

Comhairle Contae Chill Dara
Kildare County Council



Date: 15/09/2026
Pl. Ref.: 25/61263

Fergal O'Malley
c/o Declan Brassil
Declan Brassil & Co. Ltd
Lincoln House, Phoenix Street,
Smithfield, Dublin 7
D07 Y75P

Notification of a decision under Section 34 of the Planning & Development Act 2000 (as amended)

Planning Register Number: 25/61263
Application Received Date: 10/11/2025
Further Information Received Date: 22/07/2026

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 15/09/2026 decided to **REFUSE** PERMISSION for the development of land namely: a residential development of 39 no. units on a site of 1.20 ha. The proposed development comprises: the demolition of a habitable dwelling (82.69 sq.m), The construction of 39 no. residential dwellings consisting of: 4 no. 1-bedroom maisonettes, 3 no. 2-bedroom later living units, 16 no. 2-bedroom houses, and 16 no. 3-bedroom houses. The provision of 42 no. car parking spaces and 8 no. bicycle spaces. The provision of 1,300 sq.m of public open space. The provision of two pocket parks measuring 600 sq.m in total. Vehicular, pedestrian and cycle access will be provided via a new entrance from Connaught Street. Minor works are proposed along the site frontage towards Connaught Street to maintain the existing 5.0m carriageway width, using road markings that match and follow the current markings on Connaught Street to facilitate safe vehicular movement; and all associated and ancillary infrastructure (including surface water and foul water drainage and water supply), internal streets, public lighting, landscaping, boundary treatments and development works. The application includes a Natura Impact Statement (NIS). Revised by Significant Further Information which consists of an increase in the proposed number of units from 39 no. to 40 no.; revised access arrangement omitting the proposed vehicular access from The Crescent, Ledwill Park, and the provision of a new vehicular access from The Walk, Ledwill Park; and revisions to the proposed layout, open space arrangement and unit mix at **Site to the South of Connaught Street, Bawnogues, to the east of the Rye Abbey Housing Estate, and to the west of the Ledwill Park development, Kilcock, Co. Kildare** for the **4 reasons** set out in the schedule attached. The Planning Authority have had regard to any submissions or representations made on this file.

Date: 15/09/2026

PP O. H. Smith

Senior Executive Officer, Planning
Kildare County Council

Any appeal against the decision of a Planning Authority under Section 37 of the Planning & Development Act 2000 (as amended) may be made to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1. First and third party objections must be received by An Coimisiún Pleanála within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

Any appeal made within the statutory appeal period to An Coimisiún Pleanála will be invalid unless accompanied by

1 Confirmation of submission to Planning Authority

- 2 The correct statutory fee, (Fees payable to An Coimisiún Pleanála on or after 5th September, 2011)
- (i) Appeal by 1st party relating to commercial development where the application included the retention of development - €4,500 or €9,000 if an EIAR or NIS involved.
 - (ii) Appeal by 1st party relating to commercial development (no retention element in application) - €1,500 or €3,000 if an EIAR or NIS involved.
 - (iii) Appeal by 1st party non-commercial development where the application included the retention of development - €660
 - (iv) Appeal by 1st Party solely against contribution condition(s) – (2000 Act and amendments Section 48 or 49) - €220
 - (v) Appeal following grant of leave to appeal
 - (vi) An Appeal other than referred to in (i) to (v) above - €220

This guide does not purport to be a legal interpretation of the fees payable to An Coimisiún Pleanála. Please contact An Coimisiún Pleanála for further information.

Planning Permission is sought for a residential development of 39 no. units on a site of 1.20 ha. The proposed development comprises: the demolition of a habitable dwelling (82.69 sq.m), The construction of 39 no. residential dwellings consisting of: 4 no. 1-bedroom maisonettes, 3 no. 2-bedroom later living units, 16 no. 2-bedroom houses, and 16 no. 3-bedroom houses. The provision of 42 no. car parking spaces and 8 no. bicycle spaces. The provision of 1,300 sq.m of public open space. The provision of two pocket parks measuring 600 sq.m in total. Vehicular, pedestrian and cycle access will be provided via a new entrance from Connaught Street. Minor works are proposed along the site frontage towards Connaught Street to maintain the existing 5.0m carriageway width, using road markings that match and follow the current markings on Connaught Street to facilitate safe vehicular movement; and all associated and ancillary infrastructure (including surface water and foul water drainage and water supply), internal streets, public lighting, landscaping, boundary treatments and development works. The application includes a Natura Impact Statement (NIS). Revised by Significant Further Information which consists of an increase in the proposed number of units from 39 no. to 40 no.; revised access arrangement omitting the proposed vehicular access from The Crescent, Ledwill Park, and the provision of a new vehicular access from The Walk, Ledwill Park; and revisions to the proposed layout, open space arrangement and unit mix at Site to the South of Connaught Street, Bawnogues, to the east of the Rye Abbey Housing Estate, and to the west of the Ledwill Park development, Kilcock, Co. Kildare – Fergal O'Malley – 25/61263

Permission is REFUSED for the following reasons:

1. The proposed development, having regard to levels and contours requiring significant excavation, which has resulted in a poorly designed stepped retaining wall, creating a substandard transition between the existing development to the west of the site and the proposed development in the form of large stepped retaining wall, and where a suitable design solution has not been achieved to minimise the impact on the scheme layout and its main area of public open space, and the substandard design of the dwellings and maisonette units, the proposed development would be contrary to Kildare County Development Plan 2023-2029 objective UD 01 which requires *'a high standard of urban design to be integrated into the design and layout of all new development and ensure compliance with the principles of healthy placemaking'*. Furthermore, in the absence of a coherent and rational approach to key indicators of quality design and placemaking, the proposal would be contrary to the principles of the Section 28 Ministerial Guidelines on Sustainable Residential Development in Urban Areas and the Compact Settlements Guidelines (2024) therefore would be contrary to the proper planning and sustainable development of the area.
2. The application site is in close proximity to the Royal Canal, a proposed Natural Heritage Area, the proposed development requires significant excavation where the substantial presence of an invasive species (Japanese Knotweed) has been identified and where an Invasive Species Management Plan [in order to comply with the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 requiring explicit biosecurity measures, chosen treatment methods, and licensed disposal pathways] has not accompanied the application. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development will not result in significant environmental degradation and the proliferation of a harmful invasive species. The proposed development is therefore contrary to Objective BI 058 of the Kildare County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

3. Kildare County Development Plan 2023-2029 (as varied) objective TMO 117 seeks to ensure there is appropriate EV charging facilities for residential developments; objective TM O124 seeks to provide sufficient public lighting; objective TM O20 seeks to ensure appropriate permeability through developments and policy TM P7 seeks to ensure that the safety and capacity of the local road network is maintained. Having regard to the substandard provision of EV charging facilities, the lack of public lighting provided on Connaught Street, no permeability from the site to The Crescent, Ledwill Park, and the poor alignment and insufficient road widening on Connaught Street it is considered the proposed development contravenes objectives TM O 117, TM O124, TM O20 and policy TM P7 of the Kildare County Development Plan 2023-2029, would constitute a substandard form of development and would be contrary to the proper planning and sustainable development of the area.

4. Insufficient information has been submitted with regard to inter alia, cross-sectional drawings, contiguous drawings, and the disposal of excavation material where there is a known invasive species on site to enable the Planning Authority to adequately assess the impact of the proposed development on surrounding residential amenity, the character of the area and the environment. The proposed development would therefore be contrary to the proper planning and development of the area.