

KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Planning Report



Planning Ref No.
2660418

Name of Applicant	Avril Kerin and Max Whittingham
Address of Development	Painestown, Kill, Co.Kildare
Development	A new 5-bedroom two-storey dwelling with a single storey element, single storey domestic garage, new wastewater treatment system and percolation area, new recessed entrance, along with all associated site development and facilitating works.
Type of Permission	Permission
Date Inspected	27/05/2026
Due Date	10/06/2026

Description Of Proposed Development

The proposed development consists of a 5-bedroom, 2-storey dwelling (c. 318 sqm) with a single storey rear element, a single storey domestic garage, wastewater treatment system, associated percolation area, a new vehicular site entrance along with all associated site development and facilitating works.

Site Location/Context

The site is located in the townland of Painestown, sitting 1.45km north of Kill. It is located on the northern side of the L2010 local road. It is part of a wider agricultural field with the associated farmyard sitting immediately to the east. The roadside boundary consists of mature trees and hedgerow. The stated site area is 0.318Ha. The River Kill is located 30.8 metres from the eastern boundary of the subject site.

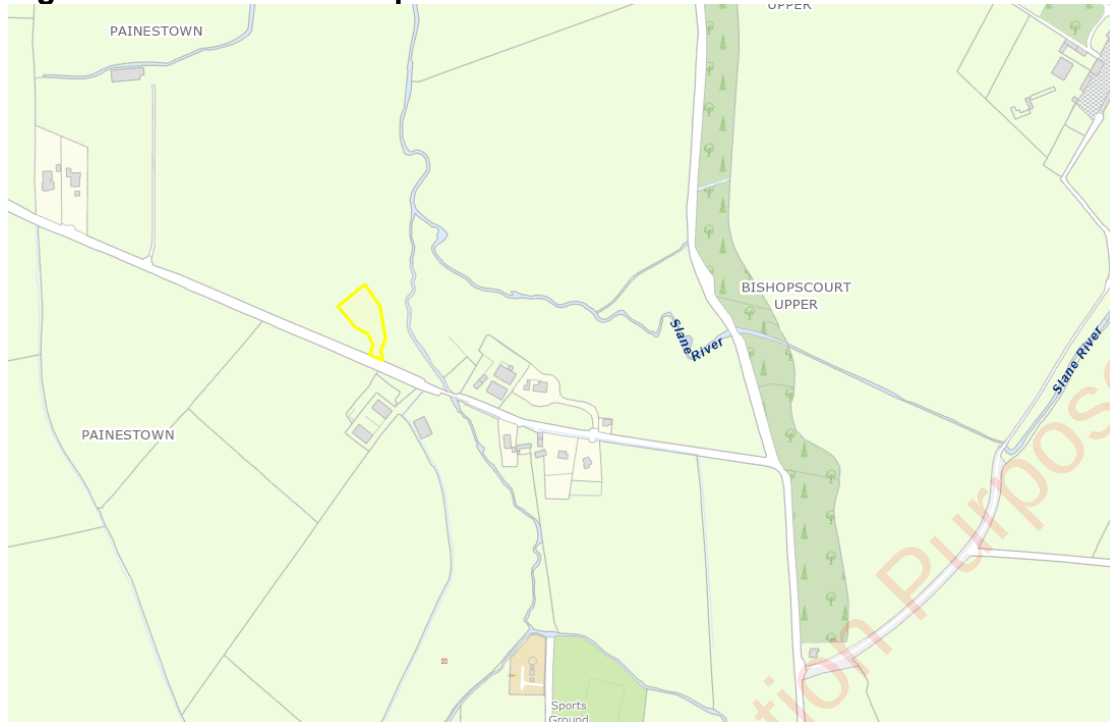
Proposed Services:

Water: Existing public mains

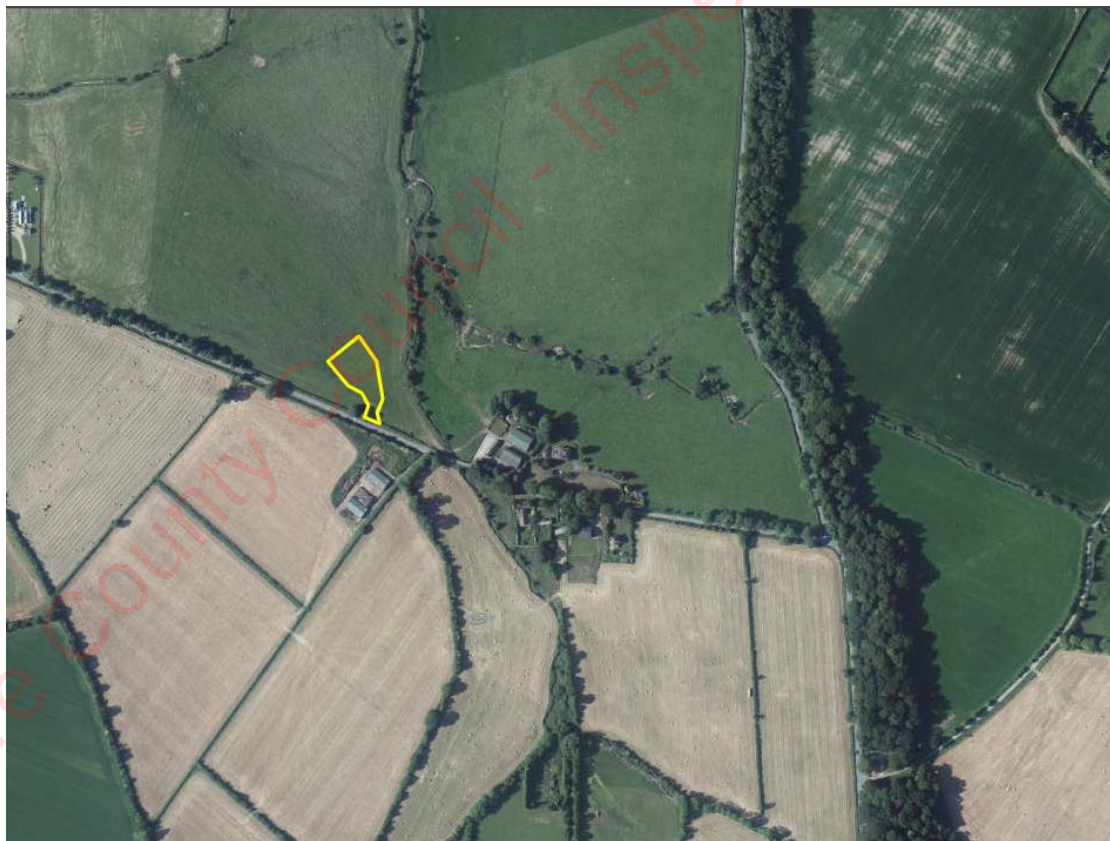
Waste Water: New wastewater treatment system

Surface Water: Soakpit

Fig 1 - 2: Site location maps



Subject site identified in yellow



Aerial of site – Image from GIS (application site outlined in yellow)

Built / Natural Heritage / Flooding

Built Heritage	Painestown House RPS No. B14-30 is located 209m east of the subject site.
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Archaeological Heritage	There are no recorded sites / monuments located within 200 metres of the application site.
Natural Heritage	The site is located approximately 7.9km southeast of Red Bog Special Area of Conservation. A screening for Appropriate Assessment is attached at the end of this report in relation to SPA/SAC.
Landscape Character Area	Landscape Character Areas - River Liffey Valley & Plains Landscape Character Capacity - Medium to Low Landscape Character Sensitivity - Medium to High Landscape Character Type - Lowland Plains
Flood	The subject site is at risk of pluvial flooding from the River Kill. It is within the 0.1% AEP in the CFRAM Current Scenario and within the 10% AEP in the CFRAM High End Future Scenario.
EPA River Network Within 100m of PPS	The River Kill is located 30.8 metres from the eastern boundary of the subject site.
Wetland Sites Within 1km of PPS	None located with 1km

Environmental Impact Assessment

A screening report for the need for EIA accompanies this report. Having regard to Sections 172 and 176 of the Planning and Development Act, 2000 (as amended) and Article 102 and Schedules 5 & 7 of the Planning and Development Regulations, 2001 (as amended), a preliminary examination of the nature, size and location of the proposed development has been carried out which concludes that there is not a substantial risk of significant effects on the environment arising from the proposed development. It is therefore concluded that EIA is not required.

Appropriate Assessment

The nearest NATURA 2000 site is located 7.9km southeast of Red Bog Special Area of Conservation of the application site. A screening for Appropriate Assessment accompanies this report which concludes that a Stage 2 AA (NIS) is not required.

Internal Reports

This application was referred to the following, reports received as indicated below.

Internal Departments	
Water Services	Further Information is sought relating to a Flood Risk Assessment as the site is at risk of fluvial flooding.
Environment	Further Information is sought relating to a Flood Risk Assessment as the site is at risk of fluvial flooding.

MD Engineer	Site Notice in place 14/05/2026 – No objections subject to conditions
Transport	Further Information sought regard the access.

Prescribed Bodies

External Consultees	
Uisce Éireann	A Confirmation of Feasibility is required prior to commencement.

Submissions/Observations/Representations

None received

Pre-Planning Meeting

None documented

Recent Relevant Planning History

There is no recent relevant planning history on the site. However, just west of the family landholding also on the northern side of the L2010, planning permission has recently been granted for two dwellings.

Reg. Ref.: 20/790 Planning permission was granted to Rose Talbot on 19/11/2020 for a single storey detached house, single storey domestic garage, secondary effluent treatment system, utilisation of existing recessed entrance and all associated site works. This dwelling is under construction.

Reg. Ref.: 23/650 Planning permission was granted to Tammy Talbot on 18/09/2023 for the sub-division of existing site for the construction of a single storey domestic garage, shared use of existing and permitted entrance to adjacent house, secondary effluent treatment system and all associated site works. Works for this permission appear to have not commenced yet.

Policy Context

Kildare County Development Plan 2023 – 2029 (as varied)

The following are relevant chapters to the proposed development:

Chapter 2 Core Strategy Settlement Strategy

Chapter 3: Housing

Seeks to accommodate the full range of current and future housing needs of all members of society throughout the county. Section 3.13 – Sustainable Rural Housing acknowledges the potential of our rural settlements and recognises a continuing need for housing provision for people to live and work in the countryside. The development plan offers

a strategy to manage housing demands in the countryside while also focusing on elements necessary to support the sustainable growth of rural economies and rural communities in Kildare County.

Rural generated housing demand will be facilitated having regard, inter alia, to the applicant's genuine local and housing need. The Planning Authority will consider rural generated housing, having regards to the protection of key economic, environmental, natural heritage assets such as the road network, water quality, sensitive landscapes, habitats and built heritage. Urban generated rural housing will not be considered. In order to demonstrate genuine local and housing need, documentary evidence highlighting compliance with Section 3.13.3 of the Development Plan Economic and/or Social need must be provided as part of any planning application to construct a rural dwelling in the County. The definition of Economic and Social is highlighted in Table 3.4 of the Plan.

Chapter 5 Sustainable Mobility & Transport

Chapter 6 Infrastructure & Environmental Services

Chapter 10 Community Infrastructure & Creative Places

Chapter 11 Built and Cultural Heritage

Chapter 12 Natural Heritage and Green Infrastructure

Includes policies for natural heritage, protected habitats and species, geology, green infrastructure, trees, woodlands and hedgerows.

Chapter 13 Landscape, Recreation and Amenity

Includes policies and objectives for landscapes, landscape sensitivity, water corridors, scenic routes, recreation and amenity.

Chapter 14 Urban Design

Includes policies and objectives for town centres, infill sites, brownfield sites, expansion, design of streets, layout design considerations, permeability, legibility, streetscape, public space, linkages.

Chapter 15 Development Management Standards

Includes the specific control measures to ensure new development is of high quality.

Summary of Key Planning Issues and Assessment

Zoning and Principle of Development

The site is located on unzoned lands. Section 9.3 of the Kildare County Development Plan 2023-2029 (as varied), states that if land is not within an identified settlement and is not otherwise zoned, the use of such land shall be deemed to be primarily agriculture. County Development Plan policies and objectives relating to rural housing, the environmental context, roads/accesses and Appendix 4 apply. The principle can only be established following a full assessment.

County Development Plan Policy and Objectives

The Applicant has not yet demonstrated local need (adjudged under separate cover). It was concluded that the Applicant **has not demonstrated 16 years of residency** in the area as proof of attendance of school demonstrated 14 years, while the single bill submitted proved a further month living in this area.

The Residential Density Toolkit (see Appendix 4) indicates 9 existing dwellings. The proposed dwelling would be the 10th dwelling (see Appendix 2 below) which would not exceed the maximum acceptable density of 30 and would therefore not contravene Policy HO P26 or Objective HO 059 of the Kildare County Development Plan 2023-2029 which seeks to control rural densities.

Objective HO P13 restricts further development in rural locations which would exacerbate or extend an existing pattern of ribbon development, defined as 5 or more houses along 250 metres on one side of any road. This development would comprise of a third dwelling. However, it is noted not included in these calculations is one house which is under construction (Reg. Ref.: 20/790) and another which is approved (Reg. Ref.: 23/650) but not yet commenced. While these are outside of the Applicant's family's overall landholding there is concern that if both were to be developed a further dwelling on this side of the L2010 would exacerbate an existing pattern of ribbon development. However, as neither is occupied yet, it is not considered a valid reason for refusing this planning application.

Design, Layout and Finishes

The design of the proposed dwelling is considered to be generally acceptable. Its predominantly two storey traditional design is in keeping with Painstown House. However, the subject site has no natural boundaries and carves up existing agricultural land. Furthermore, the long driveway to the site is considered to not comply with Appendix 4 – Rural House Design Guide in the Kildare County Development Plan 2023 – 2029.

Figure 4: Proposed Elevations

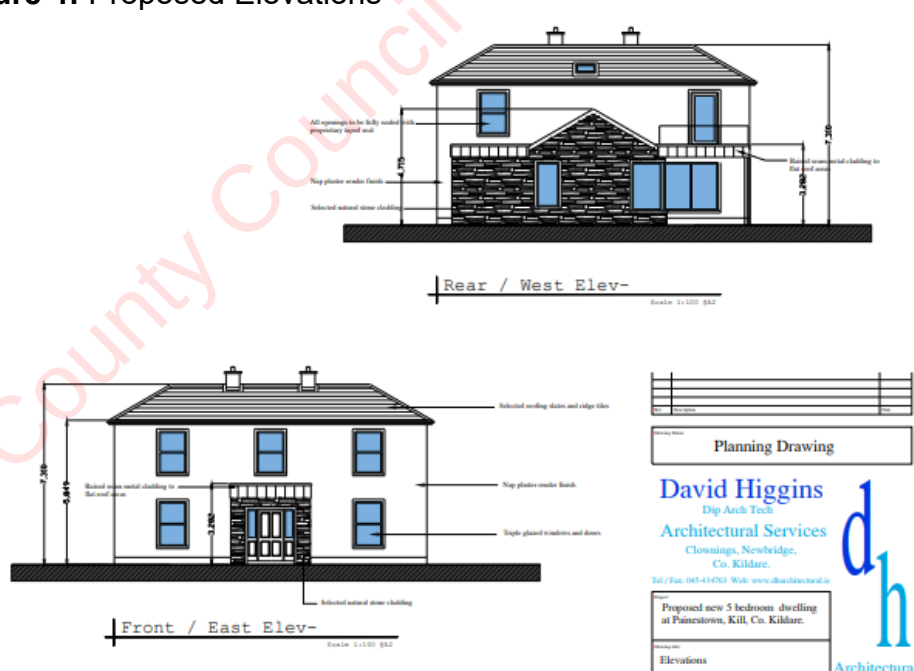
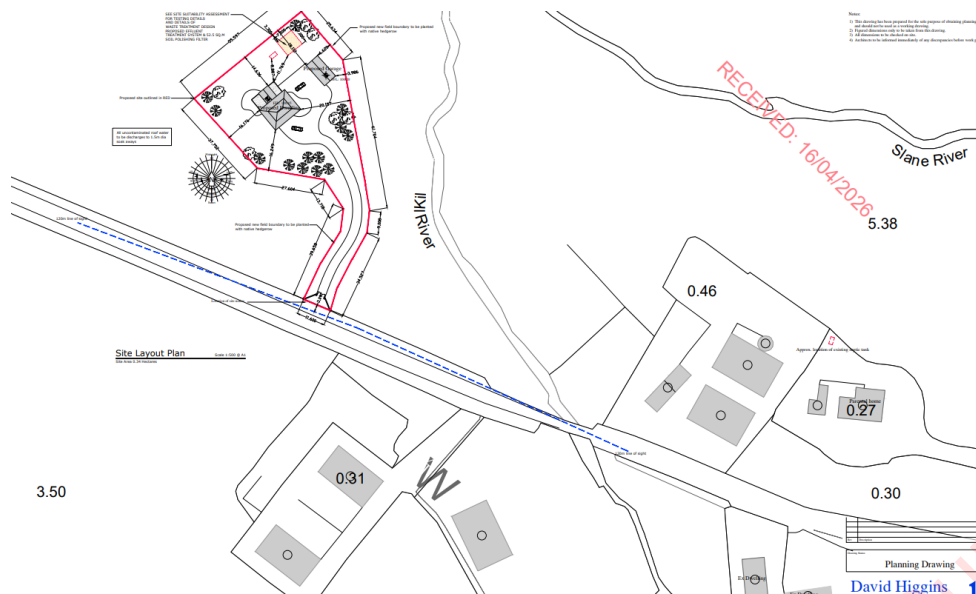


Figure 5: Proposed Site Layout



Landscaping

No landscaping plan has been submitted with this planning application and there is concern that the proposed entrance would require the removal of a substantial quantum of mature hedgerows and trees, this is contrary to Objective BI O5 in the Kildare County Development Plan 2023 – 2029 (as varied).

The subject site is located proximate to a river. It has been challenging to fully assess the impact that this development would have on the landscape as the Site Layout Plan does not include levels / contours to assess against the proposed finished floor level. The extent of cut and fill proposed and/or required has not been clearly illustrated.

Furthermore, the Landscape Character Sensitivity of this location within the River Liffey and Plains is medium to high as per Variation No. 4 of the Kildare County Development Plan 2023 – 2028 (as varied). It requires any new developments adjacent to rivers to be accompanied by a detailed landscaping plan which includes an appropriate use of native tree and hedge planting.

Access

The Transportation Department of Kildare County Council note that Section 15.7.6 of the County Development Plan 2023 – 2029 seeks to discourage the proliferation of access points onto public roads. It is recommended that the Applicant submits proposals providing for a single access point onto the public road to serve both the proposed development and the adjoining agricultural lands via Further Information. They also seek clarification on technical matters related to road safety. Having regard to the level of these concerns it is considered these are reasons for refusing this scheme.

Flooding

The subject site is at risk of pluvial flooding from the River Kill. It is within the 0.1% AEP in the CFRAM Current Scenario and within the 10% AEP in the

CFRAM High End Future Scenario. A Site-Specific Flood Risk Assessment is required in this regard to consider this application. Both the Environment and Water Services Departments of Kildare County Council also require this Site-Specific Flood Risk Assessment to consider this application especially in terms of its proposed wastewater treatment system. In the absence of such an assessment it is adjudged refusal is warranted for this scheme.

Conclusion

- It is considered that insufficient information has been provided in terms of whether the applicant complies with Social Need and demonstrates compliance with Table 3.4 of the Kildare County Development Plan 2023-2029 (as varied) in terms of local need criteria.
- The proposed site would be unscreened, would carve up an existing agricultural field, requires an excessively long driveway and does not utilise existing field boundaries for screening. This is contrary to Appendix 4 – Rural House Design Guide in the Kildare County Development Plan 2023 – 2029.
- The proposed dwelling would be subject to flood risk from the nearby River Kill and the application is not accompanied by a Site Specific Flood Risk Assessment.
- The introduction of another vehicular access in this location would be contrary to Section 15.7.6 of the County Development Plan 2023 – 2029 which seeks to discourage the proliferation of access points onto public roads.
- The Site Layout Plan is deficient.

Recommendation

It is recommended that permission be **refused** for the following reasons:

1. Policy HO P12 of the Kildare County Development Plan 2023 – 2029 (as varied) is to ensure that the siting and design of any proposed dwelling integrates appropriately with its physical surroundings whilst respecting the character of the receiving environment. The proposed development, by virtue of the haphazard nature of the site being carved out of a larger field, which requires an extensive new driveway and all new site boundary treatments, would constitute haphazard piecemeal development that would not integrate appropriately with its physical surroundings or respect the character of the receiving environment. Having regard to the foregoing, it is considered that the proposed development contravenes Policy HO P12 and Appendix 4 Rural House Design Guide of the Kildare County Development Plan 2023 – 2029 (as varied) and therefore would be contrary to the proper planning and sustainable development of the area.
2. The subject site is at risk of fluvial flooding from the River Kill. In accordance with Office of Public Works (OPW) data, the site is located within the 0.1% AEP in the CFRAM Current Scenario and within the 10% AEP in the CFRAM High End Future Scenario. A Site-Specific Flood Risk Assessment has not been submitted and therefore the planning authority is not satisfied

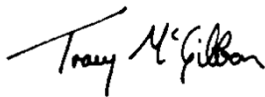
that the proposed development is not at risk of flooding or will not cause residual flood risk including flooding on adjoining or nearby properties. The proposed development would therefore be contrary Policy PO P33 of the Kildare County Development Plan 2023 – 2029 (as varied) and to the proper planning and sustainable development of the area.

3. The works required to provide for the site access would include the removal and/or disturbance of a significant amount of mature vegetation including trees and hedgerows, contrary to Objective BI O26 in the Kildare County Development Plan 2023 – 2029 (as varied) which seeks to prevent the removal of hedgerows to facilitate development in the first instance. To permit the removal of existing trees and hedgerows on site in the absence of detailed assessment, justification and mitigation of same in the context of green infrastructure, natural heritage, biodiversity/ecology, would be contrary to the provisions of Objective BI O26, Section 12.9.1 and Appendix 4 Rural House Design Guide of the Kildare County Development Plan 2023 – 2029 (as varied) and would therefore be contrary to the proper planning and sustainable development of the area.



Executive Planner

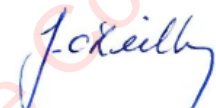
04/06/2026



Tracy McGibbon

Senior Executive Planner

05/06/2026



J. O'Reilly
A/Senior Planner

09/06/2026

Appendix 1: AA Screening

	APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT	
(A) Project Details		
Planning File Ref	2660418	
Applicant name	Avril Kerin and Max Whittingham	
Development Location	Painestown, Kill, Co.Kildare	
Site size	0.318Ha	
Application accompanied by an EIS (Yes/NO)	No	
Distance from Natura 2000 site in km	The site is located approximately 7.9km southeast of Red Bog Special Area of Conservation.	
Description of the project/proposed development Erection of a new 5-bedroom two -style dwelling with a single storey element, single storey domestic garage, new wastewater treatment system and percolation area, new recessed entrance, long with all associated site development and facilitating works.		

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	NO
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats</i>	NO

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>(bog, marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	NO
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	NO

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT <i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the scale and nature of the proposed works, it is not considered that there will be any impact on the nearest SAC.		
Name:	Robert Brereton	
Position	Executive Planner	
Date:	04/06/2026	

Appendix 2: EIA Screening

	ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT STAGE 1: PRE-SCREENING	
<i>For use when establishing if the proposal is a 'sub-threshold development' requiring Preliminary Examination</i>		
Planning Register Reference:	2561418	
Development Description Summary:	Erection of a new 5-bedroom two -style dwelling with a single storey element, single storey domestic garage, new wastewater treatment system and percolation area, new recessed entrance, long with all associated site development and facilitating works	
Was a Screening Determination carried out under Section 176A-C:	☐ Yes, no further action required ☒ No, proceed to Part A	
Part A. Is the development a project listed in Schedule 5, Part 1, of the Planning & Development Regs 2001 (as amended)?		
☐ Yes, specify class: <i>[insert class here]</i>		EIA is mandatory No Screening required CS1
☒ No		Proceed to Part B
Part B. Does the development comprise a project listed in Schedule 5, Part 2, of the Planning & Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?		
☐ Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): <i>[Insert class & threshold here]</i>		EIA is mandatory No Screening required CS1
☒ No, the development is not a project of a type listed in Schedule 5, Part 2		No Screening required CS2
☐ Yes the project is of a type listed but is <i>sub-threshold</i> : <i>[Insert class & threshold here]</i>		Proceed to Part C
PART C. Has Schedule 7A information/screening report been submitted?		
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required Proceed to Stage 2

CS2: Having regard to the nature and scale of the proposal, it is concluded that EIA screening or EIA is not required.

Name:	Robert Brereton
Position:	Executive Planner
Date:	04/06/2026

Appendix 1: Site Photos











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