

An  
Coimisiún  
Pleanála

## Commission Order ABP-319795-24

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 23/60285**

**Appeal** by Conor Parkinson of Togher Lodge, Saint Mary's Lane, Monasterevin, County Kildare and by Loman Daly of Drogheda Street, Monasterevin, County Kildare against the decision made on the 9<sup>th</sup> day of May, 2024 by Kildare County Council to grant permission, subject to conditions, to Clonmel Enterprises Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare for the proposed development.

**Proposed Development:** The development will consist of the demolition of a blockwork section of boundary wall at the entrance to the site and demolition of the existing bungalow (89.3 square metres); the redevelopment of the following existing buildings to provide 21 number apartments: The Malt House, consisting of 17 apartments (six number one beds, 11 number two beds); The Managers House consisting of two number apartments (both two bed units); the existing stable block consisting of two number apartments (both one bed units). The proposed construction of 16 number two storey, residential dwellings comprising of: one number two bed dwelling; eight number three bed dwellings and seven number four bed dwellings. Also two number new single storey apartments (both two bed units).

39 number units proposed in total. All with associated internal access roads, footpaths, car parking spaces, cycle parking, bin storage, site works, landscaping, boundary treatments, drainage and alterations to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS number B21-07), all at Malt House, Canal Harbour, Monasterevin, County Kildare. The following protected structures exist within the subject site boundary, The Malt House, (Kildare County Council (RPS number B21-27, and NIAH Reference: 11816093), The Managers House (Kildare County Council (RPS number B21-08, and NIAH Reference: 11816095) and the associated stable block (not individually protected (NIAH Reference: 11816081).

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

In coming to its decision, the Commission had regard to the following:

- (a) Climate Action and Low Carbon Development Act 2015, as amended,
- (b) Climate Action Plan 2024 and Climate Action Plan 2025,
- (c) Project Ireland 2040 National Planning Framework (First Revision),
- (d) the National Development Plan,
- (e) the Architectural Protection Heritage Guidelines issued by the Department of Housing, Local Government and Heritage in October, 2011,
- (f) Eastern and Midlands Spatial and Economic Strategy,
- (g) the provisions of the Kildare County Development Plan 2023-2029 including inter alia AHO20, AHO21, AHO32, AHO36 and AHO39,

- (h) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024,
- (i) Housing for All – a New Housing Plan issued by the Department of Housing, Local Government and Heritage in September, 2021,
- (j) the Sustainable Urban Housing- Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in July, 2023,
- (k) the nature, scale and design as set out in the planning application, and the pattern of development in the area,
- (l) the protected structures on site and adjoining, and within an Architectural Conservation Area,
- (m) the location of the site within the town of Monasterevin and adjacent to the Canal Harbour,
- (n) the submissions made to An Coimisiún Pleanála in connection with the planning application, and
- (o) the totality of the documentation on file as provided as part of the application,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable use for the existing buildings on site and the proposed density, design and form would not detract from the existing Protected Structures or Architectural Conservation Area setting of the site, would not adversely impact on the amenity of neighbouring properties by reasons of overlooking, overbearing, or impact on the character or visual amenity of the area and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites – the River Barrow and River Nore Special Area of Conservation (site code: 002162) or any other European site, in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15<sup>th</sup> day of April 2024, 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. Revised drawings showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) revised layout of Apartment 3, Ground Floor, Malt House building to incorporate window into Bedroom 1,
- (b) revised layout of Apartment 6, Ground Floor, Malt House to incorporate window into Bedroom 1,
- (c) omit WCs from corner of living/dining/kitchen area in Ground Floor Unit 38 and Unit 39 (Manager's House) and relocate WCs if required to areas currently designated for storage,
- (d) terrace area to east of Units 34 and Units 35 to be increased in width (four metres or appropriate alternative to be agreed with planning authority),
- (e) details, including brochures and samples, of all external finishes associated with the dwelling houses and apartment block (Units 34 and 35),
- (f) details (including contiguous elevations) of the proposed entrance gates between semi-detached units which provides access to the rear of Units 19-33,
- (g) a revised side elevation of Unit 23 addressing the public road to provide additional opes, and
- (h) where roof tiles or slates are proposed, they shall be blue/black or slate grey in colour. All bathrooms, WCs and ensuite windows shall be fitted and permanently maintained with obscured glazing.

**Reason:** In the interests of clarity and visual and residential amenity and the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

3. (a) Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development of the following:
- Additional planting and trees to the following areas:
- (i) the public realm and car parking at the entrance of the site, extending to unit number 18,
  - (ii) the parking area to the west of Unit 24, and
  - (iii) within car parking area to the north of Unit 34,
- (b) Details of additional low-level lighting along the pedestrian walkway to Saint Mary's Lane, to provide passive surveillance for the permeability link and avoid excess light spill onto the building facades.

**Reason:** In the interests of visual and residential amenity.

4. Prior to the commencement of development on the Malt House (RPS Ref number B21-27), the Manager's House and Stables (RPS Reference number B21-08) samples of materials and workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Coimisiún Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

5. Prior to the commencement of development on the Malt House, Manager's House and Stables, the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
  - (b) methodology for the recording and retention of concealed features or fabric exposed during the works,
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
  - (d) protection of industrial artefacts during the construction works,
  - (e) materials/features of architectural interest to be salvaged,
  - (f) details of the replacement of any brickwork/stonework or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
  - (g) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,
  - (h) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials, and
  - (i) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials.

Details to be accompanied by drawings of an appropriate scale (of not less than 1:20 in respect of windows).

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

6. As soon as may be, subsequent to the commencement of development, the developer shall submit, for the written agreement of the planning authority, amended or revised design or structural details or services interventions to mitigate impacts detected after obtaining full access and investigation of the Malt House, Manager's House and Stables.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7. Prior to the commencement of development on the Malt House, the developer shall submit for the written agreement of the planning authority, proposals to publicly present items or building artefacts from the industrial use of the building for display in the southeastern courtyard which should be supported by relevant information. Details of the procedures to be followed in respect of the retention and restoration and presentation, as appropriate of these features shall be submitted in a method statement to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In order to protect the character of this protected structure.

8. Prior to the commencement of development on the Malt House, Manager's House and Stables, the developer shall submit for the written agreement of the planning authority confirmation that:

- (a) the development shall be monitored by a suitably qualified architect with conservation expertise and accreditation and competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works, and
- (b) all recommendations of the Industrial Archaeological Appraisal and Architectural Heritage Impact Assessment submitted to the planning authority on the 7<sup>th</sup> day of October, 2023 and as amended on the 15<sup>th</sup> day of April, 2024 shall be carried out in full.



**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

9. Each dwelling unit hereby permitted shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

**Reason:** In the interests of clarity and orderly development and in the interest of the proper planning and sustainable development of the area.

10. Units 18-35 shall not be occupied until the refurbishment of the Malt House, Manager's House and Stables Building are fully completed, unless otherwise agreed in writing by the planning authority.

**Reason:** In the interests of clarity and orderly development and in the interest of the proper planning and sustainable development of the area.

11. The mitigation measures contained in the submitted Ecological Impact Assessment, shall be implemented in full.

**Reason:** In the interests of the preservation and protection of ecology and biodiversity.

12. The developer shall liaise with the Strategic Projects and Public Realm team of Kildare County Council in relation to the Barrow Blueway along the Canal Harbour and prior to commencement of works at the entrance to the site. No surface water shall be diverted to the canal either during or post construction.

**Reason:** In the interest of the Barrow Blueway works and protection of the Grand Canal.

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

**Reason:** In the interest of sustainable drainage.

14. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works and the developer shall comply with the requirements of the planning authority for such works and services.

**Reason:** To protect the amenities of the area.

15. 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.

16. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (AIA) report included in the planning application documents shall be implemented in full (Shanarc Archaeology May 2018 and September 2023), and all to the agreement of the planning authority.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

17. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS).
- (b) Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

18. The parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

19. (a) Landscaping and all boundaries shall be provided as per the Arboriculture Report, Landscape Details, Preliminary Tree Survey and Report, Tree Protection and Tree Impact Plans, Landscape Plan received by the planning authority on the 7<sup>th</sup> day of October, 2023 and as amended on the 15<sup>th</sup> day of April, 2024.
- (b) Revised drawings showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (i) a 2.4 metre high concrete block wall (capped and rendered) shall be located to the rear of Dwelling Units 24-33,
  - (ii) a 1.8 metre high concrete block wall (capped and rendered) shall be located to the rear of Units 34-35,

- (iii) details of a root management system to be utilised where trees are planted adjacent to roads and/or footpaths/shared surfaces to prevent heave of surfaces. No landscaping shall interfere with public lighting and sight visibility,
- (iv) the finished topsoil level of all open space areas shall be flush with adjacent kerbing and any feature mounding/ground modelling shall have sloping gradients of minimum 1:16. The finished topsoil depth (allowing for settlement) on all open space planting areas shall be a minimum 500 millimetres and that the finished topsoil depth (allowing for settlement) on all open space grass areas is minimum 250 millimetres, and
- (v) section drawings through the proposed development to illustrate the existing and proposed finished topography and the finished topsoil depths (allowing for settlement) of open space areas.

**Reason:** In the interests of landscaping and visual amenity.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

21. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

22. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards, details of which shall be agreed with the planning authority prior to the commencement of development on site.

**Reason:** In the interest of orderly development.

23. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In the interests of public safety and visual amenity.

24. The landscaping scheme shown on the Landscape Plan, as submitted to the planning authority on the 7<sup>th</sup> day of October, 2023, as amended on the 15<sup>th</sup> day of April, 2024 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) no landscaping shall interfere with public lighting and sight visibility,
- (b) the developer shall retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant throughout the life of the construction works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the Parks Section and in accordance with the permitted landscape proposals, and

- (c) 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 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 interests of residential and visual amenity.

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

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

26. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interests of environmental protection, residential amenities, public health and safety and environmental protection.

27. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interests of reducing waste and encouraging recycling.

28. Prior to Commencement Notice Stage, the developer shall submit a Construction Phase Surface Water Management Plan in accordance with Inland Fisheries Ireland Publication 2016 "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters" for the written approval of the planning authority. The plan shall address the collection, control and management of any surface water run-off from the site to prevent any polluting matter, suspended solids and silt, being discharged to any receiving water. The plan shall, inter alia, include:

- (a) site layout plan at sufficient scale identifying any potential surface water and/or groundwater receptors,
- (b) the location and design of any proposed mitigation measures, and
- (c) proposals for a surface water and/or groundwater monitoring programme, as appropriate.

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

29. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and/or wastewater collection network.

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

- 30 (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.



- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

31. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

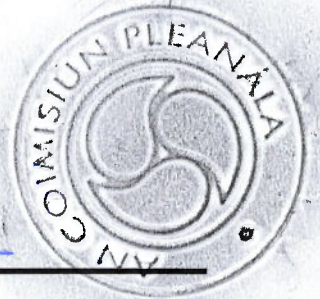
32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



**Paul Caprani**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 25<sup>th</sup> day of June 2025.