



An
Coimisiún
Pleanála

Inspector's Addendum Report **321624A-25**

Development	Construction of 38 houses with all associated site works.
Location	Tomard, Athy, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	24111
Applicant(s)	Bettystown Developments Limited.
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Whitecastle Lawns Residents Association. Cois Bhearú – Cluain Bhearú Residents Association.
Observer(s)	Department of Housing Local Government and Heritage.
Date of Site Inspection	7 th of April 2025
Inspector	Elaine Sullivan

1.0 Introduction

- 1.1. This report is an addendum to my original report dated the 22nd day of April 2025. Both reports relate to a third-party appeal against a notification of decision to grant permission issued by Kildare County Council for the construction of 38 houses, (6 no. 1-beds, 31 no. 3-beds and 1 no. 2-bed maisonette).
- 1.2. There is a concurrent application and appeal (**ABP-321623-25, PA Ref 24/112**) on the adjoining site to the north. This application is for 91 no. houses (amended from 76 during further information by altering the red line boundary between both sites) and a creche with all associated works including landscaping, car parking, open spaces and electricity substation. Access to the development would be from the Cois Bhearu housing estate to the north of the site.
- 1.3. At a meeting held on the 9th of May 2025 the Commission decided to defer consideration of the case and to issue a Section 132 notice to the applicant. The Commission (formerly The Board) noted Policy BH3 – Archaeological Heritage of the Kildare County Development Plan 2023-2029 which is to safeguard the archaeological heritage located within the boundary of the local area plan and avoid negative impacts on sites, monuments, features or objects of significant historical or archaeological interest. To enable the Commission to fully consider the application, the applicant was requested to submit the following information,
 - i. Drawings indicating the extent of the demolition and retention of the Mill and Mill House buildings on-site.
 - ii. Method Statement for the demolition works, salvage strategy and stabilisation of the areas for retention as per recommendations in the Architectural Heritage Impact Assessment (Dermot Nolan) including any incorporation of the stone into the proposed landscaping.
 - iii. Inspection/Survey Report by Eamonn Doyle & Associates updated to reflect current status of the Mill and Mill House.
 - iv. Revised Drawing P0015-HT M-2Bed Maisonette indicating the extent of the areas of the Mill House which are being retained and the details of the external finishes proposed.

2.0 Applicants Response

2.1. The response received from the applicant includes,

- Cover letter,
- Method Statement for the removal of vegetation and demolition works to the existing remains of the Mill & House extension and the stabilisation of the Millers House,
- Supplementary Inspection Report on the former Mill and Millers House
- Report on how the salvaged stone will be incorporated within the site.
- Drawing P0016 – Mill and House – Demolition and Retention.

Information Submitted

- 2.1.1. **Item (i)** - Drawing No. P0016 – ‘Mill and House – Demolition and Retention’ was submitted by the applicant and illustrates in red the part of the structure to be demolished. Regarding the Mill building, the applicant notes that there is extensive vegetation growth along the northern and southern elevation which has had a detrimental effect on the fabric of the wall. On the eastern elevation the front corner of the wall has collapsed and on the western elevation there are substantial amounts of the original wall missing. The Mill was burnt out in 1868 and was never repaired. Exposure to the elements has resulted in significant cracking and dislodgement of masonry, which is compounded by the level of vegetation growing within the building walls.
- 2.1.2. It is proposed to incorporate the Millers House into the development and to refurbish it into a 2-bedroom maisonette unit. The arrangement will allow all original opes to be retained. A new balcony is proposed which can be free-standing and independent of the existing house. The applicant notes that Condition No. 3(c) of the planning authority's decision requires that balconies are omitted from the Millers House. However, they are happy to provide the balcony should the Commission consider it to be appropriate.
- 2.2. **Item (ii)** - A Method Statement prepared by the Conservation Architect for the project has been provided as requested, and states that the main objectives are,

- the removal of invasive growth from the mill (which is to be demolished) and the control of growth on the Millers House (to be retained),
- dismantling of masonry in a controlled manner to retain the maximum amount,
- securing the stability of the remaining structure and
- the storage, preparation and re-use of the dismantled masonry in accordance with the principles of the Circular Economy.

2.2.1. Detailed instructions are contained in the Method Statement to guide, regulate and safely address the objectives listed above. Additional structural works which may be required are also outlined with detailed instructions as to how they would be carried out.

2.2.2. The Conservation Architect also engaged with the Landscape Architects for the project with a view to incorporating the salvaged materials into the proposed landscape design. A document detailing the proposals was prepared and submitted by the applicant. The salvaged stone would be repurposed and reused in the landscaping design through the construction of low walls and benches, the use of stepping stones, ornamental features and boundary treatments.

2.3. **Item (iii)** - A Supplementary Inspection Report including photograph inventory was prepared by the Consulting Engineers for the project. A visual inspection was carried out on both buildings to document the current condition of the buildings and to highlight any changes in the condition of same since the original inspection. No opening-up works were carried out. The report notes that the Mill building is listed in the National Inventory of Architectural Heritage (NIAH) (No. 11503012) as a 'ruined four-storey corn mill'. The Millers House is also listed in the NIAH (No. 11503012) and is described as a 'former mill residence'.

2.3.1. The Inspection Report concluded that the condition of the Mill and the Millers House had not changed markedly since they were last inspected in October 2024. The findings of the initial report remain the same and it is contended that the demolition of the Mill building is entirely justified and that the remaining fabric of the Millers House is suited to restoration and return to use, as proposed.

- 2.4. **Item (vi)** - Drawing P0016 – ‘Mill and House – Demolition and Retention’ was submitted in response to this request and shows the extent of the building to be retained. External finishes are listed as, selected graphite grey roof tiles, render walls, selected uPVC windows and doors with aluminium awning over the entrance door and black uPVC rainwater goods.

3.0 Third Party Observations

- 3.1. The applicant’s response was circulated to the parties, and a response was received from the Department of Housing Local Government and Heritage (DHLGH). The DHLGH notes that bat surveys were undertaken at the Mill and Millers House in October 2023. No bats were identified but October is outside the peak activity for bats and maternity colonies could have been missed. Although mitigation is provided to account for this, additional mitigation in the form of a planning condition is recommended to ensure that any roosting bats that may be present are not harmed or disturbed and to adhere to the Wildlife (Amendment) Act 2023. The DHLGH also recommends that a condition is attached to restrict the removal of vegetation to times outside of the nesting bird season.

4.0 Assessment

- 4.1. I have reviewed the information submitted by the applicant and I am satisfied that the applicant has provided sufficient information to address the request of the Commission. The applicant has provided an updated survey of the condition of the heritage buildings on the site and had detailed the extent of the demolition and retention of the Mill and Mill House. A detailed method statement has also been supplied to instruct and direct the works required to carry out the restoration and demolition works proposed and consideration has been given as to how the historic materials can be reused within the site. Drawing P0015-HT M-2Bed Maisonette has also been revised to detail the extent of the areas of the Millers House to be retained.
- 4.2. I note that neither the Mill nor the Millers House are listed on the Record of Protected Structures. However, both buildings are listed on the NIAH and as such would be

subject to consideration as a significant historical feature in the local area plan under Policy BH3 – Archaeological Heritage of the Kildare County Development Plan 2023-2029. I am satisfied that the information submitted by the applicant regarding the condition of the buildings justifies the level of demolition and restoration proposed. Considering the detail provided by the applicant and the proposed reuse of the original stone, I recommend that a planning condition requiring the works to be carried out in accordance with the Method Statement should be attached to a grant of permission.

- 4.3. Regarding the Millers House, the applicant notes that the decision of the PA attached Condition 3(c) requires the omission of the balconies. The applicant states that, whilst the balcony can be omitted, it can also be constructed as a free-standing structure which is independent of the original structure. The report of the Planning Officer did not provide a commentary as to why the balcony should be omitted and the reason for the condition is *‘In the interest of clarity and visual amenity’*. I have reviewed the details submitted by the applicant and I am satisfied that the balcony and ground floor terrace can be provided without negatively impacting on existing residential amenity in terms of overlooking. The drawings submitted show that the proposed structures would be lightweight and can be constructed in a manner that it independent of the original building. This would provide minimum intervention into the original building fabric, whilst allowing some amenity space adjacent to the main living area at first floor level and some passive surveillance of the public open space to the south of the building. On this basis I recommend that Condition No. 3(a) of my original report dated the 22nd day of April 2025 be amended to permit the balconies and to ensure that the structure is constructed in a manner which is independent of the original building.
- 4.4. I consider the landscaping proposals to incorporate the stone and materials from the demolished structure to be satisfactory, and I recommend that a condition is attached for additional landscaping details, outlining the extent of the original stone and materials to be reused on the site and the manner that it will be incorporated into the landscaping plan, to be submitted to the PA for written agreement.
- 4.5. In consideration of the comments submitted by the Department, I also recommend that a condition be attached to ensure that no bat roosts or habitats are disturbed prior to or during the construction and demolition works.

5.0 Recommendation

- 5.1. The outcome of my original assessment has not changed, and I recommend that planning permission is granted.
- 5.2. I recommend that the following conditions be added to the planning conditions listed in my initial report.
- 5.3. Re. Mill House and Millers House -

All works proposed to the former Mill and Millers House, including the removal of vegetation, demolition works, stabilisation and restoration works, shall be carried out in accordance with the details and methodology set out in the Method Statement submitted to An Coimisiún Pleanála on the 3rd day of June 2025.

Reason: *In the interest of orderly development and to preserve and restore the historic fabric.*

5.4. Re. Bats –

- a) *Prior to the commencement of development all potential roost features within the former Mill and Millers House shall be inspected by an Ecological Clerk of Works (ECoW) or a Bat Ecologist.*
- b) *Prior to the removal of any trees on the site, a pre-construction survey for potential bat roost features shall be carried out. Any features identified should be inspected with an endoscope immediately prior to removal.*
- c) *If a roost is identified a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 shall be required prior to any works.*
- d) *If a roost is not identified the ECoW shall remain on site and re-check potential roosting features prior to removal each day, until all areas that have bat roosting potential have been removed.*

Reason: *In the interest of environmental protection and the proper planning and sustainable development for the area.*

- 5.5. I recommend that Condition No. 3 and Condition No. 5 of my original report are amended as follows.

Condition No. 3 –

- (a) The proposed balconies shall be constructed in accordance with ‘Drawing P0016 – Mill and House – Demolition and Retention’, which was submitted to An Coimisiún Pleanála on the 3rd day of June 2025 and shall be constructed in a manner independent of the original structure with minimal intervention to the original building fabric.*
- (b) The Millers House shall be finished in blue/black natural slate roof tiles, napp plaster, black aluminium rainwater goods and granite cills. The windows, doors and rainwater goods shall not be which uPVC.*

Reason: *In the interest of visual amenity.*

Condition No. 5 –

The landscaping scheme as submitted to the planning authority on the 13th day of November 2024 shall be carried out within the first planting season following substantial completion of external construction works. Additional tree planting shall be included in the overall scheme with details to be agreed in writing with the planning authority.

In addition to the proposals submitted in the scheme the developer shall submit, for the written agreement of the planning authority,

- a) details of the proposed play area and equipment and shall ensure that the proposal provides for imaginative, constructive and active play with universally accessible play areas,*
- b) details of the extent of the original stone and materials to be reused on the site and how it will be incorporated into the landscaping plan,*

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 shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority

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

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.

Elaine Sullivan
Senior Planning Inspector

12th of August 2025