



An
Bord
Pleanála

Inspector's Report

ABP-319795-24

Development

The demolition of a blockwork section of boundary wall at the entrance to the site and demolition of the existing bungalow (89.3sqm); The provision of 39 no residential units on site as follows: the redevelopment of the Malt House, consisting of 17 apartments (6 no.1 beds, 11 no.2 beds); The Managers House consisting of 2 No. apartments (both 2 bed units); the existing stable block consisting of 2 No. apartments (both 1 bed units). The proposed construction of 16 No. two storey, residential dwellings and 2 no. new single storey apartments (both 2 bed units), and all associated site works including alterations to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS No. B21-07).

Location

Malt House, Canal Harbour, Monasterevin.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.	2360285
Applicant(s)	Clonmel Enterprises Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Conor Parkinson Loman Daly
Observer(s)	None
Date of Site Inspection	9 th May 2025
Inspector	Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site is irregular in shape and is located on the east side of the Grand Canal, to the northwest end of Monasterevin town with a stated area of 1.1ha. The site is overgrown at present and contains a number of buildings including 'The Malthouse' (a Protected Structure) which faces towards the canal. This building is a detached, seven-bay, three storey industrial building c.1850, containing two open internal courtyards and is in a poor state of repair and have been vacant for some time. The Manager's House (a Protected Structure) is an 18th century residential dwelling, situated in the central portion of the site and is also in a state of disrepair and the associated stables (listed on the NIAH) which are also in disrepair. In addition, a modern bungalow is also located on site, which has also been vacant for some time.
- 1.2. Monasterevin Train Station and rail line are located north of the site. There is an existing two storey apartment block located to the southeast of the site and accessed via St Mary's Lane. St Mary's Lane contains a number of residential dwellings including B21-06, Togher Lodge, which is adjacent to the proposed pedestrian access to the subject site.
- 1.3. Access to the site is via an existing entrance to the side of the Malthouse, adjacent to the Canal Harbour, with an additional narrow access via St Mary's Lane.
- 1.4. The site is partly located within an Architectural Conservation Area and there are adjoining Protected Structures within the immediate vicinity of the site.
- 1.5. The site is identified as southern lowlands landscape character.

2.0 Proposed Development

- 2.1. The proposed development comprises the development of tourism chalet accommodation comprising.
 - The demolition of a blockwork section of boundary wall at the entrance to the site and demolition of the existing bungalow (89.3sqm).
 - The redevelopment of the following existing buildings to provide 21 no. apartments as follows:

- The Malt House, consisting of 17 apartments (6 no.1 beds, 11 no.2 beds).
- The Managers House consisting of 2 No. apartments (2 bed units).
- The existing stable block consisting of 2 No. apartments (1 bed units).
- The construction of 16 No. two storey, residential dwellings comprising of: 1 No. two bed dwelling; 8 No. 3 bed dwellings; and 7 No. 4 bed dwellings.
- The construction of 2 no. new single storey apartments (2 bed units).
- All with associated internal access roads, footpaths, car parking spaces, cycle parking, bin storage, site works, landscaping, boundary treatments, and drainage, and.
- Alterations to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS No. B21-07).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission, on 9th May 2024, following further information subject to 47 conditions, which included standard conditions and the following bespoke conditions:

- Condition 2(b) relates to the occupancy of the residential units (18-35) pending the full completion of the refurbishment of the Malthouse, Managers House and stables.
- Condition 3 relates to finished and minor modifications to units 19-33, units 23 and 24 and units 34 and 35, respectively.
- Condition 4 relates to modifications to the parking areas at unit no. 18, unit 24 and unit 34, respectively.
- Condition 9 related to Part V.
- Condition 10 relates to occupancy.
- Condition 11 relates to tree protection.

- Conditions 14 and 15 relate to Archaeology.
- Condition 25 relates to a Stage 3 Road Safety Assessment.
- Condition 33 relates to EV charging points.
- Conditions 46 and 47 relate to Bond and Development Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 27th November 2023 and 2nd May 2024 have been provided.

3.2.2. This planning application was assessed under the Kildare County Development Plan, 2023 – 2029.

3.2.3. The original planning report sought it necessary to request further information on the following items:

- To submit a photographic survey or detail the impact of the proposed removal of the Protected Structure stone gate pier and stone wall at the entrance from the Canal Harbour public road and to indicate how the space within the eastern courtyard of the Malt House is proposed to accommodate any industrial heritage items associated with its former use and also include additional passive recreation features within both courtyard areas such as seating and benches for future occupants of the units.
- To consider incorporating the open space areas to the rear of the proposed terraces into an overall private open space area and to address the size of the proposed new 2no. of 2 bed apartments to meet the minimum requirements for a 2 bed dwelling in terms of GFA, storage space and open space provisions.
- (a) To consider (i). an improved active frontage on the side elevations addressing public areas for Units 19 and 23. (ii). Side rear access to Units 19 and 23 could be provided with revisions to the proposed layout. (iii). Car parking areas would benefit from additional greening areas to enhance the public realm. (iv). The layout of the private open space of Unit 19, although provides minimum requirement in terms of area, is substandard in terms of layout. The layout should be improved to accommodate useable open space

for future occupants. (v). The location of the 12 bike spaces should be relocated away from Unit 19.

- (b) To indicate what additional measures are proposed to ensure a high standard of residential amenity of future occupants of the new dwellings (units 24 to 33) in proximity to the railway line, for example triple glazing.
- (c) The Applicant has indicated a 1.8m wall on the planning drawings. Iarnród Éireann have requested that the height of this wall should be 2.4m to prevent trespass. The Applicant is requested to indicate same on revised drawings.
- To submit proposals for the bin and bicycle storage for the terrace units to address the concerns of the planners' report and to note the concerns raised in the third-party observation.
- To clarify parking arrangements.
- In the interest of road safety, the Applicant is requested to refer to problems identified by the Road Safety Audit carried out by Bruton Consulting Engineers and ensure that hazards are corrected on the drawings.
- To increase the size of the turning areas at the ends of roads and to show an adequate Turning Bay generally in accordance with the document Recommendations for Site Development Works, and to submit a revised swept path drawing, output from a suitable platform such as Autotrack, for a Furniture Truck, Fire Engine and Refuse Lorry and to demonstrate manoeuvrability when the requisite car parking spaces being fully occupied.
- To prepare a design for the Permeability Link with St. Mary's Lane.
- To submit a drawing detailing the installation of speed limit signs within the estate comprising RUS 044 30km/h speed limit signs and warning signs – "Children at Play", at frequent intervals throughout the residential estate.
- To submit details on the type of materials used for the road and footpath infrastructure within the development. Surfacing course of new roads within developments should be Stone Mastic Asphalt, SMA 14 surf PMB 65/105-60 des 45mm thick, in compliance with clause 942 of NRA/TII specification, details to be agreed with the Planning Authority beforehand.

- (i) To avoid permeable paving in Public Areas as it may not be possible for the Local Authority to take them in charge and to have regard to same in terms of SUDS strategy and taking in charge proposals. (ii) To demonstrate, using some form of interlocking/ keyed paving or otherwise, how the Internal Permeable Paving, for car parking areas, will be made durable, to withstand shear loads arising from turning vehicles. In addition, the Applicant is requested to demonstrate how the car parking surface will have adequate slip/skid resistance into the future. The Applicant is requested to provide details of how additional ducting will be provided to avoid the Permeable Paving being dug of for utilities. (iii) To clarify the material for the pedestrian crossing points over the internal carriageway, called up on landscape drawings as a concrete footpath.
- To provide more secure dedicated bicycle storage unit instead of the communal bicycle storage/ bin areas and consider a suitable architectural bicycle locker structure in keeping with a residential development with the equivalent security offered by a Bicycle Locker or Access Controlled Modular Bike Parking Locker, to be sheltered, secure, lit and with passive surveillance.
- To engage with Uisce Eireann through the submission of an updated Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water and sewer infrastructure.
- To submit a revised A Drainage-SuDS Strategy for the development in compliance with the County Development Plan, LAP, GDSDS, Water Sensitive Urban Design Interim Design Guidance Document and CIRIA SuDS Manual, shall be revised to incorporate the requirements of the Council.
- To note the requirements of Irish Rail enclosed and comment on the implications of same, if any, for the proposed development

3.2.4. Following the further information response, the Planning Authority were satisfied that the applicant adequately addressed the majority of the further information requests. The planners report considered that *“The development proposed, and refurbishment of an important protected structure is commendable in terms of quality of design, conservation and layout of new development. The recently adopted Section 28 Guidelines have been noted, and the proposal is considered to comply with same.*

The proposed development is considered to comply with the provisions of the Kildare County Development Plan 2023 – 2029, the Monasterevin Local Area Plan 2016 – 2022 and with the proper planning and sustainable development of the area” and concluded that permission be granted subject to conditions as noted in Section 3.1.1 above.

3.2.5. Other Technical Reports

- Environment: Further information required.
- Area Engineer: No objections subject to conditions.
- Water Services: Further information required.
- Transportation: Further information required.
- Heritage Officer: No objections subject to conditions.
- Housing: No objections subject to conditions.
- EHO: No objections subject to conditions.
- CFO: No objections subject to conditions.
- Development Control: No objections subject to conditions.

3.2.6. Prescribed Bodies

- Irish Water: Further Information Requested.
- DHLGH: No objections subject to conditions.
- Irish Rail: No objections subject to conditions.

3.3. Third Party Observations

3.3.1. Two no. third party submissions were received the main issues raised within which can be summarised as follows:

- Treatment of the existing boundary wall has not been adequately addressed.
- Existing trees encroaching onto third party property.
- Loss and privacy and overlooking – existing property overlooked with new development.

- Location of bin storage adjacent to third party property will cause issues.
- High density of development – increase in noise and light pollution, lack of adequately landscaping.
- Impact of apartment development on protected structure (Malt House).
- No commercial element proposed for Malt House.
- Cow House should not be demolished.
- Access arrangement inadequate – 2 access points should be required.
- Impact on existing trees and rookery – tree removal of concern.
- Density is too high – impact on character of the area.
- Incorrect information.
- Coach House referred to as Manager's House.

4.0 Planning History

- 4.1. 22/873: Permission refused by Kildare County Council on 8th September 2022 for the demolition of a section of boundary wall at the entrance to the site; The demolition of the existing bungalow (89.3sqm); The redevelopment of the following existing buildings: The Malt House, consisting of 15 No. 2 bed apartments and 6 No. 1 bed apartments; The Managers House consisting of 1 No. 2 bed duplex apartments and 1 No. 3 bed duplex apartment; The existing stable block consisting of 2 No. 1 bed single storey housing units: along with the proposed construction of 29 No. new residential units comprising of: 20 No. 3 bed duplex apartments; 8 No. 3 bed semi-detached houses; and 1 No. 4 bed detached. 54 No. units proposed in total. All with associated site works, access, landscaping, boundary treatments and drainage.

The reasons for refusal included:

“1. That the proposed development, by virtue of its poor layout and design, and lack of architectural referencing to the heritage of the site, would negatively impact on the curtilage, attendant grounds and setting of Protected Structures B21-27 (NIAH reference 11816093) and B21-08 (NIAH reference 11816095) and would be contrary to the Kildare County Development Plan.

2. That the proposed development does not comply with the 12 Urban Design Criteria in terms of Context, Connections, Layout, Detailed Design and Public Realm, particularly in relation to the lack of regard and architectural referencing of new buildings to the historical context of the site within the grounds of two Protected Structures B21-27 (NIAH reference 11816093) and B21-08 (NIAH reference 11816095), the poor design, layout and material choice for new residential development, the poor relationship of the Manager's House with the open space due to the boundary treatment choice, poor quality public realm, the poor relationship of the residential blocks with each other and existing development, unsatisfactory open spaces which are not properly integrated into the overall scheme, poorly overlooked public spaces and car parking areas and the over dominance of street parking would be contrary to Policy DL 1 of the Kildare County Development Plan 2017 – 2023 and the Urban Design Manual Best Practice Guidelines, (DEHLG, 2009) and would therefore be contrary to the proper planning and sustainable development of the area”.

- 4.2. 17/1377: Permission refused on appeal to An Bord Pleanála (ABP-303292-18) on 6th August for the redevelopment of the existing Malt House (a protected structure, Ref: B21-27 and NIAH Ref:11816093) consisting of the provision of 15 x 2 Bed Apartments & 6 x 1 bed apartments and redevelopment of the Old Manager's House (a Protected Structure, Ref B21-08, NIAH Reference 11816095) consisting of the provision of 1 x 2 bed duplex apartments & 1 x 3 bed duplex apartment, Construction of 28no. new residential units comprising of (a) 14no. x 3 Bed Terraced Houses, (b) 14 x 4 Bed Semi-Detached and Terraced Houses, Internal distributor road, 91no. car parking spaces, Bin Storage, All associated site works, signage, landscaping bicycle parking, boundary treatments and drainage.

The reasons for refusal included:

“1. Having regard to the design and car dominated layout of the proposal in a town centre location, it is considered that the proposed development would result in poor quality public realm, poor disposition, quality and quantity of public and private open space, and a road layout which would not be conducive to pedestrian safety. The proposed development would, therefore, constitute a substandard form of development, would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed housing layout, by virtue of its design, architectural treatment and significant tree removal, would negatively impact on the curtilage, attendant grounds and setting of Protected Structures RPS number B21-27(NIAH reference number 11816093) and RPS number B21-08 (NIAH reference number 11816095) and would adversely affect the Monasterevin Architectural Conservation Area. The proposed development would, therefore, be contrary to policies PS 2, PS 12, PS 17, PS 18 and ACA 2 of the Kildare County Development Plan 2017- 2023 and would be contrary to the proper planning and sustainable development of the area”.

- 4.3. 02/2359: Permission granted by Kildare County Council on 2nd September 2003 for the for the change of use of an existing barn to a Dwellinghouse.

5.0 Policy Context

5.1. Monasterevin Local Area Plan 2016 - 2022

- 5.1.1. The subject site is zoned ‘B’, ‘Existing Residential and Infill’ under the Monasterevin Local Area Plan, (which has expired), with a stated objective *“To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services”.*

- This zoning principally covers existing residential areas and also provides for infill development. The primary aims of this zoning is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered suitable to the area. Such areas, particularly where bordering the commercial centre, will be protected from the pressure of development of higher order uses such as retail and offices.

- 5.1.2. The following Sections of the Plan are relevant:

- Section 6.2 Housing
- Section 6.6 Town Centre Development
- Section 6.10.1 Pedestrian and Cycle Networks
- Section 6.10.4 Parking
- Section 6.11 Water and Drainage

- Section 6.11.5 Flood Risk Management
- Section 6.15 Architectural Heritage
- Section 6.16 Archaeological Heritage
- Section 6.17 Natural Heritage and Biodiversity
- Section 6.19 Recreation, Amenity and Open Space

5.1.3. I note that the Monasterevin Local Area Plan 2016-2022, has expired, however the local authority has states that it will to the adopted Local Area Plans until such time as they are reviewed, or another plan made. I also note that Kildare County Council has prepared an issues paper in respect to the preparation of the Monasterevin Local Area Plan 2025 – 2031.

5.2. **Kildare County Development Plan 2023 – 2029**

5.2.1. Relevant Development Plan Policies and Objectives:

- General Tourism Development Policy Objectives

5.2.2. Relevant Chapters and Policies

- Objective CS 09 – *“Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and 36 all relevant Section 28 Ministerial Guidelines”.*
- Chapter 11 – Built and Cultural Heritage.
- Section 11.3 – Features of Historical Interest.
- Section 11.4 – Architectural Heritage.
- Section 11.5 – Protected Structures.
- Section 11.17 – Built Vernacular Heritage.
- Section 11.18 – Architectural Conservation Areas.

- AHO20 - Conserve and protect buildings, structures and sites contained on the Record of Protected Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- AHO21 - Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.
- AHO23 - Require an Architectural Heritage Assessment Report, as described in Appendix B of the Architectural Heritage Protection, Guidelines for Planning Authorities (2011), to accompany all applications with potential for visual or physical impacts on a Protected Structure, its curtilage, demesne and setting. This report should be prepared by a person with conservation expertise that is appropriate to the significance of the historic building or site and the complexity of the proposed works.
- AHO32 - Ensure that new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations
- AHO35 - Favourably consider the change of use of any structure included on the Record of Protected Structures, where such a change of use does not adversely impact on its intrinsic character or special interest and where such a use may otherwise not conform to the zoning matrix associated with any Local Area Plan.
- AHO36 - Actively encourage uses that are compatible with the character of protected structures. In certain cases, the Planning Authority may relax site restrictions / development standards in order to secure the preservation and restoration of a protected structure or building of architectural merit that is not included on the RPS.

- AH039 - Promote the maintenance and appropriate re-use of buildings of architectural, cultural, historic and aesthetic merit which make a positive contribution to the character, appearance and quality of the streetscape or landscape and the sustainable development of the county. Any works associated with the re-use of such buildings should be carried out in accordance with best conservation practice.
- AHO41 – Promote the retention of original or early building fabric including timber sash windows, stonework, brickwork, joinery, render and slate. Likewise, the Council will encourage the re-instatement of historically correct traditional features.
- AHO65 - Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.
- AHO66 - Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.
- Chapter 15 – Development Management Standards.
- Section 15.2 – General Development Standards.
- Section 15.8 – Surface Water.
- Section 15.17 – Built and Natural Heritage.
- Appendix 6 – Record of Protected Structures:

RPS Ref. No.	NIAH Ref. No.	Structure Name	Townland	Description	Map
B21-07	11816094	Canal Harbour	Monasterevin	House	21

B21-08	11816095	Canal Harbour (Off)	Monasterevin	House	21
B21-27	11816093	Canal Harbour, Monasterevin, Co. Kildare	Monasterevin	Warehouse	21

5.3. National Planning Framework (First Revision)

5.3.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country and was recently updated in April 2025. NPO 11 is noted which states *“Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment”*.

5.3.2. I also reference the following in relation to the appeal site:

“National Strategic Outcome 1: Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities”.

“NPO 45 - “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development”.

5.4. Eastern and Midlands Regional Spatial and Economic Strategy

5.4.1. The Eastern and Midlands Regional Spatial and Economic Strategy (RSES) recognises the major contribution that rural areas make towards regional and national development in economic, social and environmental terms. The RSES aims

to strengthen the fabric of rural Ireland, supporting rural towns and communities as well as the open countryside, improving connectivity, and supporting job creation, particularly in a more diverse range of sectors.

- 5.4.2. The RSES supports the consolidation of the town and village network, to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the Core Strategies of County Development Plans.

5.5. Water Framework Directive

- 5.5.1. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e. on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.
- 5.5.2. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

5.6. Ministerial Guidelines

- 5.6.1. Having considered the nature of the proposal and the documentation on file, I am of the opinion that the directly relevant S28 Ministerial Guidelines are:
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
 - Housing for All – A New Housing Plan for Ireland to 2030 (2021).
 - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023).
 - Urban Design Manual Best Practice Guidelines, DEHLG, 2009.

- Quality Housing for Sustainable Communities Best Practice Guidelines, DEHLG, 2009.
- Development Management Guidelines (2007).

5.6.2. Other Relevant Guidance:

- The Architectural Heritage Protection Guidelines for Planning Authorities, (2011)

The Architectural Heritage Protection Guidelines for Planning Authorities ('the Architectural Heritage Protection Guidelines') are a practical guide for planning authorities and for others who must comply with Part IV of the Planning and Development Act 2000 on the protection of the architectural heritage.

The Guidelines stress the importance of protecting and enhancing the curtilage of, and views, of and into Protected Structures. In this regard, they state the setting of an area, together with views in and out of it, can contribute greatly to its overall character and should always be considered when assessing its importance.

- Design Manual for Urban Roads and Streets (2013).

5.7. Natural Heritage Designations

5.7.1. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are:

- River Barrow (SAC) is approx. 185m to the west the subject site.
- River Nore (SAC) is approx. 185m to the west the subject site.

5.8. EIA Screening

5.8.1. The applicant has submitted an Ecological Impact Assessment and an Appropriate Assessment Screening. The planning authority has noted the submission of Schedule 7A information as part of their screening for Environmental Impact Assessment. However, the report submitted by the applicant does not relate to the requirements of Schedule 5 of the Planning and Development Regulations 2001, as amended.

- 5.8.2. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.8.3. However, I do not consider the report submitted (Ecological Impact Assessment) to be Schedule 7A information for the purposes of screening sub-threshold development for an Environmental Impact Assessment. Therefore, I do not consider that Form 3 is required in this instance.
- 5.8.4. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third party appeals have been received by Mr. Conor Parkinson and Mr. Loman Daly and can be summarised as follows: -
- The treatment of the boundary wall.
 - Boundary wall needs to be extended to a height of at least six metres to reduce overlooking, light and noise pollution.
 - The deciduous trees on the development site encroach into the adjoining property and have to be constantly cut back which is an ongoing issue.

- The trees have also grown to over 12 metres in height which blocks sunlight to large parts of the appeal site.
- Loss of privacy and overlooking the proposed development allows for severe overlooking of adjoining property from multiple structures.
- The location of the bin storage area adjacent to the appellants boundary wall is problematic to unpleasant odors and attraction of vermin at this location.
- The development significantly increases the density in an area that historically has been low density.
- There is a lack of adequate space for landscaping resulting in overdevelopment and loss of valuable green space.
- The development would lead to an increase in light and noise levels from human activity compared to the current site.
- The residents would be directly impacted by this development for years to come.
- Kildare County Council has refused planning permission twice at the subject property.
- The proposed density is too high and there are multiple protected structures on site which amounts to overdevelopment.
- Malthouse is a heritage building which is a commercial protected structure and proposal does not include any commercial space.
- There is no consideration to future commercial activities as demonetized to reflect the blue wear project given the proximity of the canal.
- Proposed removal off the existing large trees on site is unacceptable and damages to existing rockery which is there for over 100 years.
- Single vehicle access for high density development as an adequate for both fire and emergency services and the roads space for vehicles surrounding.
- The proposed demolition of the cow house, which is a 116-year-old structure should not be allowed in the planning application.

- The planning application contains incorrect information and images, which are not current.
- Coach House has been named the Managers House.

6.2. Applicant Response

6.2.1. Two separate responses were received from the applicant's agent dated 26th June 2024 and 21st June 2024. The submissions respond to the issues raised in both third party appeals as follows:

- The boundary wall has a consistent height, and it would be inappropriate to extend the wall given it forms part of the curtilage of the protected structure and a 6 metres wall would be highly unusual and would result in overshadowing.
- The trees along the southern boundary at the location of the appeal site will be removed in conjunction with the development works with new trees planted.
- The lines of sight from the proposed development are at a substantial distance from the appeal site i.e. the southern boundary. The existing 1.8 metre high wall is also noted which would mitigate against overlooking.
- The communal waste storage area was relocated away from the appeal boundary at further information stage and is now located at the western side of the central area of public space.
- The public open space provision amounts 24% of the total site which exceeds the minimum open space provisions.
- The existing green spaces within the vacant site are overgrown and are of no amenity value at present. The proposed new public open space is generous in size, available to the future residents and wider public.
- The site is currently vacant and not use and therefore is not a reasonable baseline in terms of noise impact. The Noise Impact Assessment concludes that the site is low risk in terms of noise rise.

- The design of the lighting includes low energy LED lighting throughout. The outdoor lighting plan shows no lighting in the vicinity of the appellants dwelling.
- There is no detail provided in terms of why the density is considered to be unreasonable or how or how it has a negative impact on the Protected Structures.
- Noting the Development Plan and Compact Settlement Guidelines the density is at the lower end of what is considered to be higher residential development, and this is due to the specific characteristics of the site and the Protected Structures contained within. The density is considered appropriate for this site.
- There is no specific policy or objective in the Development Plan or the Monasterevin LAP requiring commercial floor space to be provided.
- The existing Malthouse structure lends itself to be converted into apartments and any commercial element would require more radical interventions to the exterior of the building.
- An Arboriculture Report was prepared which notes the location, species and conditions of trees and how the trees will be protected during construction.
- The landscaping plan proposed the planting of a significant number of trees to compensate for the loss of existing trees.
- In relation to the rookery, no evidence of same has been submitted with the appeal. The Ecological Impact Assessment prepared does not refer to any rookery and states that none of the birds recorded on site are protected.
- The applicant does not outline what exactly the 'cow house' and the photographs included with the appeal which shows the bungalow dwelling, which is not a protected structure, nor it is listed in the NIAH.
- The autotrack drawing prepared demonstrates that fire tender and refuse truck can access the site, and both are larger than an emergency vehicle.
- The entrance arrangements under the current application are larger than under previous applications.

- The narrowing of public roads in the vicinity is outside the control of the applicant.
- The coach house building is described in the NIAH as ‘Detached three-bay two-storey former store manager’s house c.1885’ and therefore the description is fully accurate.
- It is not clear what point the appellant is trying to make in terms of photographs being incorrect.

6.3. Planning Authority Response

6.3.1. A response was received from the planning authority dated 18th June 2024. The submission responds to the third party appeals as follows:

- (i) The planning authority notes the content of the appeal.
- (ii) The planning authority confirms its decision and asks the Bord to refer to the planning reports, internal department reports and prescribed bodies reports in relation to the assessment of this planning application.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the third party appeal (the subject matter of this appeal), the applicants’ response, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and no other substantive issues arise. The main issues in determining this appeal are as follows:

- I. Principle of Development and Density
- II. Protected Structures and Monasterevin Architectural Conservation Area
- III. Impact on Residential Amenity

- IV. Loss of Trees/Impact on Birds, Green Space and Landscaping
- V. Site Access
- VI. Separate Legal Issues
- VII. Water Framework Directive
- VIII. Appropriate Assessment, and
- IX. Other Matters.

7.2. This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.3. Principle of Development and Density

- 7.3.1. The appeal site is located within the development boundary of Monasterevin on lands zoned as 'B', 'Existing Residential and Infill' under the Monasterevin Local Area Plan, (which has expired), with a stated objective *"To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services"*.
- 7.3.2. While this LAP is expired, I note that the last zoning objective on the site allowed for the provision of residential development. I also refer to Policy Objective CS O9, of the Development Plan which states that it is an objective to review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements including Monasterevin, within the lifetime of the current Development Plan.
- 7.3.3. The site is located on the edge of Monasterevin town, effectively on the edge of the commercial centre of the town, and noted in the zoning objective, proposals for appropriate infill development, including the proposed works and change of use to the existing vacant buildings on site, the conversion to residential use and the construction of 18 no additional units on site is permitted in principle within this zoning objective.
- 7.3.4. In terms of density, concerns have been raised in the third party appeals in respect to the density proposed at this site. The development comprises a total of 39 no. residential units, which equates to a density of 35 dwelling units per hectare. I note that the density as proposed is below the minimum density requirements of 50

dwelling units per hectare as detailed in the Monasterevin LAP and the Development Plan identifies a density of 35-40 units per hectare for Monasterevin. However, noting the specific context of this site, in particular the presence of protected structures on this site, which have been incorporated into the design proposal, I am satisfied that the proposed density, while below the minimum requirement would be acceptable on this site.

- 7.3.5. I also note that the scale, layout and extent of the proposed development on site, i.e. the number of residential units has been reduced from that previously refused on site.

Conclusion:

- 7.3.6. Therefore, having considered the available information, with particular reference to the existing buildings on site, the location of the site within Monasterevin, I am generally satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues.
- 7.3.7. Moreover, having regard to the most recent zoning objective pertaining to these lands, I do not consider that the zoning status of the lands to be an impediment to their development and that the principle of the proposed development to be acceptable on these lands.
- 7.3.8. As the issue of zoning does not form part of the grounds of appeal, I will continue my assessment to include the relevant issues raised in the appeal.

7.4. Protected Structures and Monasterevin Architectural Conservation Area

- 7.4.1. As noted above there are a number of protected buildings on site, those subject to the proposed development relate to:

RPS Ref. No.	NIAH Ref. No.	Structure Name	Townland	Description
B21-08	11816095	Canal Harbour (Off)	Monasterevin	House
B21-27	11816093	Canal Harbour,	Monasterevin	Warehouse

		Monasterevin, Co. Kildare		
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- 7.4.2. The site also contains the stables block, associated with the managers house, located to the rear of the dwelling, which are listed on the National Inventory of Architectural Heritage (NIAH: 11816081). I note that the site is located also partly within the Monasterevin Architectural Conservation.
- 7.4.3. Concerns are raised in the third party appeals in relation to the density proposed on this site which includes protected structures and the loss of the commercial element to the Malthouse and the demolition of the 'cow house'.
- 7.4.4. The National Inventory of Architectural Heritage (NIAH) lists the Managers House (Togher House) (NIAH 11816095) of regional interest for architectural, historical and social reasons, describing it as *"Detached three-bay two-storey former store manager's house, c.1885, on a symmetrical plan with single-bay single-storey advanced end bays to left (south-west) and to right (north-east). Now disused. Hipped roofs with slate. Clay ridge tiles. Yellow brick chimney stacks. Overhanging timber eaves with corbels. Cast-iron rainwater goods. Roughcast walls over rubble stone construction. Unpainted. Red brick dressings including quoins to corners. Shallow segmental-headed window openings. Stone sills. Red brick surrounds having chamfered reveals. Remains of 2/2 timber sash windows. Shallow segmental-headed door opening to centre ground floor. Red brick surround with chamfered reveals. Now boarded up. Overlight now gone. Set back from road in own grounds. Part overgrown grounds to site"*.
- 7.4.5. The appraisal on the NIAH notes that the Managers House *"This house, built as the residence for the store manager of Jameson's Maltings, is an attractive, symmetrically-planned substantial building that is now disused and partly derelict, but which retains most of its original form and some of its original materials. The house is of historical importance, attesting to the extent of the Jameson's Maltings development in the locality. The house is of social and historic interest, representing the middle-size dwellings of the prosperous merchant class in the late nineteenth century. The facing of the house with roughcast render having red brick dressings complements the appearance of the outbuilding immediately to south-east*

(11816081/KD-21-16-81). *Composed of graceful, Classically-inspired proportions, the front (south-east) elevation of the house is an attractive feature in the locality and retains important salient features including the remains of timber sash fenestration and most of the fabric to the roof*".

7.4.6. The stables (NIAH: 11816081), while not listed as a protected structure are listed on the NIAH of regional interest for architectural, historical and social reasons, described as *"Detached six-bay single-storey stable building, c.1885, possibly built as maltings store with series of segmental-headed door openings along front elevation to north-west and series of oculus windows along rear elevation to south-east. Now disused. Hipped roof with slate. Clay ridge tiles. Louvered timber vents to apex on square plans. Timber eaves with consoles. Remains of cast-iron rainwater goods. Yellow brick Flemish bond walls. Red brick dressings including quoins to corners. Shallow segmental-headed door openings. Red brick surrounds. Tongue-and-groove timber panelled half doors. Overlights. Oculus windows. Red brick surrounds. Fixed-pane timber windows. Set back from road in grounds shared with main house to north-west"*.

7.4.7. The appraisal on the NIAH notes that the stables *"This building, which is now disused and in the early stages of dereliction, is a fine long, low range of balanced proportions - the building was possibly originally intended as a maltings store belonging to the Jamesons' Distillery development in the town. Built in yellow brick with red brick dressings, the polychromatic appearance of the range, characteristic of the late-Victorian period, reflects the appearance of the main house to north-west, and is a feature shared in common with a small number of other houses in the locality, including The Ranch (11816068/KD-21-16-68) and Kilrue (House) (11816072/KD-21-16-72). The stable block retains most of its original features and materials, including timber fenestration to the oculus windows and tongue-and-groove timber panelled half-doors, some of which have since been boarded over. The vents to the apex of the roof are an attractive feature, designed to resemble chimney stacks. The stable building is an integral component of a compact group that includes the house to north-west (now also disused; 11816095/KD-21-16-95), and the house to south-east (11816080/KD-21-16-81)"*.

7.4.8. In respect to the Malthouse the NIAH lists the Malthouse (NIAH 11816093) of regional interest for architectural, historical and social reasons, describing it as

“Detached seven-bay three-storey rubble stone warehouse, c.1850, with elliptical-headed integral carriageway to right ground floor. Refenestrated, c.1980. Hipped roof with slate. Clay ridge tiles. Cast-iron rainwater goods on eaves course. Random rubble stone walls. Iron tie plates. Shallow segmental-headed window openings. Flush stone sills. Yellow brick dressings. Replacement timber casement windows, c.1980. Square-headed door opening to left. Cut-stone surround and lintels. Timber boarded doors. Elliptical-headed integral carriageway to right ground floor. Yellow brick surrounds. Tongue-and-groove timber panelled double doors. Overpanel. Road fronted. Concrete and tarmacadam footpath to front”.

- 7.4.9. The appraisal on the NIAH notes that the Malt House described as a warehouse *“is a fine and imposing rubble stone structure of social and historical significance, representing the continued industrialisation of Monasterevin in the mid nineteenth century. The building has been renovated in the late twentieth century yet retains most of its original form while replacement materials have been inserted in keeping with the original integrity of the design. The construction in rubble stone with yellow brick dressings is a feature shared with other industrial buildings in the locality and attests to a traditional building method of the period”.*
- 7.4.10. The proposed development includes the change of use to residential, upgrade and refurbishment to the aforementioned buildings to provide for a total of 21 no. apartments within the existing protected and listed structures.
- 7.4.11. Concern has been raised in the appeal in respect to the loss of the commercial space in the Malthouse and the Blueway Project is referenced in this regard. The existing buildings on site are in a derelict condition and have been for a considerable period of time. The site is also zoned for residential use and there is no specific requirement in the Development Plan to incorporate a commercial use where historically one may have existed. I also consider that the conversion to residential would require less intervention particularly to the external façade of the building and would be more sympathetic to the protected structure as a whole.
- 7.4.12. I do not envisage that the proposed development comprising of an infill residential development will impact negatively on the Blueway Project associated with the adjoining canal and will improve the appearance of the site at this location in the town.

- 7.4.13. As noted in the Section 7.3.4 above, the proposed density is at the lower end of the density requirements for a site of this location and zoning objective, however, I am satisfied that the density as proposed will ensure that there will be no adverse impacts on the setting and curtilage of the existing protected structures on site.
- 7.4.14. The Conservation Report and Architectural Heritage Impact Assessment, (prepared by Edmund Fitzgerald Selby Conservation Architect Grade 2), which accompanied the planning application concluded that *“The Malt House and The Manager’s House, and the historic Stables have outlived their original industrial purposes and are now redundant. The buildings have been neglected for a long time and are now at risk of further serious dilapidation. The proposed retention, conservation and restoration of their historic architectural fabric, and their proposed re-purposing for residential use is a very welcome and timely development and will help to guarantee their continued survival into the future. The design, layout and the material specifications for the proposed new houses and apartments is in close harmony with, very respectful of, and entirely distinguishable and separate, from the existing historic buildings and their curtilages. It is also my opinion that the proposed designs and specifications are in compliance with Kildare County Council’s requirements in respect of proposed works to and around Protected Structures, and with the provisions of the Monasterevin Architectural Conservation Area”*.
- 7.4.15. Reference is made in the appeal to the demolition of the ‘cow house’, which should not be permitted. However, following my site inspection and review of the existing buildings on site. The ‘cow house’ which is an existing single storey bungalow structure on site, is not listed as a protected structure or on the NIAH survey. The demolition of this structure also allows for the appropriate infill development of this site. Moreover, the Conservation Report and Architectural Heritage Impact Assessment, (prepared by Edmund Fitzgerald Selby Conservation Architect Grade 2) stated that the bungalow is of no architectural merit. As such, I am satisfied that the demolition of this structure would not impact on the overall character of the site and is acceptable.

Conclusion:

- 7.4.16. Overall, I am satisfied that the proposed development does not impact on the existing building’s status as a protected structure or its context within a conservation

area and I welcome the use of this building as residential use, within the town centre location.

7.5. Impact on Residential Amenity

- 7.5.1. The appeal considers that the development proposed will result in loss of privacy, noise, light pollution and the location of the proposed bin store.
- 7.5.2. In relation to loss of privacy and overlooking, I note that the footprint of the existing Malthouse adjoins the appellants property, therefore there I am satisfied that the change of use of this structure to residential will not result in an adverse loss of privacy at this location. Moreover, the proposed dwellings are at a significant distance from the appellants site and therefore will not impact on privacy or amenity of same.
- 7.5.3. In relation to light pollution, I acknowledge that some light spill will result from the proposed development, however, noting the design of the public lighting within the scheme, I am satisfied that this will not impact negatively on adjoining residential amenity.
- 7.5.4. In terms of noise, I note that the development proposed comprises a small infill development, which will utilise existing structures on site. I also note that a Noise Impact Assessment accompanied the planning application, which concluded that the site is low risk in term of noise. Potential impacts on residential amenities during construction phase in particular relating to noise can be appropriately dealt with prior to construction by way of condition should the Board be inclined to grant planning permission in this instance and requesting the Applicant to prepare/submit a Construction Management Plan.
- 7.5.5. Reference is also made to the impact of the proposed bin store on the appeal site given its location. I reference the further information (item 4 a & b) as part of the planner's assessment of the planning application, whereby the issue of the location of the bin store was raised. As part of the further information response the applicant amended the proposed development to ensure that communal bin stores are now only provided for the apartments and that the previously proposed bin store adjacent to the residential property was relocated to the edge of the public open space, away from any residential unit, and will be screened by new planting. As such this issue has been addressed as part of the planner's assessment.

7.6. Loss of Trees/Impact on Birds, Green Space, Landscaping

- 7.6.1. Concern is raised in respect to the loss of trees on the site and the potential damage to the existing rookery and the lack of landscaping within the site.
- 7.6.2. Whilst I acknowledge the site is presently home to a number of large trees, given their location within the site, their removal is essential to provide for the proposed infill development at this site. I reference the Tree Survey and Report which also acknowledges that few of the trees can be sustainably accommodated within a new development, and that few trees either can, or would be suitable for retention within the proposed context. However, the loss of trees at this site is compensated by the proposed landscaping plan which identifies the planting of a significant number of new trees which is welcomed. I also note the removal of the trees to the southern boundary, which have been referred to in the appeal.
- 7.6.3. In terms of green space and landscaping, following site visit I concur with the applicant in their response in respect to the un-useability of the site at present given its overgrown nature. The proposed development will provide for a new area of public open space to serve the development, and wider residents and will in my opinion greatly improve the amenity value of the site.
- 7.6.4. As identified on the proposed landscaping plan I am satisfied with the level of landscaping proposed as part of the overall scheme.

Impact on Birds:

- 7.6.5. I note that an Ecological Impact Assessment and Bat Survey accompanies the submitted Ecological Impact Assessment and Assessment (prepared by Panther Ecological Ltd, Ms Paula Farrell BSc Wildlife Biology).
- 7.6.6. The report states that bird usage of the site was assessed on the 6th and 13th July 2023. The survey states that *“Birds were identified by visual sightings and auditory identification of songs and calls. Birds flying overhead were also included as part of the survey. Birds observed while undertaking habitat and specific fauna surveys were also noted. Priority habitat/features such as trees, dense hedgerows or shrubs, reed beds, or small bodies of water are areas that surveying can concentrate on for shy species with low detection. Disturbance to the site should be kept to a minimum while undertaking a bird survey”*.

- 7.6.7. I note that none of the bird species recorded on site are listed under Annex I of the E.U. Birds Directive as per the assessment.
- 7.6.8. It was determined that there would not be any significant impacts upon birds' other fauna during the operational/construction phase of the development. Control measures were recommended to ensure there will be no impact during the bird nesting season.
- 7.6.9. I am satisfied that the works proposed will not have any undue impact on bird fauna in the area and I am satisfied with the information provided within the submitted survey and assessment. The mitigation measures cited in the submitted Ecological Impact Assessment and Bat Survey can be attached by way of condition should the Board be inclined to grant planning permission in this instance.

7.7. Site Access

- 7.7.1. The main concerns raised in the appeal relate to the single vehicle access to serve the development and the inadequate access for emergency vehicles and road space for vehicles surrounding the site, which has been reduced by the Council.
- 7.7.2. I note that the access arrangements to the site have been amended to that proposed as part of the planning application refused on site, however the access to the site remains from Canal Harbour with a pedestrian/cycle access from St Mary's Lane, adjoining, albeit the proposed access has been widened to 6 metres, as a result of the proposed demolition of part of the boundary wall at the site entrance. The access road then widens to 7.2 metres, with pedestrian footpath adjoining the Malthouse. Following my site inspection and having regard to the proposed vehicular entrance to the site and internal road layout, and noting the submitted autotracks 1-4, which demonstrate a large vehicle accessing the site, I am satisfied that the entrance and internal road arrangement is suitable to cater for emergency vehicles.
- 7.7.3. In respect to the available space for vehicles on adjoining roads surrounding the appeal site, the applicant in their response states that the narrowing of public roads by Kildare County Council is outside the control of the applicant and not relevant to the appeal. I concur with this statement as these works would be outside of the remit of the applicant as part of this appeal. In any event I consider that adequate parking provision has been proposed to serve the development on site.

7.8. Separate Legal Issues

- 7.8.1. The appeal references the treatment of the boundary wall. I note that existing boundary wall abuts the adjoining site i.e. the appellants site and is the shared boundary between both properties. The matter of the boundary wall i.e. the coach house, and treatment of same is a legal issue and not a matter for the Board.
- 7.8.2. Notwithstanding, I note that the existing boundary wall also forms part of the curtilage of the Protected Structures on site, I would be of the opinion that any increase in the boundary wall height, as suggested by the appellant, could impact on the character and setting of the protected structure and as such would not be warranted.

7.9. Water Framework Directive

- 7.9.1. The proposed development comprises the conversion of existing buildings on site and the construction of residential development totalling 39 no. units. The proximity to the adjoining canal to the south of the site, which connects into the River Barrow is noted.
- 7.9.2. While reference was made to the Waterways Ireland Blueway Projection and the consideration of commercial activity at the site in this regard, no water deterioration concerns were raised in the planning appeal. I also note Condition 16 of the Managers Order which requests the applicant to consider the Barrow Blueway along the Canal Harbour and in no way negatively impact on this design. I recommend the inclusion of a similar condition.
- 7.9.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. While I note the status of the River Barrow_90 as poor and 'at risk', this feeds into the Barrow_100, at a similar status and the Barrow_110, which is good status and 'not at risk'.
- 7.9.4. Following the further information and having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further

assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

7.9.5. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and infill nature of the development.

7.9.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers and groundwaters) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

7.9.7. I do, however, recommend the inclusion of conditions in respect to surface water. I also note Condition 23 of the Managers Order in respect to the commencement of construction on site, until such time that details in respect to a scheme to minimise the risk of offsite flooding, additionally Condition 42 has been recommended in respect of a Construction Phase Surface Water Management Plan in accordance with IFI Publication 2016 “Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters” to 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, all to be agreed with the planning authority.

7.10. Appropriate Assessment

7.10.1. Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development of a storage warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Kildare County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kildare County Council concluded the

proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out..

The proposed development is for 39 no residential units on site (1.1ha) as follows: the redevelopment of the Malt House, consisting of 17 apartments (6 no.1 beds, 11 no.2 beds); The Managers House consisting of 2 No. apartments (both 2 bed units); the existing stable block consisting of 2 No. apartments (both 1 bed units). The proposed construction of 16 No. two storey, residential dwellings and 2 no. new single storey apartments (both 2 bed units), and all associated site works including alterations to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS No. B21-07

Site preparation work, demolition and construction works will require extensive ground clearance and excavations with the removal of a number of trees/hedgerows that currently cross the site, the demolition of a blockwork section of boundary wall at the entrance to the site and demolition of the existing bungalow (89.3sqm).

The proposed development will be connected to a public water, surface water and foul sewer network. Water will be supplied via mains as confirmed by Irish Water. Foul water will be directed to an existing sewerage drainage network via a new connection to the west of the proposed development. This will include new surface water pipes, manhole and foul inspection chamber. Stormwater from roofs and hard surfaces will be directed to the proposed drainage network and will be attenuated onsite. The surface water drainage network will include a new oil interceptor and hydro brake before being released into the local drainage network via a new connection (Refer to drainage plans). Irish Water have confirmed the feasibility of connection for the proposed foul and surface water connection without requiring any upgrades. Permeable paving throughout is also proposed.

The Canal Barrow Line is the closest watercourse to the proposed development located approximately 12m north-west of the red line boundary. This discharges to the River Barrow River Nore SAC are approx. 185m to the west of the subject site.

7.10.2. European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation

(SAC) or Special Protection Area (SPA). The following European sites are located within 185metres, 13km and 14km of the potential development site.

- River Barrow River Nore SAC [002162]
- Mountmellick SAC [002141]
- Pollardstown Fen SAC [000396]

However, having regard to the distance to the Mountmellick SAC [002141] and the Pollardstown Fen SAC [000396] from the appeal site, I am satisfied that these be ruled out for further examination due to distance and lack of/ weak ecological connections.

The site considered to be within the potential zone of influence of the development site is the River Barrow and River Nore SAC (Site Code: 002162) due to the close proximity.

European Site	Qualifying Interests (summary)	Distance	Connections
River Barrow River Nore SAC [002162]	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	185m	No direct

	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Vandenboschia speciosa</i> (Killarney Fern) [6985]</p>		
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7.10.3. Likely impacts of the project (alone or in combination with other plans and projects)

Due to the enclosed nature of the development site and the presence of a significant buffer area between the brownfield site and the River Barrow River Nore, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site.

During site clearance, demolition and construction of the proposed infill residential scheme and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to River Barrow River Nore make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Given the scale of the proposed development within a suburban area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would be any significant increase on the current baseline if works were to commence during the wintering period.

7.10.4. Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.

7.10.5. In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

7.10.6. Overall Conclusion - Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within River Barrow River Nore SAC [002162] or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds

7.11. Other Matters

Impact Bats:

- 7.11.1. While not specifically raised as a concern in the appeal, I note that a Bat Survey accompanies the submitted Ecological Impact Assessment and Bat Assessment (prepared by Panther Ecological Ltd, Ms. Paula Farrell BSc Wildlife Biology).
- 7.11.2. The proposed development involves the demolition of an existing derelict dwelling and the conversion of the existing structures i.e. the Malt House and Managers House on site to residential use and all associated site works, including the demolition of several trees on site to allow for the construction of the proposed residential development.
- 7.11.3. A detailed bat survey was carried out where areas within the site with the potential to support bat roosts and / or foraging / commuting routes, and which have the potential to be impacted upon by the proposed development were the main focus of the surveys carried out, including an assessment of bat roost potential. The desk top review considered “*The development site is located outside of the current distribution, current range and favourable reference range of Lesser Horseshoe Bat (Rhinolophus hipposideros) [1303] and Nathusius' Pipistrelle (Pipistrellus nathusii) [1317] but within current distribution, current range and favourable reference range of Soprano Pipistrelle (Pipistrellus pygmaeus) [5009], Daubenton's Bat (Myotis daubentonii) [1314], Brown long-eared Bat (Plecotus auratus) [1326], Leisler's Bat (Nyctalus leisleri) [1331], Natterer's Bat (Myotis nattereri) [1322] and Common pipistrelle (Pipistrellus pipistrellus) [1309]. The proposed development is outside the current distribution but within the current range and current reference range for the Whiskered Bat (Myotis mystacinus) [1330] (NPWS, 2019c)*”.
- 7.11.4. The report states that a site visit was carried out on the 25th and 26th July 2024. The potential impacts to bats as a result of the proposed development specifically,

“Artificial lighting during the construction and operational phases has the potential to negatively impact upon bat species, as illumination can impact upon their roosting sites, commuting routes and foraging areas. Cutting down or disturbing potential roosting sites for bats”

7.11.5. The survey states that *“The roosting potential of a majority of the trees within the site boundary is considered low with their removal during the construction phase to be outside the maternity season for bats (May – September). Removal of treeline and hedgerow habitats within the development and along the perimeters will have an impact at local level on foraging bats until the treeline along the southern boundary of the site is planted as per the landscape design. Lighting can cause avoidance of an area for commuting bats and can prevent or reduce foraging for certain species such as Myotis”.*

7.11.6. Several detailed control/monitoring and mitigation measures are recommended within the assessment. I also note that a derogation licence must be sought by the developer from NPWS prior to any work commencing.

7.11.7. I am satisfied that extent of the bat survey carried out indicates the works proposed, subject to mitigation, will not have any undue impact on bat activity in the area. I am also satisfied with the information provided within the submitted survey and assessment. The mitigation measures cited in the submitted Ecological Impact Assessment and Bat Assessment (prepared by Panther Ecological Ltd, Ms Paula Farrell BSc Wildlife Biology) can be attached by way of condition should the Board be inclined to grant planning permission in this instance.

7.11.8. Design and Form:

In respect to the proposed design, form and layout of the proposed development, I welcome the renovation and upgrade to the existing buildings on site and as noted in Section 7.4.16 above, the proposed residential use is acceptable. Moreover, I am satisfied with the design and layout of the proposed dwellings. Condition No. 3 of the Managers Order, relates to finishes and requests the applicant to provide details for the written agreement of the Council specifically in respect to:

- (i) samples, of all external finishes associated with the dwelling houses and apartment block.

- (ii) Details (including contiguous elevations) of the proposed entrance gates between semi-detached units which provides access to the rear of Units 19 – 33.
- (iii) A revised side elevation of Unit 23 addressing the public road to provide additional opes to create a more balanced and active elevation.
- (iv) The amalgamation of the green area between Units 23 and 24 into the private open space areas of both units.
- (v) An enhanced porch area to the apartment block (Units 34 and 35) along the eastern boundary which breaks up the horizontal profile of the front elevation of the building.

In relation to the above, I acknowledge the location of the site, within the grounds of protected structures and as such the detailing of the proposed development is of importance and should be agreed by the local authority prior to the commencement of development. I also welcome the use of opes to the side elevation of Unit 23 onto the public road, which will ensure an active frontage to the public road at this location. As such, I recommend the inclusion of this condition to any grant of permission.

7.11.9. Conditions:

As noted in Section 3.1.1 above, the local authority recommended a grant of permission subject to 47 no. conditions. There is an extensive suite of conditions included in the Managers Order.

Notwithstanding the above assessment, which recommends the inclusion of conditions, several conditions have specific requirements including Condition 2 in relation to occupancy, i.e. units 18-35 shall not be occupied until the existing buildings on site are fully refurbished. Having regard to the condition and protected status of the buildings on site, I recommend the inclusion of a similar condition in this regard.

Condition 4 requests additional green spaces to be integrated into at Unit 18, the parking area to the west of Unit 24 and within the car parking area to the north of Unit 34. I am also satisfied with the inclusion of this condition, to enhance the green amenity space in particular to the aforementioned parking areas. Given the status of

the existing building on site, this is considered reasonable, and I recommend the inclusion of a similar condition in this regard.

Additionally, Condition 14 relates to the recommendations of the Archaeological Impact Assessment.

Conditions 17 relates to the mitigation measures outlined in the Ecological Impact Assessment.

There are several conditions pertaining to SuDs, and roads/hard landscaping requirements, I recommend that a condition be included that the disposal of surface water and transportation planning shall comply with the requirements of the planning authority for such works and services prior to the commencement of development on site.

The remaining conditions are considered to be standard and given the nature and scale of the proposed development. I recommend the inclusion of conditions relevant to the nature and scale of the proposed development, as included below.

7.11.10. Incorrect Information/Images:

In terms of the information submitted as part of the planning application and reference to the 'coach house' in particular I note that the applicant has provided both the PRS Ref No. and NIAH Reference No. as part of the planning application development description, I am satisfied that the applicants have provided sufficient information for the purposes of the planning application and decision.

A site inspection was carried out by the planning inspector on 9th May 2024, and the condition and all existing structures on site were noted as part of the site assessment.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the development subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning of the site and planning policy as provided in in the Kildare County Development Plan 2023 – 2029, it is considered that, subject to compliance with the conditions set out below, the proposed residential development and 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 Structure or Architectural Conservation Area setting of the site, and would not adversely impact on the amenity of neighbouring properties by reasons of overlooking, overbearing, nor impact on the character or visual amenity of the area and would be acceptable in terms of traffic and pedestrian safety. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 15th 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>(a) 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:</p> <p>(i) Details, including brochures and samples, of all external finishes associated with the dwelling houses and apartment block.</p> <p>(ii) Details (including contiguous elevations) of the proposed entrance gates between semi-detached units which provides access to the rear of Units 19 – 33.</p>

	<p>(iii) A revised side elevation of Unit 23 addressing the public road to provide additional opes to create a more balanced and active elevation.</p> <p>(iv) The amalgamation of the green area between Units 23 and 24 into the private open space areas of both units.</p> <p>(v). An enhanced porch area to the apartment block (Units 34 and 35) along the eastern boundary which breaks up the horizontal profile of the front elevation of the building.</p> <p>(b) Where roof tiles or slates are proposed, they shall be blue/black or slate grey in colour. Orange or red colour roofing or materials shall not be used. No reconstituted stone or dry (pebble) dash shall be used.</p> <p>(c) All bathrooms, WCs and ensuite windows shall be fitted and permanently maintained with obscured glazing.</p> <p>Reason: In the interest of clarity and visual amenity</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) The public realm and car parking at the entrance of the site, extending to unit no. 18.</p> <p>(b) The parking area to the west of Unit 24.</p> <p>(c) Within car parking area to the north of Unit 34</p> <p>(d) Details of additional low-level lighting along the pedestrian walkway to St Mary's Lane, to provide passive surveillance for the permeability link and avoid excess light spill onto the building facades.</p> <p>(e) Details of the boundary wall to the rear of Dwelling Units 24 – 33.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
4.	<p>(i) Each dwelling unit hereby permitted shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.</p>

	<p>(ii) 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.</p> <p>Reason: In the interest of clarity and orderly development and in the interest of the proper planning and development of the area.</p>
5.	<p>The mitigation measures contained in the submitted Ecological Impact Assessment, shall be implemented in full.</p> <p>Reason: In the interest of the preservation and protection of ecology and biodiversity.</p>
6.	<p>(a) The works shall be carried out under the direction of a suitably qualified Conservation Architect Kildare County Council - Inspection Purposes Only RIAI Grade 2 or higher (or equivalent).</p> <p>(b) All recommendations of the Industrial Archaeological Appraisal and Architectural Heritage Impact Assessment submitted to the Planning Authority on 07/10/2023 and as amended on 15/04/2024 shall be carried out in full.</p> <p>Reason: In the interest of protecting and maintaining the integrity of the protected structure</p>
7.	<p>A detailed photographic record shall be kept during conservation / refurbishment works to the Malt House and associated buildings. Existing fabric shall be removed in such a manner as to enable its construction and detailing to be recorded and photographed. A report containing a record of these elements including measured architectural drawings and colour photographs shall be submitted to the Planning Authority within three months of completion of the works.</p> <p>Reason: In the interest of protecting and maintaining the integrity of the protected structure.</p>
8.	<p>The proposed development shall tie in with the Barrow Blueway along the Canal Harbour and in no way negatively impact on this design. (b) The</p>

	<p>Developer shall liaise with the Strategic Projects and Public Realm team of Kildare County Council prior to commencement of works at the entrance to the site. (c) No surface water shall be diverted to the canal either during or post construction.</p> <p>Reason: In the interest of the Barrow Blueway works and protection of the Grand Canal.</p>
9.	<p>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.</p> <p>Reason: In the interests of sustainable drainage.</p>
10.	<p>That 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 applicant shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>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 Ltd, May 2018 & September 2023), and all to the agreement of the Planning Authority.</p>

	Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
13.	<p>The internal roads, footpaths, sight lines and junctions within the development 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 of same from the site for the written agreement of the planning authority.</p> <p>Reason: In the interests of traffic and pedestrian safety.</p>
14.	<p>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.</p> <p>Reason: In the interest of sustainable transportation</p>
15.	<p>(a) Landscaping and all boundaries shall be provided as per the Arboriculture Report, Landscape Details, Tree Survey Report, Tree Protection and Impact Plans, Landscaping Plan received by the Planning Authority on 07/10/2023 and as amended on the 15/04/2024.</p> <p>(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:</p> <p>(i) A 2.4m high concrete block wall (capped and rendered) shall be located to the rear of Dwelling Units 24 – 33.</p> <p>(ii) 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.</p>

	<p>(iii) 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 500mm and that the finished topsoil depth (allowing for settlement) on all open space grass areas is minimum 250mm.</p> <p>(iv) To submit sectional 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.</p> <p>Reason: In the interest of landscaping and visual amenity.</p>
16.	<p>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.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
17.	<p>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 Bord Pleanála for determination.</p>

	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.
18.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
19.	<p>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.</p> <p>Reason: In the interest of orderly development.</p>
20.	<p>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.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
21.	<p>The landscaping scheme shown on the landscaping plan, as submitted to the planning authority on the 07/10/2023, as amended on 15/04/2024 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <ul style="list-style-type: none"> (i) No landscaping shall interfere with public lighting and sight visibility. (ii) 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

	<p>completed to the satisfaction of the Parks Section and in accordance with the permitted landscape proposals.</p> <p>(iii) 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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
22.	<p>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 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.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
23.	<p>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.</p> <p>Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</p>
24.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the</p>

	<p>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.</p> <p>Reason: In the interest of reducing waste and encouraging recycling.</p>
25.	<p>Prior to Commencement Notice Stage, the Developer shall submit a Construction Phase Surface Water Management Plan in accordance with IFI 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.</p> <p>Reason: In the interest of public health, to avoid pollution, and to ensure proper development.</p>
26.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
27.	<p>Prior to the commencement of any house or apartment unit in 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</p>

	<p>agreement must specify the number and location of each house or apartment unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex 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.</p> <p>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.</p>
28.	<p>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 Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
29.	<p>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</p>

	<p>application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Nevin
Planning Inspector

29th May 2025

Appendix 1 - Form 1

EIA Pre-Screening

Case Reference	ABP-319795-24
Proposed Development Summary	The demolition of a blockwork section of boundary wall at the entrance to the site and demolition of the existing bungalow (89.3sqm); The provision of 39 no residential units on site as follows: the redevelopment of the Malt House, consisting of 17 apartments (6 no.1 beds, 11 no.2 beds); The Managers House consisting of 2 No. apartments (both 2 bed units); the existing stable block consisting of 2 No. apartments (both 1 bed units). The proposed construction of 16 No. two storey, residential dwellings and 2 no. new single storey apartments (both 2 bed units), and all associated site works including alterations to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS No. B21-07).
Development Address	The Malthouse, Canal Harbour, Monasterevin, 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? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 Infrastructure Projects (b) (i) Proposed development for 39 residential units, therefore sub-threshold. Preliminary examination required. Information submitted with application (ecological impact assessment report) not considered to be Schedule 7A for the purposes of EIA.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	ABP-319795-24
Proposed Development Summary	The demolition of a blockwork section of boundary wall at the entrance to the site and demolition of the existing bungalow (89.3sqm); The provision of 39 no residential units on site as follows: the redevelopment of the Malt House, consisting of 17 apartments (6 no.1 beds, 11 no.2 beds); The Managers House consisting of 2 No. apartments (both 2 bed units); the existing stable block consisting of 2 No. apartments (both 1 bed units). The proposed construction of 16 No. two storey, residential dwellings and 2 no. new single storey apartments (both 2 bed units), and all associated site works including alterations to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS No. B21-07).
Development Address	The Malthouse, Canal Harbour, Monasterevin, Co. Kildare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development involves the renovation and change of use of existing structures on site to residential use and the demolition of vacant single storey structure on site (89.3 sq. m.) resulting in the provision of 39 no residential units. Alterations are proposed to both the existing vehicular entrance and the entrance to Station House (Protected Structure, RPS No. B21-07, all on land located in an urban area.</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction.</p> <p>However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context.</p>
Location of development (The environmental sensitivity of geographical areas likely to	The site is not located in or immediately adjacent to any European site:

<p>be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>N/A</p>
<p>There is a real likelihood of significant effects on the environment.</p>	<p>N/A</p>

11.0

12.0 **Inspector:** _____ **Date:** _____