



An
Bord
Pleanála

Inspector's Report

ABP-306120-19

Development	A proposed bungalow, a detached garage, a new wastewater treatment system and percolation area, a new entrance, the upgrading of the existing access road, and all ancillary site works.
Location	Castlekealy, Caragh, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/1049
Applicant(s)	Kathleen Riordan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party V Decision.
Appellant	Kathleen Riordan.
Observer(s)	None.
Date of Site Inspection	26 th March 2020.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The subject site is located in an rural area in the townland of Castlekealy, c. 1.5km east of Caragh village, and 1.7km north west of Naas, Co. Kildare. The River Liffey is located approx. 200m to the east.
- 1.2. The appeal site forms part of a larger family landholding, which includes a number of one off houses served by individual wastewater treatment plants. Three houses located to the north east and east of the appeal site are accessed via a private laneway which runs directly to the rear of the original farmhouse before turning south. There are four other houses located to the west and south of the appeal site which are accessed from a separate private laneway running south along the western gable of the original farmhouse.
- 1.3. The appeal site is located at the southern end of a large field which is currently in grass. It is undefined to the north and east and shares its southern and western boundary with the rear boundaries of adjoining houses.
- 1.4. This large field has been further subdivided/staked out to delineate another house plot, subject of a recent planning application.
- 1.5. The site is rectangular in shape is level and has a stated area of 0.13ha.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - Construction of a new bungalow and garage.
 - The three bedroom bungalow has a stated floor area of 187sqm and ridge height of 5.845m.
 - The detached double garage includes a store area and wc and has a stated floor area of 51sqm and ridge height of 5.88m.
 - Wastewater treatment system and percolation area.
 - Water supply is via a new connection to the public mains.
 - Access to the site is via a new entrance from an existing access road which is to be upgraded.

2.2. The application was accompanied by the following;

- Rural Housing Application Form and associated documents
- Letter of consent from the owner to lodge application – Applicants grandfather Michael Nolan
- Site Characterisation Form – Trinity Green Environmental Consultants.
- Details of proposed wastewater treatment system - O'Reilly Oakstown Environmental.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **refuse** planning permission for the above described development for five no. reasons:

1. *'Policy RH9 of the Kildare County Development Plan 2017-2023 seeks to ensure that, notwithstanding compliance with the local need criteria, Applicants comply with all other siting and design considerations, including the capacity of the area to absorb further development. Taken in conjunction with the extent of existing development in the area and the degree of development on the original family landholding, the proposed development would exacerbate an excessive density of haphazard and piecemeal one off housing in this rural area, would contribute to the increasing suburbanisation of the area, would contravene policy RH9 of the Kildare County Development Plan 2017-2023, would set an undesirable precedent for further one off housing development on the landholding and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Policy RH4 of the Kildare County Development Plan 2017-2023 seeks to restrict residential development on a landholding where there is a history of development through the development of sites. Having regard to the significant level of development of one off housing on the landholding to date, to permit another dwelling (notwithstanding the Applicant's compliance with the local need criteria) would run counter to the provisions of Policy RH4 of*

the Plan, would set an undesirable precedent for further one off housing applications on the landholding and would therefore be contrary to the proper planning and sustainable development of the area.

3. *Having regard to the location of the site within an Area Under Urban Influence as identified in the Kildare County Development Plan 2017-2023 and to the location of the site in close proximity to the zoned and serviced settlements of Caragh and Naas, to permit the proposed development would contravene Policy RH 10 of the Kildare County Development Plan 2017-2023 which seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements. The development would further contribute to an excessive density of development in the rural area which would be likely to give rise to a demand for public services and facilities, which it is not economic to provide, and which are not planned and would also militate against the preservation of the rural environment and would therefore, be contrary to the proper planning and sustainable development of the area.*
4. *The shared road serving the site is substandard in terms of design, width, construction, surface finish and drainage and is therefore inadequate to satisfactorily cater for the extra traffic movements likely to be generated by the development. To permit the proposed development would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.*
5. *The Planning Authority is concerned with the density of on site wastewater treatment systems in the area and in this regard, it has not been satisfactorily demonstrated that the subject site is suitable for the provision of an on-site wastewater system. To permit the proposed development could lead to conditions which would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.'*

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 12/11/2019)

The Planners Report is the basis for the Planning Authority decision. In summary it states;

- *Local Need* – Applicant complies with the Council’s Rural Housing Policy insofar as it relates to the 12+ years association with the rural area.
- *Siting and Design* – Dwelling has been amended from the previous application on site which is now single storey at a height of 5.8m and is reduced in scale and bulk from that previously sought. Revised design acceptable.
- Proposed dwelling is located to the rear of the applicants grandparents’ house with the extent of the agricultural landholding being depleted over the years by the construction of one off houses for sons and daughters of the landowners. Applicant is the granddaughter of the landowners and daughter of one of the adjacent residents.
- Questions the capacity of the area to absorb further development and considers the degree of development on the single original landholding to be significant.
- Notes proximity to zoned and serviced settlement areas which should be considered by the applicants as alternative to the provision of a one off dwelling in a rural area, and therefore contrary to the provisions of Policy RH9 of the Kildare County Development Plan 2017-2023.
- *Technical Matters* – Access roadway to the site is a private laneway and is poor in parts and the width is narrow and insufficient to allow for two cars to pass independently. There is a total of 7 no. dwellings using the access laneway not including the original farmhouse.
- *Previous Refusal* – Considers that matters/reasons for refusal on the site under P.A.Reg.Ref.19/229 have not been resolved in the current application.
- Recommends permission be refused.

3.2.2. Other Technical Reports

Water Services: Report dated 01/10/2019 recommends no objection subject to conditions.

Roads, Transportation and Public Safety Dept: Report dated 29/10/2019 recommends no objection subject to conditions.

Area Engineer: Report dated 05/11/2019 recommends further information in relation to the standard of upgrading works to allow access for public utility and emergency vehicles, to indicate how it is proposed to achieve the required sightlines at the proposed entrance, and to indicate the location of the junction of the proposed development access and the public road, and sight visibility splay at this location.

Environment Section: Report dated 22/10/2019 recommends further information in relation to a hydrogeological assessment, and cross section drawings of the site in respect to levels and the proposed wastewater treatment plant and percolation area.

Heritage Officer: Report dated 7/11/2019 recommends no objection.

3.3. Prescribed Bodies

Irish Water: Report dated 24/10/2019 recommends no objection subject to requirements.

Inland Fisheries Ireland: Report referred to in planners report stating no objection but not on file.

3.4. Third Party Observations

None received.

4.0 Planning History

Appeal Site

4.1. **P.A.Reg.Ref.19/229:** Permission **refused** 02/05/2019 for construction of a dormer bungalow, detached garage, new waste water treatments system and percolation area for Kathleen Riordan. Reasons for refusal can be summarised as follows;

1. Contrary to Policy RH9 and RH12 of the KCC Development Plan.
2. Contrary to Policy RH10 of the KCC Development Plan.
3. Contrary to requirements of Rural Design Guidance of KCC Development Plan.

4. Traffic hazard.
5. Prejudicial to public health.

Adjoining Site to the North

- 4.2. **P.A.Reg.Ref.19/1232:** Permission **refused** 03/01/2020 for construction of a house single storey to front and storey and a half to rear, garage/fuel store for domestic use, wastewater treatment system and percolation area, and new vehicular entrance and driveway for Marcus Nolan. Reasons for refusal can be summarised as follows;
1. Contrary to Policy RH9 of the KCC Development Plan.
 2. Contrary to Policy RH4 of the KCC Development Plan.
 3. Contrary to Policy RH10 of the KCC Development Plan
 4. Traffic hazard.

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2017-2023**

- 5.1.1. **Map 4.4** of the plan identifies 2 no. rural housing zones based on landscape sensitivity and population density. The subject site is located in a more populated area with higher levels of environmental sensitivity and significant development pressure, identified as '*Rural Housing Policy Zone 1*'.

- 5.1.2. Policy for housing in rural areas is set out in **Chapter 4**, Section 4.12 and 4.13. *Table 4.3* of the plan sets out local need criteria for each zone.

According to rural housing policy RH2, applicants must demonstrate that they comply with one of the categories outlined in *Table 4.3*. The requirement for a demonstration of 'need' with regard to single houses is in line with the Sustainable Rural Housing Guidelines 2005 and the National Planning Framework 2018.

5.1.3. **Policy RH2** seeks to:

'Manage the development of one off housing in conjunction with the rural housing policy zone map (Map 4.4) and accompanying Schedules of Category of Applicant and Local Need Criteria set out in Table 4.3. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.'

5.1.4. **Policy RH4** seeks to:

'Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites, notwithstanding the applicant's compliance with the local need criteria.'

5.1.5. **Policy RH9** seeks to:

'Ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations (refer to Chapter 16 for further guidance) including the following:

(i) The location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area and respect the character of the area. Development shall have regard to Chapter 16 Rural Design Guidelines (and any subsequent changes to these guidelines) and Chapter 17 Development Management Standards.

(ii) Appropriate landscaping of proposed development using predominantly native species as per Table 17.2 of this Plan.

(iii) The protection of features that contribute to local attractiveness including; landscape features, hedgerows, trees, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features, geological features and important views and prospects.

(iv) The capacity of the area to absorb further development. In particular, the following factors will be examined; the extent of existing development in the area, the extent of ribbon development in the area, the degree of existing haphazard or piecemeal development in the area and the degree of development on a single original landholding. The ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees. The need for the removal of extensive roadside hedgerow may indicate that the site is unsuitable for development.

(vi) The ability of a site in an unserviced area to accommodate an on-site waste water disposal system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2009), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period.

(vii) The ability of a site in an unserviced area to accommodate an appropriate on-site surface water management system in accordance with the policies of the Greater Dublin Strategic Drainage Study (2005), in particular those of Sustainable urban Drainage Systems (SuDS);

(viii) The need to comply with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities, DEHLG (2009).'

Policy RH10 seeks to:

Control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements having regard to potential impacts on:

- (i) The orderly and efficient development of newly developing areas on the edges of towns and villages;
- (ii) The future provision of infrastructure such as roads and electricity lines;
and
- (iii) The potential to undermine the viability of urban public transport due to low density development.

5.2. National Policy

5.2.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations.

5.2.2. Sustainable Rural Housing Development Guidelines

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural typologies are identified including rural areas under strong urban influence which are defined as those with

proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'. The subject site is located in a rural area under strong urban influence.

5.3. **Natural Heritage Designations**

There are no European designated sites in the vicinity of the appeal site.

5.4. **EIA Screening**

Having regard to the nature of the proposed development, which consists of a single rural dwelling, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The First Party appeal was lodged by D.C.Turley and Associates on behalf of the applicant. The grounds of appeal addresses each reason for refusal in turn and can be summarised as follows;

Reason for Refusal No. 1

- Proposal is for a 187 sqm single storey bungalow, with natural stone elevations and a slate roof, with a 51sqm detached garage on an adequately sized site of 0.13 hectares. The design of the proposed house has been modified from that proposed under 19/229 which was for a dormer bungalow.
- Willing to comply with a condition requiring landscaping of the proposed site with predominantly native species.

- Development has been carefully designed so as not to interfere with any features that contribute to local attractiveness.
- Submit that this site is an infill site on a family landholding, and it is not contributing to ribbon development.
- No proposals to remove any more hedgerow than is necessary to facilitate the entrance to the site.
- Proposed wastewater treatment system is an Oakstown BAF 8PE system with discharge to a raised sand polishing filter, providing excellent treatment of foul water from the proposed development.
- Treatment of storm water is proposed through the construction of two soakways in the garden to be designed in accordance with BRE Digest 365 specifications.
- Willing to comply with a condition to have a site specific Flood Risk Assessment carried out, and in turn complying with any of the recommendations of such a report.

Reason for Refusal No. 2

- The site is being gifted to the applicant by her grandfather and is not being sold to her.

Reason for Refusal No. 3

- Submit that the Local Authority have allowed the landholding in question and adjacent landholdings to develop in the manner in which they have through the granting of previous planning applications and the proposal is merely an infill development. Have counted upwards of three dozen houses on the landholdings in question serviced from the same public road.

Reason for Refusal No. 4

- Propose to upgrade the road servicing the site and met with the Roads Department on site, prior to the submission of this second application. It was agreed that the road would be upgraded in accordance with the provisions of the IAT Guidelines for Surface Dressing in Ireland and the applicant is willing to comply with any condition in this regard.

Reason for Refusal No. 5

- Not aware of any issue with non-functioning treatment units on the overall landholding, or any issue with impact on water quality or public health.

Planners Report

- Satisfied that the applicant has demonstrated a Local Need for a house based on her family ties to the area.
- Satisfied with the overall design of the house based on revisions from the previous application.
- Notes internal technical reports and those from prescribed bodies which did not recommend refusal.

6.2. Planning Authority Response

The planning authority lodged a response which can be summarised as follows;

- General area is characterised by significant one off housing.
- Area is under significant pressure for one off housing.
- Area is located in very close proximity to urban centres of Caragh and Naas.
- Family landholding is characterised by significant one off housing.
- Applicant is grand-daughter of landowners.
- Applicant has not demonstrated a functional or economic need to live in the area.
- Access laneway serving the numerous dwellings on the landholding is substandard in terms of its width, alignment and conditions with numerous vehicles using the lane daily.
- Refers to policies RH1, RH2, RH4, RH9, and RH10 of the Kildare County Development Plan and recommended reasons for refusal as per the Planners report and notification of decision to refuse permission.
- Notes observations on the appeal from Naas Municipal District Engineer and Environment Department which both refer to reports seeking further information, and in the absence of this have no further comments.

6.3. **Observations**

None.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment and wastewater treatment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Haphazard/Piecemeal Development
- Traffic Safety
- Public Health
- Appropriate Assessment

This is the second application on the subject site by the applicant, both of which were refused by Kildare County Council. The subject application differs from the recent application under P.A.Reg.Ref.19/229 which was for a dormer bungalow rather than a single storey house as now proposed. The overall reduction in ridge height is indicated on drawings submitted as approx. 0.5m.

The five reasons for refusal in the recent application related to contravention of Policy RH9, RH12, RH10, and the Rural Design Guidance of the Kildare County Development Plan for 2017-2023, traffic hazard, and prejudicial to public health. These are similar to the reasons for refusal in the current appeal.

7.1. **Compliance with Rural Housing Policy**

- 7.1.1. Reason for refusal No. 1 refers to the applicants housing need.
- 7.1.2. The appeal site is located within an area designated as Rural Housing Policy Zone 1, as identified in Map 4.4 of the development plan. Table 4.3 of the plan identifies the categories of housing need criteria, which are deemed to meet eligibility for a one-off

rural house in this zone. I will base my assessment of the applicants housing need on Zone 1 Category 2 (ii).

'Persons who have grown up and spent substantial periods of their lives (12 years) living in the rural area of Kildare, as members of the rural community who have left the area but now wish to return to reside near to, or to care for immediate family members, seeking to build their home in the rural area on the family landholding or on a site within 8km of the original family home.'

7.1.3. The applicant submit that they comply with housing need category 2 (ii) above. The documentation on file provides the following information about their local housing need:

- Land Registry Folio details indicating all land in family ownership.
- Copy of applicants birth certificate.
- Correspondence from Bank confirming applicants address in 2008, 2009, 2012 & 2015.
- Correspondence from Credit Union confirming applicants address in 2015.
- Correspondence from Revenue confirming applicant address in 2011.
- Car repair/receipt details dated June 2009.
- Letter from applicants employer in Kilcullen confirming employment with 'The Hair Emporium' since Aug 2018.
- Letter from General Practice in Naas confirming applicants' attendance since birth, and parents medical conditions.

7.1.4. I have examined the documentation on file and carefully considered the application for the proposed dwelling with regard to both national policy as set out in the NPF, the DoEHLG Sustainable Rural Housing Guidelines for Planning Authorities and the rural housing policies of the Kildare County Development Plan 2017-2023. These policies seek to direct housing need in areas under urban influence towards town and villages as more sustainable locations.

7.1.5. In this regard, while I note the reference by the applicant stating that they currently reside in rented accommodation beside the appeal site, I also note that the applicant's employment in Kilcullen is located approximately 18km from the subject

site. The nature of the applicants' work does not require residency at this location. I consider therefore, that the applicant has failed to demonstrate a defined economic or social need to reside in this location.

7.1.6. I am not satisfied therefore, the current proposal complies with Objective 19 of the NPF, and the guidance set out in the Sustainable Rural Housing Guidelines.

7.1.7. I recommend, therefore that reasons for refusal No. 1, 2 and 3 be upheld as it relates to housing policy.

7.2. Haphazard/Piecemeal Development

7.2.1. Reason for refusal No. 1, 2 and 3 relate in part to non-compliance with Policy RH9, RH4 and RH10 of the Kildare County Development Plan.

7.2.2. I noted from a visual inspection of the area a high concentration of rural houses in the immediate area of the appeal site, which has been subject of development pressure in recent years and particular ribbon development. This is not disputed by the applicant or the planning authority. The applicant asserts however, that on the basis of recent planning applications in the vicinity, that the proposed development constitutes infill development on the overall family landholding.

7.2.3. The Sustainable Rural Housing Guidelines, 2005, recommend against the creation of ribbon development due to road safety, future demands for provision of public infrastructure as well as visual impacts. The guidelines state that ribbon development is referred to as that which is '*located on the edges of cities and towns and will exhibit characteristics such as high density of almost continuous road frontage type development, where 5 or more houses exist on any side of a given 250 metres of road frontage*'. The Guidelines further state that whether a given proposal will exacerbate such ribbon development will depend on (a) the type of rural area and the circumstances of the applicant, (b) the degree to which the proposal might be considered infill, (c) the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

7.2.4. Should the proposed development be permitted it would result in 10 houses on the family landholding, five of which are already located along a frontage of approx. 300 metres of road frontage. The proposed development, which I am satisfied can be

considered infill and backland development, would further contribute to the excessive concentration of houses in the area. As such I consider it would be contrary to Policy RH9 of the Kildare County Development Plan.

7.2.5. I would consider that, given the existing concentration of housing in the area, the proposed development would constitute random residential development in a rural area under strong development pressure and essentially detract from the character of the area. The proposed development, in conjunction with existing development, would exacerbate an undesirable pattern of development.

7.2.6. I recommend, therefore, that reason for refusal No. 1, 2 and 3 also be upheld in relation to this matter.

7.3. Traffic Safety

7.3.1. Reason for refusal no. 4 relates to the substandard nature of the shared road serving the site which would endanger public safety by reason of a traffic safety.

7.3.2. Permission is sought for a new entrance from and the upgrading of a section only of the existing private shared access road serving the site. The access road as already described in section 1 above runs to the rear of the original family dwelling and already serves three existing houses located to the east all of which are within the family landholding.

7.3.3. The extent of the existing access road to be upgraded is identified on Drawing No.A02 and refers to a stretch of approx. 65m to far as the entrance to the appeal site.

7.3.4. The Area Engineer of the planning authority raised concern in relation to the proposed access and recommended further information. In particular details were sought in relation to the standard of upgrading works to allow access for public utility and emergency vehicles, to indicate how it was proposed to achieve the required sightlines at the proposed entrance, and to indicate the location of the junction of the proposed development access and the public road, and sight visibility splay at this location.

7.3.5. Notwithstanding the absence of more detailed site specific details and sight distances requested by the Area Engineer of the planning authority, I consider it

reasonable to conclude that the very limited section of proposed upgrading works to the private/shared roadway serving the existing and proposed developments is far from adequate.

- 7.3.6. I can confirm from my site inspection that the private access laneway is indeed substandard in terms of design, width, construction, surface finish and drainage and concur with the planning authority that it is therefore inadequate to satisfactorily cater for the extra traffic movements likely to be generated by the development.
- 7.3.7. I can also confirm from my site inspection that although traffic speeds may be low, it is not ideal or desirable to have an access from a shared road, (to the east) which joins another shared road (to the west) serving a total of 8 dwellings before joining a public road.
- 7.3.8. I further note that the applicant has not availed of the opportunity to supply any further details, or letters of consent in relation to improved sightlines in support of their appeal in the current application. I am satisfied that the previous reason for refusal no. 4 under P.A.Reg.Ref.19/229 has not been satisfactorily addressed in the current application, and further note that the application on the adjoining site under P.A.Reg.Ref.19/1232 was also refused on traffic safety grounds.
- 7.3.9. Having regard to the foregoing, I am not satisfied that sufficient information has been provided by the applicant to determine that the development would have no adverse impact on traffic safety.
- 7.3.10. I recommend, therefore, that reason for refusal No. 5 also be upheld in relation to this matter.

7.4. Public Health

- 7.4.1. Reason for refusal no. 5 relates to the density of on-site wastewater treatment systems in the area, which would be prejudicial to public health.
- 7.4.2. The proposed development would place the new wastewater treatment system and percolation area on the southern part of the site. This area is proximate to existing wastewater treatment systems and percolation areas of the immediately adjoining houses to the south and west.

- 7.4.3. The approximate location of all adjoining wastewater treatment systems are identified on General Arrangements Drawing dated 20th September 2019.
- 7.4.4. A site characterisation form was submitted from Trinity Green Environmental Consultants, and details of the proposed wastewater treatment system and raised percolation bed were submitted from O'Reilly Oakstown Environmental, both reports are dated February 2019.
- 7.4.5. The report from O'Reilly Oakstown Environmental was also accompanied by Drawing No. Oaks 201702 which details two layout options A and B is dated December 2016.
- 7.4.6. The Environment Section of the planning authority raised concerns regarding the density of on-site waste water treatment systems in the area. They recommended further information be sought in relation to a hydrogeological assessment, and cross section drawings of the site in respect to levels and the proposed wastewater treatment plant and percolation area.
- 7.4.7. I note from my site inspection that the trial holes on site were open but covered and was therefore unable to confirm the depth of the water table. I also noted as described above the concentration of immediately adjoining houses each served by individual wastewater treatment systems.
- 7.4.8. Notwithstanding the absence of the more detailed site specific assessments and cross section drawings, requested by the Environment Section of the planning authority, I consider it reasonable to conclude that the proposed waste water treatment plant and percolation area would lead to an excessive concentration of individual wastewater treatment systems in this area.
- 7.4.9. I also note that the applicant has not availed of the opportunity to supply any further hydrogeological assessment or cross section drawings in support of their appeal.
- 7.4.10. Having regard to the foregoing, I am not satisfied that sufficient information has been provided by the applicant to determine that the development would have no adverse impact on public health.
- 7.4.11. I recommend, therefore, that reason for refusal No. 5 also be upheld in relation to this matter.

7.5. **Appropriate Assessment**

There are no designated European sites in the vicinity. The nearest watercourse is located 200m to the east. With regard to the nature and scale of the development, the intervening distances and to the lack of hydrological connections, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or project on a European site.

8.0 **Recommendation**

- 8.1. I recommend that the Board uphold the decision of the planning authority to **refuse** planning permission for the following reasons and considerations set out in the schedule below.

9.0 **Reasons and Considerations**

1. Having regard to the location of the site of the proposed development within an area designated within the Kildare County Development Plan 2017-2023 as an Area Under Strong Urban Influence, and in the absence of sufficient evidence of a genuine and justifiable need for housing in an area designated as being under urban pressure, in compliance with the relevant rural housing policy and criteria set out in the current Kildare County Development Plan, National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government (February 2018) and the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2005, it is considered that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which would be located in an unzoned, unserviced rural area would constitute random residential development in a rural area that is under strong development pressure, and which already has an excessive density of housing development. It is the policy of the planning authority, as set out in the Kildare County Development Plan 2017-2023, to channel housing into suitably zoned land in areas where the appropriate social, community and physical infrastructure either exists or is planned, and to restrict development in rural areas. It is considered that the proposed development would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl, would exacerbate ribbon development, would militate against the preservation of the rural environment, and would represent an undesirable precedent for further such development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Susan McHugh
Senior Planning Inspector

20th August 2020