



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323695-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 2560744**

**Appeal** by Vanessa Donovan against the decision made on the 25<sup>th</sup> day of August, 2025 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a rotary milking parlour, dairy, plant room, collecting yard, drafting facilities, cubicle shed, roofless cubicles, underground slatted tank, silage pit and lined slurry lagoon, erection of external milk tank, meal bins, water storage tank, internal farm roadway, alterations to existing farm entrance and associated site works necessary to facilitate the proposed development. This application falls within the curtilage of Protected Structures, Castle, Record of Protected Structure Number B10-02, all at Rathcoffey Demesne, Rathcoffey, County Kildare.

## **Decision**

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

## Reasons and Considerations

Having regard to the nature and scale of the development, proposed on lands currently in use for dairy farming, it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the visual or heritage amenity of the area, in particular the adjoining Protected Structure (Rathcoffey Castle) and Recorded Monuments within the vicinity, and would be acceptable in terms of public health, traffic and environmental sustainability, and would be in accordance with the relevant provisions of the Kildare County Development Plan 2023-2029, including policy support for agriculture development expressed through RE P13 , Section 4.19 (Agriculture). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission was satisfied that the current development proposal overcame the previous reason for refusal under An Coimisiún Pleanála Register Reference Number ABP-315780-23, to its satisfaction where under that previous application, the indicative internal access route from the L-5406 local road had not been identified and where accordingly, the Commission was unable to assess the potential impact on archaeological and architectural heritage associated with the unidentified access route. The current proposal provided details of the proposed access route, wherein it is proposed to follow and restore a historic carriage road through Rathcoffey Demesne for a length of 850 metres, with such a historic road evident on historic mapping. When taken together with mitigation measures outlined in the Architectural Heritage Impact Assessment report that accompanied the application, as described and assessed in the Inspector's Report, the Commission was satisfied, in line with the Inspector's findings, that the proposed roadway would not detract from the historic features or sensitive historic landscape in the vicinity to such a degree as to warrant a refusal and overall concluded that permitting the milking parlour development strikes an appropriate balance between the preservation of views towards the Protected Structure and support for

agricultural enterprises. The Commission also noted and agreed with the Inspector's assessment and finding that the final circa 300 metres of the road serving the milking parlour development, while a new element in the landscape, would not be unduly visible either from the L5406 or the R408 due to existing topography and existing tree coverage.

## 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 details submitted to An Coimisiún Pleanála on the 19<sup>th</sup> day of September 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, as amended.

**Reason:** In order to avoid pollution and in the interest of residential amenity.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

In this regard-

- (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.
- (b) All soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
- (c) All separation distances for potable water suppliers as outlined in the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended shall be strictly adhered to.

**Reason:** In the interests of environmental protection and public health.

4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

5. (a) Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended).
- (b) Where slurry or manure generated by the proposed development is moved to other locations, details of such movements are to be notified to the Department of Agriculture, Food and the Marine in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended).
- (c) Where a slurry or manure is removed by a third party, by agreement, to be land spread elsewhere, details of such an agreement (to include name of third party, lands to be spread, amounts of material) should be furnished to the local authority in which said lands are located.

**Reason:** To ensure the satisfactory disposal of waste material, in the interests of amenity, public health and to prevent pollution of watercourses.

6. All oxidisable and galvanised surfaces of the proposed development shall be painted a dark green matt colour or similar dark matt colour and shall be maintained in perpetuity.

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

7. Landscaping details and details of the farm road shall be as set out in the Cultural Heritage Assessment Report submitted with the application. The proposal to partially sink the road and conceal it with a 'ha-ha' shall, as set out as an option in the appeal, shall not be carried out.

**Reason:** In the interests of the protection of architectural heritage and visual amenity.

8. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works and topsoil stripping and groundworks associated with the development. Prior to the commencement of such works, the archaeologist shall consult with, and forward to, the Local Authority archaeologist or the National Monuments Service, as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

9. 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.

*Patricia Calleary*

**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this *23* day of *June* 2026

