4 no. dwelling units consisting of 1 no. 1 bed apartment and 3 no. 2 bed apartments including car parking, bin storage, bicycle parking including all associated boundary treatments, site works and services.

2.3. The proposed building would have a height of c. 9.5m and would have a floor area of c. 895.5m^2. The proposed building would have a brick finish with render insets at first floor level.

2.4. At ground floor level the proposal would comprise of 7 No. childcare rooms and associated rooms including toilets, offices, secretariat, waiting rooms, and stores. The first-floor plan would comprise of 1 No, childcare room, an assembly room, and a board room. In addition to this, the first floor includes a total of 4 No. apartments.

2.5. With regard to the residential element of the proposal, the following key parameters are noted:

Site area	0.18ha
Residential Units	4
Total floor space	337.28m^2
Building Height	c.9.5m

Communal open space	32m^2
Access	Vehicular and pedestrian from Castle Bailey entrance from the South Ring Road
Car and cycle parking	25 car parking spaces 12 Bicycle spaces

Table 1 Development Parameters

2.7 As a result of a response to Further Information the design of the proposed building has been altered to include a gabled building with a predominantly red brick finish, with elements of white render at first floor level. It is noted that the alterations to the design of the development do not alter the floor area of the building.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 2/6/26 the Planning Authority decided to grant planning permission for the proposed development, subject to 24 No. conditions.

3.1.2 Conditions

Condition No. 3 states that the 4 no. permitted apartments shall be solely occupied by staff of the creche. The apartment units shall not be sold or let independently of the creche facility.

Condition No. 8 states that prior to the commencement of the development, the Applicant/Developer shall submit a Stage 2 Road Safety Audit to the Planning Authority.

Condition No.9 states that prior to the occupation of the development, the Applicant/Developer shall submit a Stage 3 Road Safety Audit to the Planning Authority.

3.2. Planning Authority Reports

Planning Reports

3.2.1 There are two planning reports on file. The first area planners report dated 24/11/25 states that having regard to the planning history of the overall development site which permitted the childcare facility that the principle of a childcare facility at this location is considered acceptable. Residential development is permitted in principle.

3.2.2 Notwithstanding this, concerns were raised with respect to the design approach which was considered to be unacceptable and would be visually incongruous relative to surrounding relatively recently completed development at Castle Farm and Primrose Lane.

3.2.3 Concerns were also raised with respect to traffic, road safety, car parking, landscaping, the provision of SuDS and fire safety guidelines. Further Information was requested based on the above concerns.

3.2.1. Other Technical Reports

- **Parks**: Report dated 9/10/25 requesting further information
- **Environment Department**: Report dated 17/10/25 outlining no objections subject to conditions.
- **Building Control**: Report dated 3/11/25 outlining no objections.
- **Housing:** Report dated 6/11/25 requesting further information**.**
- **Roads Department**: Report dated 13/11/25 requesting further information**.**
- **CFO**: Report dated 14/11/25 requesting further information.
- **Water Services:** Report dated 17/11/25 requesting further information.

3.3. Prescribed Bodies

- Uisce Eireann: Letter of feasibility dated 9/7/25 submitted with the application. There was no response from Uisce Eireann to consultation.

3.4 Post Further information

3.4.1 A second planning report dated 28/5/26 notes that the applicant's response to further information was acceptable. The second area planners report acknowledges the updated design submitted as a response to the further information request. The area planner notes that the updated design is a significant improvement on the original design. It states that the design of the eastern elevation facing the South Ring Road is a particular improvement.

3.4.2 The area planner notes that all other responses to the further information request are acceptable and that planning permission should be granted.

3.4.3 Other Technical Reports-Post Further Information

- **Parks**: Report dated 13/5/26 outlining no objection, subject to conditions.
- **Environment Department**: Report dated 25/5/26 outlining no objections subject to conditions.
- **Roads Department**: Report dated 25/5/26 requesting further information.
- **CFO**: Report dated 14/5/26 outlining no objection, subject to conditions.

3.4. Third Party Observations

3.4.1 The Planning Authority received 3 no submissions to the initial planning application. The observations can be summarised as follows:

- Traffic safety concerns
- Inappropriate bin storage area
- Noise and environmental impact
- Excessive scale and intensification of use at site
- Inadequate parking provision
- Residential component is inappropriate.

4.0 Planning History

Appeal Site

Reg. Ref. 24/252: Application for the Construction of a Creche with 10 no. classrooms, staff room, kitchen, lift, plant room, offices, toilets, foyer, and storage. Also, the construction of 4 No. apartments consisting of 1No. 1 bed apartment and 3 No.2 bed apartments to include car parking, bin storage, bicycle parking, new boundary wall and fence on the northern side of the site to Primrose Lane and open space with connection to the public sewer, surface water and water main. This application was withdrawn after a Further Information request.

Reg. Ref. 23/97: Application for a creche with 10 no. classrooms, staff room, kitchen, lift, plant room, offices, toilets, foyer and storage, also the construction of 6 No. apartments consisting of 1 No. 3 bed apartment, 2 No. 1 bed apartments and 3 No. 2 bed apartments to include car parking, bin storage, bicycle parking and open space with connection to the public sewer, surface water and water main. This application was withdrawn after a Further Information request.

Reg. Ref. 20/301: Application for the amendment to previously permitted development, Reg. Ref. 16/1145 (subsequently amended under Reg. Refs. 17/886, 17/1369 and 19/85). The proposed development seeks the omission of previously permitted single storey childcare facility (324sqm gross floor area (GFA) and the replacement with 6 no. dwellings, comprising a two-storey terrace with 4 no. mid terrace, two bed units (85sqm GFA each) and 2 no. end of terrace, three bed units (107sqm GFA each), together with all associated landscape, boundary, infrastructure, site and development works ancillary to the proposed development. Access and car parking remain as per permitted development. The proposed development results in an increase in the total number of units from 180 no. units (4 no. four bed units; 16 no. two bed units, 120 no. three bed units and 40 no. four bed units) as permitted under Reg. Ref. 16/1145 (and subsequently amended) to 186 no. units (4 no. one bed units; 20 no. two bed units, 122 no. three bed units and 40 no. four bed units). Permission was refused for the following reason:

1. Having regard to the planning history of the overall development site which permitted the childcare facility (planning register reference 16/1145), it is considered that to approve the replacement of the permitted creche building with additional residential units, would set an undesirable precedent for similar residential developments, and would contravene the provisions of the Childcare Facilities Guidelines 2001 issued as Ministerial Guidelines under Section 28 of

the Planning and Development Act 2000 (as amended). The failure to provide a childcare facility within this new housing area would also have a serious detrimental impact on the residential amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

Reg. Ref. 19/85: Application for an amendment to previously permitted residential development, Reg. Ref. 16/1145 (subsequently amended under Reg. Ref. 17/886 and Reg. Ref. 17/1369). The proposed amendments relate to 8 no. units only of the permitted scheme and comprises of removal of existing rear access laneways and the construction of bin stores to serve unit Nos. 38,39,50, and 51 and the associated extension of gardens to units 37,40,49 and 52 (due to the omission of rear access). The proposed bin stores will measure approximately 1.2 metres in height, 0.85 metres in width and 3.705m in total length. Permission granted, subject to conditions.

Reg. Ref. 17/1369: Application for amendment to previously permitted residential development, Reg. Ref. 16/1145 (subsequently amended under Reg. Ref. 17/886) comprising of: the replacement of 2 no. four bed units (Type C) with 4 no. one bed apartments in a two storey block minor modifications to elevational treatments of 93 no units representing phase 3 and 4 of the permitted scheme, the proposed development results in an increase in the total number of units from 178 no. units (16.no two bed units; 120 no. three bed units and 42 no. four bed units) 12 permitted under Reg. Ref. 16/1145 to 180 no. units (4.no one bed units;16 no. two beds, 120 no. three beds and 40 no. four beds.

Reg. Ref. 17/886. Application for amendment to previously permitted residential development Reg. Ref. 16/1145. The proposed amendments relate to 83 No. units only, representing Phase 1 and 2 of the permitted scheme, and comprises of minor modifications to elevational treatments. Permission granted, subject to conditions.

Reg. Ref. 16/1145: Application for 183 no. residential dwellings comprising 16 no. 2-two storey terrace dwellings (Type A); 134 no. 3-bed two storey terrace and semi-detached dwellings (Type A1 & B) and 33 no. 4-bed two storey semi-detached and detached dwellings (Type C, C1 & C2); provision of a single storey childcare facility (approximately 324sq.m GFA); provision of vehicular and pedestrian access via existing site entrance off the Naas Inner Relief Road; closure of existing temporary vehicular access road to Primrose Garden and provision of vehicular and pedestrian

access to Primrose Garden via proposed development; all ancillary internal access roads, car parking, infrastructure landscaping and boundary treatments and all associated site and development works (above and below ground level)

5.0 Policy Context

5.1 Development Plan

5.1.1 The *Kildare County Development Plan, 2023-2029* is the operative plan for the purposes of this appeal determination. The following policies and objectives are pertinent:

Section 10.13 Childcare Facilities

SC P13 Support and facilitate the provision of good quality and accessible childcare facilities at suitable locations within the County in consultation with the Kildare County Childcare Committee, subject to AA screening and where applicable, Stage 2 AA.

SC O77 Have regard to the criteria specified in the Childcare Facilities for Planning Authorities, DEHLG (2001), Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), and any updated policy guidance, regarding the provision of childcare and early years education facilities.

SC O78 Require the provision of childcare facilities close to existing built-up areas including: - Business Parks and major employment centres - Neighbourhood and district retail centres - Large scale retail developments - The vicinity of schools and major educational facilities - Adjacent to community centres and facilities - Adjacent to public transport nodes - Convenient to new and existing residential developments.

SC O79 Ensure childcare provision is delivered in new communities prior to or in tandem with phase 1 of any residential or commercial development and is fully operational prior to the occupation of any residential units within the subject site.

SC O80 Support the provision of childcare facilities within or co-located with community buildings, such as community centres and schools.

SC O81 Support the provision of outdoor based childcare services in the county as an alternative, and in addition to providing purpose-built services in appropriate locations with toilet and shelter facilities for mealtimes, rest, etc., subject to AA screening and

where applicable, Stage 2 AA.

SC O82 Encourage community childcare facilities through social enterprise initiatives at appropriate locations throughout Kildare.

SC O83 Ensure development proposals for childcare facilities incorporate Universal Design Guidelines for Early Learning and Care Settings.

SC O84 Require childcare facilities to incorporate a flexible design approach whereby their use could be adapted for other community purposes as the profile of the area changes. Evening uses should also be considered (e.g., a youth facility or activities for older persons).

SC O85 Require proposals that include childcare facilities to liaise with key stakeholders including the Kildare County Childcare Committee and to submit written correspondence from such stakeholders with their comments regarding the development proposal.

Chapter 15 Development Standards

The Council will seek to facilitate the provision of high-quality childcare facilities in appropriate locations throughout the county and may require their provision in large residential, public community, commercial, and retail developments in accordance with the provisions of the DoEHLG 'Childcare Facilities Guidelines for Planning Authorities' (2001).

5.1.2 Naas Local Area Plan 2021-2027

Under the LAP, the site is within an area zoned 'B - Existing/Infill Residential which has the objective *"To protect and enhance the amenity of established residential communities and promote sustainable intensification."*

Section 4.5.2. With regard to childcare, it is noted that a total of 640 additional childcare spaces is required to accommodate the projected housing growth to 2027. There are a number of extant planning permissions that would provide for 445 childcare places leaving 193 places outstanding.

HCO 1.1 Support new residential development and infill development that occurs in tandem with the delivery of supporting physical and social infrastructure.

HCO 3.1 Encourage the development of new facilities and improvements to and expansion of existing facilities for educational, early learning, childcare, and healthcare facilities, at appropriate locations in Naas.

HCO 3.2 Require the provision of appropriately located and purpose-built early learning and childcare facilities to meet the pro-rata childcare needs of housing development during the plan period. Childcare facilities will be required, by a condition of planning permission, to be developed within the first phase of any new residential development.

S.10.3.2 of the Naas Local Area Plan 2021-2027 guides design in the town.

INO24: Which seeks to only consider underground retention solutions when all other options have been exhausted. Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.

5.2 National/Regional Plans/Policies

National Guidance

National Planning Framework (2040)-First Revision April 2025

5.2.1 The National Planning Framework - Project Ireland 2040-updated in April 2025 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

National Policy Objective 41 which seeks to Prioritise the alignment of targeted and planned population and employment growth with investment in (inter alia)

- The provision and timely delivery of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, including in support of infill and brownfield development, that meet the diverse needs of local populations and act as a key enabler for housing development, thereby contributing to the development of sustainable communities.

5.3 National Guidance

5.3.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These guidelines seek to support sustainable residential development and the creation of compact settlements for urban and rural areas.
- Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025. The purpose of these guidelines is to set out policy and guidance in relation to the planning and development of apartments in all housing or mixed-use developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease, or for rental purposes.
- Childcare Facilities - Guidelines for Planning Authorities (2001). The guidelines provide a framework to guide assessment of applications for planning permission for childcare proposals.
- Circular PL 3/2016. Planning Authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 – including the minimum floor area requirements per child – from their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications”

5.3.2 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)

5.4 Natural Heritage Designations

5.4.1 The appeal site is not located within or adjoining any designated site. The nearest European Sites in proximity to the appeal site are as follows:

- Moulds Bog SAC (Site Code: 002331) which is c.7.142km to the west of the site.
- Ballynafagh Lake SAC (site Code 001387) which is located c. 9.3km to the northwest of the site.
- Pollardstown Fen SAC (Site Code: 000396) which is located c. 10.3km to the south-west of the site.
- Poulaphouca Reservoir SPA (Site Code: 004063) which is located c. 11.1km to the southeast of the site.

5.4.2 The nearest Natural Heritage Areas near the appeal site are as follows:

- Grand Canal pNHA (site code: 002104) which is c.128m to the north of the site.

5.4.3 A screening exercise for Appropriate Assessment will be undertaken in Section 9 below.

6.0 EIA Screening

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 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 Act.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 A third party appeal has been received from Stephen Dunne on behalf of the Castlefarm Residents Association. I make the Coimisiún aware that the appeal includes an Appendix which outlines details of a traffic survey. The appeal can be summarised as follows:

- The proposed development represents a near-fourfold increase in scale from the initially permitted facility (from 324m^2 to 1,268.37m^2 and childcare from 40 to 129). This is not a modest revision but a transformation from a neighbourhood facility to a regional-scale super-creche.
- The existing infrastructure cannot support the proposed development. The Castle Farm (180 homes) and Primrose Gardens single entrance/exit point onto the R447 South Ring Road is already operating beyond capacity.
- The addition of significant creche traffic will create an unacceptable safety hazard for residents, particularly children walking to the school bus stop and elderly residents.
- It is unsafe to exit by car in peak hours as cars need to work within small gaps, it is sometimes particularly unsafe to turn right exiting the estate during peak hours.
- It can be unsafe to enter the estate in peak traffic coming from the Newbridge Road and it causes cars to be backed up behind, increasing the risk of rear-ending.
- It is unsafe to cut across the oncoming traffic when turning right into the estate from the Newbridge Road as the traffic volume is very high. The pedestrian gate at Elsmore directly across the road from Castle Farm has become a natural crossing point for the public and residents as there is no suitable pedestrian crossing for 300m in either direction.
- There have been 7 motions raised by councillors to Kildare County Council due to the road safety issues experienced on the R447 Southern Ring Road.
- The current 2025 application shows no traffic management infrastructure improvements despite the severe intensification of use proposed by a crèche of 129 children.
- This is not aligned with recent decisions on adjacent developments including Reg. Ref. 25/60712 (New Medical Centre) 200m away requiring installation of a toucan pedestrian crossing on the R447. There is also a filter lane provided as part of that development to cater for cars turning right to mitigate against tailbacks on this busy road.

- There was also an adjacent development at Elsmore, (on the other side of the R447), which encompassed 314 dwellings and a childcare facility (Decision Case reference: TA09.305701) which noted that the creche sizes should be proportionate to the size of the development. The development proposed is approximately double the size of what was proposed at Elsmore (610sqm).
- Baseline traffic data was gathered and junction surveys carried out at the three access points to the site and existing junctions along the Naas South Ring Road / Inner Relief Road. None of this was done for Little Harvard. There was also no assessment of the TRICS data for the Little Harvard developments impact on the southern ring road.
- There are some severe assumptions made in the developer's reports with respect to the morning drop-off being spread across two hours. There is also an assumption that 5–8 vehicles will be there at any given instant, assuming 2–3 minutes per visit.
- A formal drop-off management protocol is described as being established as part of the facility's operational policy for the ECCE collections in the afternoon. However, it does not explicitly call out that this will be in place for the drop-off and collection of children in the morning and evening peaks.
- There is no quantification of the volume of car movements as a result of the creche facility, only parking. Most parents drive rather than walk, as they are en route to work or other schools. The assumption of walk-in traffic is not realistic.
- The provision of yellow box junction markings may address the risk of vehicles from the crèche stacking onto Castle Farm roads, but it does not address the issue of the additional vehicles now seeking to exit onto the ring road.
- There are also two T-junctions proposed within 30m of each other, which will inevitably increase traffic volume. There is currently no practical pedestrian crossing facility on the R447 near the proposed crèche, with the nearest signalised junction approximately 280m away.
- While a crossing may be proposed under a separate application (permission Ref: 20/43 Star Primary Care Ltd.), the pedestrian safety needs arising from this development should be considered as part of this application.

- The Council's Roads Section and Further Information request of 26/11/2025 record the provision as 19 no. spaces, whereas the applicant's submitted Site Layout Plan and Parking Demand Assessment refer to 25 no. spaces. Only 16 no. are stated to be crèche drop-off spaces serving 129 early-years children.
- The applicant's own Parking Demand Assessment relies on an assumption of only 5-8 vehicles on site at any instant during the 07:00–09:00 peak. An independent survey carried out on behalf of residents' records far higher real-world movement at the shared estate entrance during the same time window.
- The Council itself used the language of "endangerment of public safety" in relation to the inevitability of unauthorised parking on Castle Farm estate roads.
- The Mobility Management Plan included in the current application is more theoretical than practical, lacking concrete actions and monitoring mechanisms.
- The Stage 1 Road Safety Audit does not address the live issues regarding the access and egress of Castle Farm onto the Ring Road. The problems identified are focused on the exit of the crèche onto the existing Castle Farm Road.
- None of the assessments account for the existing situation at the entrance, which should be a baseline, with the development then added onto it to properly assess the risks.
- The developer's own road safety auditor notes that "the scale of the development does not meet thresholds for formal Traffic and Transport Assessments," and that the priority junction with the Ring Road "does and will lead to queuing at peak traffic times as also indicated by the 3rd party submissions." The audit further states that a vehicle queuing to enter the development from the Ring Road approach risks a queue forming behind it that extends onto the Ring Road and blocks the footpath and cycle crossing, with a risk of rear-end collisions.
- The residents of Castle Farm undertook a survey over the course of June. This survey was conducted by Stephen Dunne B.Eng. MIEI. The traffic movements of residents exiting and entering the estate, undertaken on three days in June (22nd–24th). An actual survey of the current situation as not undertaken by the developer or requested by the county council, this is required to ensure the

actual risks and issues associated with the development on the road at Castle Farm.

- The survey shows on average, 182 vehicles left the shared Castle Farm and Primrose Gardens entrance between 07:30 and 09:00. The peak was between 08:30 and 08:50, when on average 60 cars left during this 20-minute period. This resulted in queues of up to 8 cars trying to exit the estate with a wait time of up to nearly 2 minutes.
- If it is assumed that the crèche facility for 129 children conservatively had 2 children per car, this would be an increase of approximately 65 car movements in and out of the estate and the R447. Based on the June 2026 survey, there were on average 220 cars exiting the estate between 07:00 and 09:00.
- Without reducing the scale of the development and/or the proposal of a proper traffic management plan to account for this increase in traffic volume there will be an increase in queues and wait times accessing the ring road, increase in the likelihood of collisions and in overflow parking in the adjacent estate and / or traffic will be backed onto the R447.
- The Kildare County Development Plan sets clear requirements that childcare facilities must provide safe access, adequate parking, and drop-off areas, and must not compromise road safety or create hazards. The proposed development fails on these criteria.
- The audit assesses only the internal Castle Farm road network, no Traffic and Transport Assessment, junction capacity assessment, or baseline traffic survey of the existing R447 access was carried out.
- The audit before the Commission relates only to the crèche facility on the internal road network in Castlefarm; it does not at any point assess the impact on the R447, where 100% of the traffic entering and exiting the development will travel.
- The Council's decision on the adjacent Star Primary Care development (Reg. Ref. 25/60712, granted 01/04/2026), located approximately 200m away on the same R447, imposed materially more onerous road safety conditions.

- The Little Harvard condition requires only the submission and agreement of a Stage 2 audit before commencement, without an equivalent requirement to assess the R447 or to complete a Stage 3 audit before opening, and without a pedestrian crossing.
- The proposed site layout (Drawing 25HI-FCE-XX-XX-DR-A-1001, Rev P01, dated 18-07-25) shows the proposed bin store positioned immediately adjacent to the northern boundary of the development. This high-intensity use will generate substantial waste volumes, creating impacts for the adjacent residents.
- Construction traffic, including trucks, heavy machinery, concrete mixers and excavators, will need to access the site through the single entrance serving the estate.
- For a proposed crèche that is due to be over three times larger than what was originally planned to be developed at the site it would have been beneficial or the developer to engage the local community. To build infrastructure it is important that impacted stakeholders are engaged throughout the process. This has not occurred here.
- A lot of this could have been resolved through proper engagement with the community. We have also been disappointed that despite a comprehensive objection being submitted to Kildare County Council, very little of the reasonable issues that we have raised have been addressed.
- To deliver infrastructure it is critical that stakeholders and communities are brought on the journey. We in Castle Farm are not against the development of a creche at this location, however the scale of the development and the direct consequential traffic issues it will cause is not aligned to the capacity of the existing infrastructure surrounding the development.

7.2. **Applicant Response**

7.2.1 A first party appeal response has been received from Furey Consulting Engineers on behalf of the applicant. The first party appeal response includes a statement prepared

by David Mulcahy Planning Consultants Limited. The response can be summarised as follows:

- There is no Government policy, County Development Plan or Local Area Plan provision constrains the size or scale of a childcare facility.
- There is a significant and well documented shortfall in childcare capacity in Naas.
- The site is ideally located to serve the surrounding residential catchment by sustainable modes.
- The Applicant does not dispute that queuing occurs at the junction of Castle Farm / Primrose Gardens entrance onto the R447 at peak times. This was expressly acknowledged in the Stage 1 Road Safety Audit. However, these are existing conditions on the R447 which affect the estate today.
- The relevant consideration for the Commission is the additional traffic generated by the proposed creche, not the pre-existing performance of the public road network.
- The additional trip generation associated with the creche has been assessed by reference to the TRICS database.
- The proposed development does not give rise to a material peak hour increase in trip generation or traffic movements relative to existing flows at the estate entrance and on the R447 and will not materially affect the operation of the junction.
- The development is subject to a development contribution of €73,706.84 under Condition 2 of the permission, in respect of public infrastructure and facilities benefiting development in the area.
- The Elsmore decision (TA09.305701) related to a development of 314 no. dwellings together with a childcare facility. A residential development of that scale warrants baseline traffic surveys and junction assessments in a manner that a standalone creche does not.
- The Star Primary Care permission (Reg. Ref. 25/60712) related to the extension, alteration, and subdivision of an existing two storey commercial building into a convenience shop, pharmacy and two medical consultation units, with associated site development works.

- Neither permission provides a like for like comparison with the subject application.
- The proposed development does not construct, alter, or otherwise interfere with the junction of the Castle Farm estate road and the R447.
- The revised Stage 1 RSA was carried out at the specific request of the Planning Authority and expressly took into account the road safety aspects of the third-party submissions. Four problems were identified. All four were accepted in full by the Design Team and the Employer/Developer mitigations were incorporated into the revised Site Layout.
- The auditor identified a risk of queuing at the entry to the development and recommended the provision of yellow box markings. Two yellow boxes, one at the entry and one at the exit, are shown and annotated on the revised Site Layout drawing 25Hl-FCE-XX-XX-DR-A-10C)1S 4 P01.
- Queuing at a junction at peak times is a matter of traffic congestion and is not, of itself, a road safety defect.
- Conditions 8 and 9 of the permission require a Stage 2 Road Safety Audit prior to commencement and a Stage 3 Road Safety Audit prior to occupation, both subject to the written agreement of the Planning Authority.
- The residents survey and the parking demand assessment are two different measurements of two different things, and the survey provides no information on creche parking demand.
- Applying the appeal's own assumptions, approximately 65 additional vehicle movements distributed across a two hour drop off window equates to approximately one arrival every two minutes, which is entirely consistent with the Parking Demand Assessment's estimate of 5 to 8 vehicles on site at any given instant.
- The residents' survey was undertaken over three days in late June, outside a neutral period, a limitation which the appeal itself acknowledges in noting that traffic volumes in the survey week were significantly lower than during the September to May period.
- The survey therefore does not constitute robust baseline data by reference to the applicable guidance, in addition to measuring a different parameter to that assessed in the Parking Demand Assessment.

- 25 no. parking spaces were shown on the Site Layout drawing as originally submitted on 03/10/2025. The reference to 19 no. spaces in the Further Information request was an error on the part of the Planning Authority, which was clarified in the Applicant's Further Information response of 5th May 2026.
- All 25 no. spaces are dearly denoted on the revised Site Layout drawing. The adequacy of this provision is demonstrated in the Parking Demand Assessment.
- In respect to the bin store, Condition 6 of the permission requires the submission of revised plans showing a revised bin store location within the overall development, for the written agreement of the Planning Authority, prior to commencement. This ground of appeal has therefore already been addressed by condition.
- In respect of construction traffic, Condition 5 requires the submission and agreement of a Construction Management Plan incorporating a Construction Traffic Management Plan prior to commencement, and Conditions 12, 13 and 24 impose further controls on construction activity, parking, and operating hours.
- In respect of community engagement, while the Applicant notes the views expressed, pre-application community consultation is not a statutory requirement of the planning process for a development of this nature. All interested parties had the opportunity to make submissions to the Planning Authority, and did so, and those submissions were considered by the Planning Authority in its determination, including through the Further Information process.

David Mulcahy Planning Consultants Limited

- Our client is not aware of any additional facilities being opened within the town since July 2020. Therefore, the high demand remains and has likely increased given the population increase recorded in the town under the 2022 Census.
- There is nothing to suggest that the growth in the population of the town has stalled or decreased since 2021; in fact, we consider it likely that it the next Census will again show significant population growth within the town.

- A survey of 89 local residents has found that 64% of parents on a waiting list for childcare services for their children.
- The site has the benefit of a previous planning permission for a creche albeit at a smaller size. It is clear that there is a strong demand for childcare facilities in Naas with most of those operating at capacity and the town's population growing significantly.
- There is no Government policy, or policy in the Kildare County Development Plan 2023-29 or the Naas Local Area Plan 2021-27 which places a constraint on the size or scale of a creche facility. Therefore, the size and scale proposed does not materially contravene any government policy document, county development plan, or local area plan.
- All technical elements relating to traffic, parking, drainage etc are satisfactory then size and scale alone are not a material concern. The Council's technical departments and the Planning Authority do not consider these technical items to be a material concern.
- The creche is ideally suited in terms of sustainable transportation in respect of pedestrian/cycle movements and public transport. There are established pedestrian footpaths and cycle lanes along the South Ring Road. There is a significant residential catchment in this area which could avail of the creche facility.
- The site is within close walking/cycling distance from a large area identified for future employment growth. Employees working in this area are likely to also generate additional demand for childcare as this area is developed over time.

7.3. **Planning Authority Response**

7.3.1 A response has been received from Kildare County Council by letter dated 27th July 2026. The response can be summarised as follows:

- The Planning Authority notes the content of the appeal and the Planning Authority confirms its decision and askes that the Coimisiún refer to the Planners Report and various technical departments reports in relation to the assessment of this planning application.

7.4. **Observations**

7.4.1 There are no observations on file.

7.5. **Further Responses**

7.5.1 There are no further responses on file.

8.0 **Assessment**

8.1 As previously outlined the first party provided an alternative building design as a response to Further Information, while the updated design did not increase the floor area of the building, there were alteration to the design of the building.

8.1.1 Having examined the appeal details and all other documentation on file, including submissions and responses, the reports of the local authority and having inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Traffic Safety
- Drainage Design
- Flood Risk
- Appropriate Assessment Screening
- Water Framework Directive
- Other matters

8.2 Principle of Development

8.2.1 The appeal site is zoned B - Existing/Infill Residential which has the objective *"To protect and enhance the amenity of established residential communities and promote sustainable intensification."*

8.2.2 A Creche is open for consideration under the B zoning as set out in Table 11.3 of the *Naas Local Area Plan 2021-2027.*

8.2.3 I note the concerns of the first parties with respect to the size or the proposed creche which increase the floor area form the permitted 324m^2 to a proposed 1,268.37m^2 (incorporating an increase of children from 40 to 129).

8.2.4 The first party response states that there is no Government policy, County Development Plan or Local Area Plan provision which constrains the size or scale of a childcare facility. In addition to this it is stated that there is a significant and well documented shortfall in childcare capacity in Naas.

8.2.5 I refer the Coimisiún to the planning history set out above which shows that permission was granted for a creche on the appeal site as part of the development permitted under Reg. Ref. 16/1145. In this case, the permitted creche has a floor area of c. 324m^2.

8.2.6 In addition to this, I refer the Coimisiún to Section 15.15.2 of *the Kildare County Development Plan 2023-2029* in which the Council will seek to facilitate the provision of high-quality childcare facilities in appropriate locations throughout the county and may require their provision in large residential, public community, commercial, and retail developments. It is noted that Section 15.15.2 states that the omission of a crèche previously permitted within a residential development will not generally be favourably considered.

8.2.7 Section 4.5.2 of the *Naas Local Area Plan 2021-2027* states that there is a total of 193 childcare spaces outstanding in Naas up to 2027. I further refer the Coimisiún to Objective HCO 3.1 and HCO 3.2 of the *Nass Local Area Plan 2021-2027* which together seek to encourage the development of new facilities in appropriately located purpose built early learning and childcare facilities to meet the pro-rata needs of housing development during the plan period.

8.2.8 Finally, I note National Policy Objective 41 which, inter alia seeks the provision and timely delivery of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, including in support of infill and brownfield development.

8.2.9 Having considered the planning history on the subject site, national and local policy, I am satisfied that a creche is acceptable in principle on the appeal site. This is subject to a full assessment of the proposed development.

Design / Layout

8.2.10 In the first instance, I make the Coimisiún aware that I have considered both the layout submitted with the initial application and the alternative layout submitted by the applicant by way of response to the Further Information request and on prima facia observation, I am of the opinion that the alternative design is superior to the initially lodged layout. Therefore, this assessment will be based on the alternative design submitted by way of response to the further information request.

Design

8.2.11 The overall design of the building incorporates a double gabled design in combination with the predominantly red brick finish and would be 2 storeys in height incorporating a maximum height of c. 9.6m.

8.2.12 In broad terms, I am satisfied that the proposal would not be out of character with the overall area which is predominantly residential. I have come to this conclusion having considered the overall height which is, in my opinion of a reasonable, residential scale. In addition to this, I am satisfied that the use of brick is a high quality, durable material which would successfully integrate with the residential character of the area.

8.2.13 Notwithstanding this, I note that the upper floors of the south-western and northern elevations have a render finish. I am of the opinion that the entire building should be finished in a high-quality durable material such as the brick proposed for the other elevations. This matter could be dealt with by way of conditions, should the Coimisiún be of a mind to grant planning permission.

Layout

8.2.14 The proposal would be laid out over two storeys with the bulk of the proposed creche on the ground floor and a smaller element of the creche at first floor level. At ground floor there are 7 childcare rooms and a number of associated support rooms including offices, lobby, waiting area, toilets, and storerooms.

8.2.15 The southern portion of the first floor includes the balance of the creche use and comprises of a childcare room, a boardroom, and an assembly room. I make the Coimisiún aware that the number of childcare rooms shown on the drawings submitted with the application (8) do not match the number of rooms stated in the Statutory Notices (10). In this regard, I refer the Coimisiún to Drawing No. A2-101 ‘Proposed

Ground and First Floor Plan' which demonstrates this. However, I note that the overall floor area of the building is correct.

8.2.16 While it would appear to me that the Statutory Notices could be considered to be incorrect with regard to the number of childcare rooms, I am satisfied that the Statutory Notices do provide enough information for members of the public to be informed in relation to the nature of the development.

8.2.17 The reduction in the number of childcare rooms may well have an impact on the number of children which could be accommodated within the building, however, this is a matter for the Department of Children, Disability and Equality and Tusla and I do not intend to set a final number of children which can be accommodated at the proposed building.

8.2.18 The proposal comprises of a mixed-use building which would contain a creche at ground floor and part first floor with 4 No. apartments at first floor level. The supporting material submitted with the application states that the apartments would be used to provide accommodation for staff members working at the Creche.

Apartment floor areas

The proposal includes 4 No. apartments which would be located to the northern portion of the building at first floor level. I have considered the floor areas in light of the Planning Design Standards for Apartments Guidelines for Planning Authorities 2025, and I am satisfied that all the apartments would exceed the minimum overall floor area requirements.

Private Open Space

8.2.19 Private open space to serve each of the apartments by way of balconies. The relevant private open space areas for the each of the apartments would be over $5m^2$ and therefore comply with the Planning Design Standards for Apartments Guidelines for Planning Authorities 2025 and as such are acceptable.

Communal Open space

8.2.20 Appendix 1 of the Planning Design Standards for Apartments 2025 outlines minimum recommended floor areas for communal amenity space of $5m^2$ per one-bedroom apartments and $7m^2$ per two bed (4 person) apartments.

8.2.21 In this case there are 3 x 2 bed apartments and 1 x 1 bed apartment, leading to the requirement for a communal open space area of 26m^2. Drawing No. 25H1-FCE-XX-XX-DR-A-1001 'Proposed Site Layout' shows that an area of 32m^2 is proposed to the northwest of the site. This would exceed the requirements of Appendix 1 of the Planning Design Standards for Apartments 2025. This is considered to be acceptable. However, there are no details with respect to how the communal amenity space and the creche outdoor area are proposed to be separated. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

Car / Bicycle parking

8.2.22 I refer the Coimisiún to Drawing No. 25H1-FCE-XX-XX-DR-A-1001 'Proposed Site Layout' submitted at further information stage which shows that 7 No. car parking spaces are set aside for the residents of the apartments. The car parking demand for the creche will be assessed in Section 8.3 below.

8.2.23 *Table 15.8* of the *Kildare County Development Plan 2023-2029* outlines that 1.5 space are required per apartment and 1 visitor space is required for units of 4 bedrooms or more. It is noted that these are maximum car parking standards.

8.2.24 Given that there are 4 apartments proposed as part of the development a total of 6 car parking spaces would be required. The car parking provision for the proposed apartments at 7 would exceed the requirements of Table 15.8 of *the Kildare County Development Plan 2023-2029* which are maximum standards and therefore one space should be reallocated to the creche use. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

8.2.25 In addition to this, while I note that the site layout plan shows 6 No. EV enabled car parking spaces, none of these are allocated to the residential car parking spaces. EV enabled car parking spaces should be provided for the residential car parking. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

8.2.26 Finally, I note that 25 Bicycle parking spaces are proposed as part of the development. This is considered to be acceptable.

Residential amenity of surrounding properties

Overlooking

8.2.27 The apartments proposed within the overall development are located at first floor of the northern portion of the building. In terms of overlooking the key properties which may be affected are dwellings along Castlefarm Bailey to the south-west of the site and Primrose Lane to the north-west of the site.

8.2.28 With respect to the dwellings at Castlefarm Bailey, I note that the proposed building would be set behind the rear façades of the dwellings. Notwithstanding this, there are windows within the western elevation of the proposed development at first floor level facing the back gardens of the dwellings along Castlefarm Bailey.

8.2.29 These windows would serve the proposed boardroom and Room 10. Given the occasional use of the boardroom and the nature of the use of Room 10, I am satisfied that this element of the proposal would not cause any undue overlooking of the back gardens of dwellings on Castlefarm Bailey.

8.2.30 I note that there are windows serving bedrooms within apartments No's 3 and 4 these windows would face towards dwellings on Primrose Lane. With respect to the windows within the western façade of apartment No. 3, it is noted that these windows would serve bedrooms and would face directly towards the side façade of No. 1 Primrose Lane. It is noted that there are no directly opposing windows on the eastern façade of No. 1 Primrose Lane. In addition to this, I note that, given the location of the windows within the western façade of Apartment No.3, it would be difficult to look into the back garden of No.1 Primrose Lane.

8.2.31 With respect to apartment No.4, this apartment would be set back c. 13m from the western boundary of the land. This is considered to be a reasonable set back in an urban context to ensure that there would be no undue overlooking from apartment No.4. In addition to this, I note that there is a balcony on the north facing façade of apartment 4. The west facing side of the balcony is open allowing western views. However, the western view from the balcony would be across the fronts of properties along Primrose Lane. I am therefore satisfied that there would be no undue overlooking from this balcony.

Overshadowing / Overbearing

8.2.32 Having regard to the layout of the proposed development, the sun path, the relatively modest height, and the setbacks achieved, I am satisfied that the proposed development would not cause any undue overshadowing of abutting properties or cause any undue overbearing development.

8.3 Traffic Safety

8.3.1 The key concerns of the third-party objectors relate to potential that the proposed development would create an unacceptable safety hazard for residents, particularly children walking to the school bus stop and elderly residents. The number of children, parents and staff using the facility would exacerbate already congested traffic environment of the area and the third parties note that it is unsafe to exit by car in peak hours, in particular it is unsafe to turn right exiting the estate during peak hours. In addition to this, it is noted that it can be unsafe to enter the estate in peak traffic coming from the Newbridge Road and unsafe to cut across the oncoming traffic when turning right into the estate from the Newbridge Road as the traffic volume is very high.

8.3.2 In response the first party states that they do not dispute that queuing occurs at the junction of Castle Farm / Primrose Gardens entrance onto the R447 at peak times and that this was expressly acknowledged in the Stage 1 Road Safety Audit. However, these are existing conditions on the R447 which affect the estate today and that the relevant consideration for the Coimisiún is the additional traffic generated by the proposed creche, not the pre-existing performance of the public road network. It is noted that the additional trip generation associated with the creche has been assessed by reference to the TRICS database and that the proposed development does not give rise to a material peak hour increase in trip generation or traffic movements relative to existing flows at the estate entrance and on the R447 and will not materially affect the operation of the junction.

8.3.3 I note the concerns of the third parties with respect to traffic generated by the proposed development. I have visited the site at off-peak times, and I noted that the Southern Ring Road is a relatively busy road at this stage. I note that the initial application and the subsequent response to the Further Information request did not include any

information with respect to potential traffic generation for the proposed development. In fact, I note that the traffic related reports submitted with the initial application did not include the correct plans and particulars relating to the development proposal.

Trip generation

8.3.4 The proposal partially comprises of a creche with the capacity for 129 children and 19 staff members. The first party appeal response includes an assessment of the additional traffic to be generated by the proposed development by reference to the TRICS data base.

8.3.5 This assessment demonstrates that during peak hours the proposed development would add 81 cars (arriving and departing) during the morning rush hours (7am to 9am) and 82 cars (arriving and departing) during the evening rush hours (16.00-18.00). Having considered these figures, I would estimate this would add 0.68 cars per minute to the traffic network at both the morning and evening rush hours.

8.3.6 I make the Coimisiún aware that Appendix A of the third-party appeal includes a traffic survey for morning traffic entering and existing Castlefarm Bailey from dates between the 22nd to the 24th of June 2026. The information provided shows that between 174 and 223 vehicles left the estate in the morning period (between 7am and 8.55am). This would calculate to 1.86 cars per minute. The information also shows that a maximum of 8 cars queueing to leave the estate at any one time during the morning rush hour.

8.3.7 Having considered all of the information available to me; while I acknowledge that the proposed development would increase the traffic numbers in the area, in my opinion, this traffic increase would not be material. The number of cars would comprise of 0.68 cars per minute into the traffic network from the appeal site and would not be significant.

8.3.8 Taking a balanced approach, while the proposed development would increase traffic in the area, it would provide for a creche in a predominantly residential area of a quickly growing town. In this regard, I would note the support for the development of creches as set out in national, regional, and local planning frameworks.

8.3.9 I note that the application material includes a Mobility Management Plan. The Mobility Management Plan seeks to encourage sustainable travel behaviour by staff and

parents attending the crèche, and to demonstrate how the proposed development will contribute to the reduction of private car dependency in line with current national and local planning policy. All mitigation measures contained in the Mobility Management Plan could be required to be undertaken by way of condition, should the Coimisiún be of a mind to grant planning permission.

Traffic Safety

8.3.10 Concerns are outlined with respect to traffic safety associated with the proposed development. Appellants are concerned that the Safety Audit is not robust enough and that the relevant condition requires only the submission and agreement of a Stage 2 audit before commencement, without an equivalent requirement to assess the R447 or to complete a Stage 3 audit before opening, and without a pedestrian crossing.

8.3.11 In response the first party appeal response states that Conditions 8 and 9 of the permission require a Stage 2 Road Safety Audit prior to commencement and a Stage 3 Road Safety Audit prior to occupation, both subject to the written agreement of the Planning Authority.

8.3.12 In this regard, I refer the Coimisiún to the TII Publication 'Road Safety Audit' GE-STY-01024 (May 2025) which states that a Stage 2 audit shall be completed prior to construction taking place. It further states that a Stage 3 audit should be prior to opening of the scheme, or part of the scheme, to traffic. I note that Conditions 8 and 9 refer to the correct stages of development for the agreement of Road Safety Audits. This is acceptable.

8.3.13 In addition to the above, I refer the Coimisiún to Drawing No. 25H1-FCE-XX-XX-DR-A-1001 'Proposed Site Layout Plan' which shows that the proposed development would be controlled by a one-way system which includes yellow boxes to the front of the site to ensure the safe passage of cars through the development and onto the local road network.

8.3.14 In addition to this, Drawing No. 25H1-FCE-XX-XX-DR-A-1500 'Visibility Sightlines' shows the available sightlines form the exit of the proposed development at 23m. This distance would comply with Table 4.2 of DMURS.

8.3.15 Finally drawing No. 25H1-FCE-XX-XX-DR-A-1600 Refuse Vehicle Swept Path Assessment and Drawing No. 25H1-FCE-XX-XX-DR-C-1601 Fire Tender Swept Path Assessment shows that the proposed development has adequate room to allow for refuse vehicles and fire tenders to manoeuvre within the development site and off the surrounding road network.

8.3.16 Having considered all of the foregoing, I am satisfied that the proposal does not have any traffic safety implications.

Car parking Demand

8.3.17 Concerns are raised that adequate parking is not provided as part of this development.

8.3.18 In response the first party states that the car parking proposed is adequate and that this is demonstrated by the Parking Demand Assessment.

8.3.19 I refer the Coimisiún to drawing No. 25H1-FCE-XX-XX-DR-A-1001 'Site Layout Plan' which shows that 25 car parking spaces are proposed for the entire development of which 18 are proposed for the proposed development.

8.3.20 I note that the planning authority and the Roads Section of Kildare County Council highlighted concern with respect to the car parking provision in their initial reports. However, these concerns were allayed by the applicant at Further Information stage.

8.3.21 I refer the Coimisiún to Table 15.8 of the *Kildare County Development Plan 2023-2029* which outlines that car parking should be provided at 0.5 per staff member plus 1 per 4 children. The creche element of the proposed development would therefore require a total of 42 car parking spaces.

8.3.22 I make the Coimisiún aware that the car parking standards set out in Table 15.8 of the *Kildare County Development Plan 2023-2029* are maximum standards. In any case, I refer the Coimisiún to the Parking Demand Assessment prepared by Furey Consulting Engineers and submitted by way of response to the Further Information request. This report notes that as the drop off and pick up times will be staggered over two hours, it is estimated that a maximum of 5-8 vehicles would be on site at any one time. Therefore, the 18 spaces proposed would exceed the number required. In addition to this, the Parking Demand Assessment also provides details with respect to preventing unauthorised overspill parking. These measures include signage, a managed drop-off

protocol, staggered session times, mobility management plan and yellow boxes at the site entrance and exit.

8.3.23 Having considered all of the foregoing, I am satisfied, on balance, that while the car parking provision is below the standards set out in Table15.8 of the *Kildare County Development Plan 2023-2029* it would be adequate having regard to the measures set out in the Parking Demand Assessment prepared by Furey Consulting Engineers. I further note that the Roads Department of Kildare County Council did not outline any objections to the proposal after consideration of the applicants Further Information response.

8.4 Drainage Design

8.4.1 In terms of drainage design, I note that the applicant seeks to include a below surface cube attenuation. I make the Coimisiún aware that Objective IN O24 of *the Kildare County Development Plan 2023-2029* states that underground attenuation will only be considered when all other options have been exhausted and that storage systems will not be accepted under public open space, as part of a SuDS solution.

8.4.2 I note that the report of the Water Services Department of Kildare County Council to the initial application states that it is the intention of Kildare County Council that the use of underground drainage techniques are to be limited across Kildare as per Objective IN O24, with that said only where a clear and plausible rationale is agreed with WSP for the exclusion of a particular SuDS class or type within a class, shall the next preferred SuDS class or type be considered. Further Information was requested based on these concerns.

8.4.3 In response to this, the applicant stated that due to site constraints, there are no suitable alternative arrangements to provide above ground surface water drainage systems such as swales and bioretention areas. It is further noted that the development will not be taken in charge by the Local Authority and that the owner of the land will be responsible for the maintenance of the attenuation tank. It is also noted that the landowners will enter into a maintenance contract with respect to the attenuation tank.

8.4.4 I have considered the entirety of the proposed development, including the proposed drainage infrastructure proposed and I am satisfied that, in this case, the use of

underground attenuation would be acceptable. I have come to this conclusion having regard to the following:

- The site is constrained and there is a requirement to provide a large area of car parking and road surface to the front of the site to allow for safe and efficient access and parking for the development.
- The development includes a number of SuDS provisions including permeable paving, for all car parking spaces.
- The proposed development would not be taken in charge by the Local Authority, and the underground tank would be required to be maintained by the landowner.

8.5 Flood Risk

8.5.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.

8.5.2 Having considered the above, I consider the proposed development would not result in the increase of flood risk either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

9.0 AA Screening

9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The appeal site is located within

an urban area to the west of Nass town centre in Co. Kildare and comprises of a two-storey creche and 4 No. dwelling units.

9.2 The appeal site is not located within or adjoining any designated site. The nearest European Sites in proximity to the appeal site are as follows:

- Moulds Bog SAC (Site Code: 002331) which is c.7.142km to the west of the site.
- Ballynafagh Lake SAC (site Code 001387) which is located c. 9.3km to the northwest of the site.
- Pollardstown Fen SAC (Site Code: 000396) which is located c. 10.3km to the south-west of the site.
- Poulaphouca Reservoir SPA (Site Code: 004063) which is located c. 11.1km to the southeast of the site.

9.3 The nearest Natural Heritage Areas near the appeal site are as follows:

- Grand Canal pNHA (site code: 002104) which is c.128m to the north of the site.

9.4 The area planners report included an Appropriate Assessment Screening Report and Conclusion Statement which concludes that there are no potential significant effects on the closest SAC.

9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended), 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 any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.6 This determination is based on:

- the nature and scale of the development, which relates to the construction of a two-storey creche and 4 No. apartments in an urban area connected to public water and wastewater infrastructure.
- the absence of any ecological pathway from the development site to the nearest European Sites.
- the distance of the site from the nearest European sites; and

- the AA screening determination of the Planning Authority.

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.

10.0 Water Framework Directive

10.1. The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

10.2. An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a reduction in water quality.

10.3. The LIFFEY_100 (IE_EA_09L011200) is c. 174m to the east of the site. The status of this waterbody is under review. However, it is stated that there is no WFD Risk to the river. This is illustrated on the EPA mapping (https://gis.epa.ie/EPAMaps/).

10.4. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.5. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

10.6. The reason for this conclusion is as follows:

- The set back of the site form the waterbody.

- Lack of any connectivity to the waterbody.
- The relatively small development on the site.
- The site is connected to public drainage and wastewater facilities.

11. Other Matters

Location of Bin Store

11.1 Third parties have highlighted concerns with respect to the location of the proposed bin store which is positioned immediately adjacent to the northern boundary of the development. This high-intensity use will generate substantial waste volumes, creating impacts for the adjacent residents.

11.2 In response the first party states that Condition 6 of the permission requires the submission of revised plans to show a revised bin store location within the overall development, for the written agreement of the Planning Authority, prior to commencement. The first party considers that this ground of appeal has therefore already been addressed by condition.

11.3 I refer the Coimisiún to Drawing No. 25H1-FCE-XX-XX-DR-A-1001 'Proposed Site Layout' submitted as a response to Further Information which shows that the proposed Bin Store is located to the south-west of the front of the proposed building, in proximity to the boundary with the back garden of No.1 Castlefarm Bailey. In my opinion, this is not an optimum location for a bin store given the potential for mal odour and noise. In my opinion the location of the bin store should be relocated to a position to the south-east of the entrance to the proposed building, it may be the case that the bin store could replace the location of the bicycle bays and vice versa. This would, in my opinion, ensure that the residential amenity of the abutting dwellings would be protected. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

Consultation

11.4 Third parties have outlined concerns with respect to the level of engagement with the local community. The third parties note that it is important that impacted stakeholders are engaged throughout the process and that such not occurred here. It is further stated that a lot of concerns could have been resolved through proper engagement with the community.

11.5 In response, the first party states that all of the interested parties had the opportunity to make submissions to the Planning Authority, and did so, and those submissions were considered by the Planning Authority in its determination, including through the Further Information process.

11.6 I make the Coimisiún aware that issues relating to the consultation of planning applications are a matter for determination by the Planning Authority and do not fall within the remit of An Coimisiún Pleanála.

12.0 Recommendation

12.1 I recommend that planning permission be granted.

13.0 Reasons and Considerations

13.1 Having regard to the provisions of the existing/infill Residential zoning objective of the appeal site, its location in proximity to Naas Town Centre and to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity and would be acceptable in terms of traffic safety, surface water design, flooding and would not impact on any Natura 2000 site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

14.1 I make the Coimisiún aware that the Planning Authority has stated that the development is exempt from the requirements of Part V of the Planning and Development Act 2000 (as amended). Therefore, I have not recommended that such a condition is included. The conditions are as follows:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 3 October 2025, as amended by the further plans and particulars received by the Planning Authority on 6 May 2026, except as may otherwise be required in order to comply with

the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. No development shall commence on the site until such time as the following have been agreed and complied with:
   a) All render finishes shall be replaced with a high-quality durable finish such to match the brick as shown at ground floor level.
   b) The area of communal open space shall be separated from the outdoor play area associated with the creche by way of a boundary wall or other such mechanism.
   c) Car parking space No.12 should be reallocated from providing car parking for the residential element of the scheme to the creche element of the scheme.
   d) Provision for the charging of electrical vehicles for each of the dwellings to the satisfaction of the planning authority.
   e) The bin store shall be relocated from its current proposed location to the south-west of the entrance to the building to a location to the south-east of the entrance to the building.
   f) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
   g) Requirements of Kildare County Council's Strategic Projects and Public Realm Section, Water Services Section, Roads / Transport Section, Environment Section: Chief Fire Officer: Building and Development Control Section, Ecology Section, Parks Section and Housing Section.

   Full details shall be agreed with the Planning Authority prior to commencement of development, and all works shall be completed by the applicant, to the

satisfaction of the Planning Authority prior to the occupation of the proposed development.

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

3. a) The 4 no. permitted apartments shall be solely occupied by staff of the creche. The apartment units shall not be sold or let independently of the creche facility. Prior to commencement of development, the Applicant, Owner, Developer or relevant person with sufficient legal interest and with responsibility for the development shall submit to the Planning Authority for formal written agreement, pursuant to Section 47 of the 2000 Planning and Development Act (as amended), a deed specifying that the occupancy of the 4 no. permitted apartments is solely by staff of the creche and that the apartment units shall not be sold nor let independently of the creche facility.

   b) The external common areas of the development shall be retained in private ownership by an Owners' Management Company, or by other acceptable legal entity. The external common areas shall not be Taken in Charge by the Local Authority and shall instead be maintained in perpetuity in such private ownership. The Owner shall hold insurance for public liability risk at all times for all areas under control or responsibility of the Owner. Any significant changes to the status or nature of the ownership shall be notified to the Local Authority.

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

4. All mitigation measures contained in the Mobility Management Plan, Car Parking Demand Assessment and Stage 1 Road Safety Audit shall be implemented in full.

   Reason: In the interests of traffic safety

5. All external lighting shall comply with the Veelite Lighting Limited's "Outdoor Lighting Report" submitted with the application to the satisfaction of the Planning Authority.

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

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

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

7. Prior to the occupation of the development, the Applicant/Developer shall submit a Stage 3 Road Safety Audit to the Planning Authority. This Stage 3 Road Safety Audit shall be the subject of the written agreement of the Planning Authority.

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

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

   Reason: In the interest of residential and visual amenity.

8 Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives

acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health

10. 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

11. Site development and building works shall be carried out only 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 will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. Prior to the commencement of any works associated with the development Hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

(i) Specific measures to ensure the protection of the amenity of abutting properties during the construction phase, including the dwelling to the west of the site.

(ii) collection and disposal of construction waste,

(iii) surface water run-off from the site,

(iv) on-site road construction, and

(v) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of the following:

a) arrangements for routes for construction traffic,

b) parking during the construction phase,

c) the location of the compound for storage of plant and

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

Reason: In the interest of sustainable transport and safety

15 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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."

Ronan Murphy
Planning Inspector

20 October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	**PL-501627-KE-26**
Proposed Development Summary	Construction of creche, 4 no. dwelling units including all associated boundary treatments, site works and services.
Development Address	Castlefarm, Jigginstown, 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?	☐ Yes, it is a 'Project.' Proceed to Q.2.
	☒ 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)?	
☐ 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: _____