



An
Bord
Pleanála

Inspector's Report ABP-305503-19.

Development	Outline permission to construct 35 houses and connection to public foul sewer.
Location	Rathangan Demesne, Rathangan, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	19/782.
Applicant(s)	Raymond Conlon.
Type of Application	Outline Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Raymond Conlon.
Observer(s)	None.
Date of Site Inspection	20/12/2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located just within the boundary of the small town of Rathangan, located in the western area of Co. Kildare. The site is located to the south of the R401 road which runs between Kildare town and Rathangan and connects Rathangan to the M7 Motorway to the south east of the site. The subject site comprises the most easterly area of zoned land in Rathangan and is located approximately 1km from the centre of the town. To the north of the subject site, and to the north of the road, there is a small line of low rise, cottages and single storey dwellings and a footpath which extends to the town centre.
- 1.2. The site has a stated area of 1.64ha and comprises a small part of a larger field, which is under grass. There is an existing stone wall and grass verge to the road side of the site, with a tree lined boundary to the west. There are no existing boundaries to the south or the east.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for outline permission for the construction of 35 No. two storey houses (28 No. semi-detached houses, 6 No. terraced houses in two blocks of 3 houses each and 1 No. detached house), connection to public foul sewer. Permission for vehicular entrance and open spaces (to match previously granted development under planning reference 17/856) and all associated site works, all at Rathangan Demesne, Rathangan, Co. Kildare.
- 2.2. The application included supporting documents including as follows;
 - Plans, particulars
 - Completed planning application form
 - Planning Report including a consideration of a possible material contravention of Policy RN5.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

1. Objective RN5 of the Rathangan Small Town Plan as set out in Volume 2 of the Kildare County Development Plan 2017-2023 states it is an objective of the Council to, 'Require that lands zoned C9 (refer to Map V2-1.7A) provide for lower density residential development at a density of approximately 10 units per hectare'. Further, the proposed development is located on lands zoned "C9" "New Residential" in the Rathangan Small Town Plan where the C9 zoning objective seeks to provide for low density residential development at a maximum density of 10 units per hectare. The proposed development would result in a residential density of 22 units per hectare, which would materially contravene both the C9 "New Residential" zoning objective for the subject site and Objective RN5 of the Rathangan Small Town Plan, resulting in the overdevelopment of this edge of small town site, which is designated in the Rathangan Small Town Plan to provide low density residential development in the form of individual serviced sites. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The report concludes that proposed development is not acceptable on the basis that the development would result in an inappropriate density of development (too high) at the site which is located at the very edge of the small town of Rathangan. The Planning Officer recommends that permission be refused for the proposed

development. This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

Building Control: No objections.

Municipal District Engineer: No objections subject to compliance with conditions and recommends referral to Roads Design.

Housing Section: If the PA is minded to grant permission for outline planning, any future application should be accompanied by a detailed Part V proposal.

Environment Section: No objections subject to compliance with conditions.

Chief Fire Officer: No objection.

Transportation Department: Further information required in relation to a number of issues.

Water Services: Further information required in relation to a number of issues.

3.2.3. Prescribed Bodies

None

3.2.4. Third Party Submissions

None

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 17/856: Permission granted on the 21st of May 2018 to the current applicant, for the development of 10 serviced sites and a new entrance from the R401. This permission expires on the 20th May 2023.

PA ref: 06/2912: Permission granted for the construction of 18 dwellings.

Neither of the above permissions have been implemented to date.

Adjacent Site:

ABP ref: ABP-300392-17 (PA ref: 17/215): Permission granted, on appeal, for the development of a nursing home on lands to the west of the current site, subject to 14 conditions.

ABP ref: PL09.236657 (PA ref: 09/597): Permission was refused by the Board in August 2010 for the development of a 52-bedroom nursing home, following the decision of the Planning Authority to grant permission following a material contravention of the Plan. Only the access road was located within the Town Boundary and was zoned for agricultural purposes. The Board refused for the following reason:

The proposed development would be predominantly located on unzoned land outside the development boundary for the town of Rathangan, as defined in the current local area plan, within which there is ample undeveloped land which would be capable of accommodating the proposed development. The proposed development would fail to renew, consolidate and develop an existing town, as advocated in the National Spatial Strategy, 2002-2020. It would be at an excessive distance from the urban amenities and facilities of the town and contrary to the orderly sustainable expansion of the town. The proposed 52-bedroom nursing home and ten associated sheltered housing units would, therefore, constitute a haphazard, piecemeal form of development which would be contrary to the proper planning, orderly and sustainable development of the area.

5.0 Policy and Context

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

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Policy Objective 16 seeks to ‘target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.’”

National Policy Objective 18a and 18b state as follows:

- To support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.
- Develop a programme for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

- 5.2.3. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.
- 5.2.4. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.12 and 6.13 of the Guidelines deal with Edge of small town / village and state as follows:

6.12 In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low-density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.

6.13 The quality of new development will also be determined by many other factors additional to the achievement of an appropriate density of development. However, adherence to the guidance outlined above, coupled with effective local planning can offer a positive path forward in managing the process of development of Ireland's distinctive and attractive smaller towns and villages.

5.3. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.4. **Kildare County Development Plan 2017 – 2023**

Chapter 4 of Volume 1 of the Plan deals with Housing while Volume 2 includes Rathangan within the “Small Town Plans and Environs Plan”.

The site is located on the outer edge of the zoned area of Rathangan, to the east of the centre, and the site is specifically zoned ‘C9’ New Residential where it is the stated objective

To provide for low density residential development.

This zoning shall provide for low-density residential development at a maximum of 4 units per acre (10 units per hectare). Serviced residential sites should be provided to people wishing to build a house to their own design and layout. Full planning permission shall be sought by the developer / landowner for the site layout and development works and outline permission for the individual houses. A design brief shall be also be submitted outlining principle design features for the overall scheme. Each individual applicant shall then submit their own design and apply for full permission on a serviced site.

The following objective is considered relevant:

- **RN 5:** Require that lands zoned C9 (Refer to Map V2-1.7A) provide for lower density residential development at a density of approximately 10 units per hectare.

5.5. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the River Barrow and River Nore SAC (Site Code 002162) which is located approximately 9km south-west of the site while the Pollardstown Fen SAC (Site Code 000396), is approximately 11km to the south east and Mouds Bog SAC (Site Code 002331) is located approximately 10km to the east of the site. The Long Derries, Edenderry SAC (Site Code 000925) is located approximately 12km to the north of the site.

5.6. EIA Screening

Having regard to nature and scale of the development, together with the nature of the site, 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

This is a First party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- Limiting the density of this zoned land to 10 units per hectare is entirely inconsistent with all other similarly sized towns in Co. Kildare and is wholly inconsistent with National Policy.
- A zoned site cannot be afforded any 'rural' status and the subject site is an edge of town / settlement site.
- The argument that a low-density development on this site is required to effectively make a transition between rural and urban on the approach to Rathangan has not been implemented successfully or otherwise in any other location in Rathangan or in any other small town in Kildare.

- The appellant cites examples of other residential zoning in other small towns in Kildare which would have the same characteristics but not the barrier to development.
- There is no consistent logic as to why this specific plot of land has such a restrictive objective. It is a one-off barrier that is discriminatory to the applicant in a planning perspective.
- The proposed development of 35 houses or amended to meet the 32-house maximum density allowed on edge of small towns should be permitted.
- It is understood that policy RN5 would most probably have been deemed to be relevant in 2015/2016 during the making of the 2017 CDP, however, it is suggested that this policy is now not relevant nor consistent with government legislation and guidelines.
- Planning history of the site indicates that two storey houses have been approved on the site since 2006.
- The NPF encourages increased densities and discourages low density development, especially in rural towns and settlements.
- It is submitted that the Board may grant permission for a proposed development⁶ that is considered to materially contravene the Development Plan, other than in relation to zoning, having regard to the requirements of Section 37(2)(b) of the Planning and Development Act, 2000, as amended.

It is submitted that the proposed development is consistent with national policies set out for urban development and that there is a distinct and unique clash between 2016/2017 orientated policy in the CDP for this particular plot of land which limits the development potential of the site.

It is requested that permission be granted.

6.2. Planning Authority Response

The Planning Authority responded to the first party appeal advising as follows:

- The principle of residential development is acceptable in the site.

- The site is over 1km from the town centre and therefore falls into the category of ‘edge of small town/village’ sites as set out in Table 4.1 of the Kildare CDP. Table 4.1 clearly provides a rationale for such low-density zoning at those locations.
- The site is in a transition zone at the edge of a small town where only low-density residential development is appropriate.
- The PA would draw the Boards attention to tools such as infrastructure assessments, core strategies, population and unit allocations as well as the intricacies of each individual site and settlement with regard to creating zoning objectives and why they differ from settlement to settlement.
- The total potential housing yields presented in the appeal have no regard for the core strategy of Rathangan which allocates a total of 292 no. units for the plan period and the data presented is not clear.
- The proposed development equates to 12% of the total units allocated to Rathangan and the site comprises the furthest residentially zoned land from the town centre. Providing such a large quantum of the total housing provision for the town at a remove from the town and ‘leap-frogging’ other residentially zoned land is considered highly inappropriate.

The PA maintains the position that the proposed development should be refused planning permission as it would contravene Objective RN5 of the Rathangan Small Town Plan as set out in Volume 2 of the Kildare County Development Plan 2017-2023.

6.3. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of development
2. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
3. Other Issues
4. Appropriate Assessment

7.1. Principle of development

7.1.1. The proposed development site is located within the settlement boundary of the small town of Rathangan in County Kildare. The site is zoned 'C9' New Residential where it is the stated objective of the zoning 'to provide for low density residential development'. Specifically relating to the subject site, the plan states:

This zoning shall provide for low-density residential development at a maximum of 4 units per acre (10 units per hectare). Serviced residential sites should be provided to people wishing to build a house to their own design and layout. Full planning permission shall be sought by the developer / landowner for the site layout and development works and outline permission for the individual houses. A design brief shall be also be submitted outlining principle design features for the overall scheme. Each individual applicant shall then submit their own design and apply for full permission on a serviced site.

In addition to the above zoning objective, the following objective is also considered relevant:

- **RN 5:** Require that lands zoned C9 (Refer to Map V2-1.7A) provide for lower density residential development at a density of approximately 10 units per hectare.

7.1.2. The proposed development seeks planning permission for outline permission for the construction of 35 No. two storey houses to include 28 No. semi-detached houses, 6 No. terraced houses in two blocks of 3 houses each and 1 No. detached house all of which will connect to public services. The description of the development also provides that permission is also sought for a vehicular entrance and open spaces (to match previously granted development under planning reference 17/856) and all associated site works, all at Rathangan Demesne, Rathangan, Co. Kildare, and all on a site covering 1.64ha. In this regard, the proposed density for the site amounts to 22 units per hectare.

7.1.3. Having regard to the planning history associated with subject site, together with the zoning and specific policy objectives afforded to the site, I am generally satisfied that in principle, there is no objection to a residential development at this site. However, and notwithstanding the arguments of the appellant, I am inclined to agree with the Planning Authority that the development as proposed, fails to comply with the requirements of the Kildare County Development Plan, 2017-2023 and the specific zoning objectives associated with 'C9', afforded to the site, specifically as it relates to the proposed density of the development proposed.

7.2. **Compliance with National Guidelines & Standards, the Development Plan & General Development Standards:**

7.2.1. The site the subject of this appeal is located just within the development boundary of the small town of Rathangan in County Kildare, approximately 65km, and a 1 hour 15-minute drive, to the west of Dublin City. The site is zoned for residential purposes, can connect to public services and, as such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2009 guidelines continue to support the principles of higher densities on appropriate sites in towns and cities while Chapter 6 of the Guidelines deals with Small Towns and Villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while

higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

7.2.2. The subject site is located on the edge of the small town of Rathangan and the Guidelines indicate that 'it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15-20 dwellings per hectare along or inside the edge of smaller towns and villages. The proposed development seeks to provide for a development which would have a density of 22 units per hectare and in this regard and having regard to the context and location of the site, I consider that it is not reasonable to support the density proposed.

7.2.3. The Guidelines provides that 'developments with densities of less than 15-20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total planned housing stock of the small town or village in question.' The subject site, in the context of the settlement, the subject site residentially zoned land lies furthest from the town centre when compared to other residential zonings in Rathangan. The Core Strategy for Rathangan allocates a total of 292 residential units for the County Development Plan period up to 2023. In this regard, the proposed 35 units would amount to 12% of the total planned housing stock of Rathangan. The Board will note that the appellant has provided an assessment of housing potential on the zoned lands within the settlement applying the minimum and maximum densities provided for in the National Guidelines. Using these figures, the appellant suggests that the proposed development would, if permitted, represent between 4.77% and 5.35% (with the no of units being 22.5 when applying the 15 units/ha and 30 when applying the 20 units/ha.

7.2.4. While I acknowledge that the national guidelines recommend that developments at net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5ha, having regard to the context of the site, together with the specific zoning and the core strategy for Rathangan, the proposal to increase the density of development on the

site to in excess of that recommended for small towns and villages, in my opinion, is inappropriate.

- 7.2.5. The development proposes a development of 35 two storey houses to include 28 No. semi-detached houses, 6 No. terraced houses in two blocks of 3 houses each and 1 No. detached house. The submission to the Planning Authority provides a sample house elevation but as this is an outline planning application, full details have not been provided. The details submitted do however, suggest that the development will comprise 25 x 3 bedroomed houses and 10 x 4 bedroomed houses. In the event of a grant of planning permission, I am satisfied that any future permission consequent application would provide for such detail.
- 7.2.6. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. In the event of a grant of planning permission, I am satisfied that any future permission consequent application would provide for such detail. The layout proposed, provides for all the houses to form a horseshoe around a central open space area, with a single access point.
- 7.2.7. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the context and location of the site, the existing nature of development in the vicinity of the subject site as well as the nature and scale of development within the surrounding area and other land uses. The development proposes a development with a density which exceeds that recommended in the national guidelines and the specific zoning objective for the site in the Kildare County Development Plan. The site is without question on the periphery of the small town of Rathangan and on the extreme edge of the zoned area of the town. Overall, I consider that the principle of the development as proposed is not acceptable.

7.3. Other Issues

7.3.1. Water Services

The Board will note that the proposed development is to connect to existing water services in Rathangan. Given the planning history associated with the subject site I am generally satisfied that the principle of the development in terms of water services, is acceptable.

7.3.2. Roads & Traffic:

Access to the subject site is proposed over the existing road network in the vicinity, and ultimately, off the R401, the regional road which connects Rathangan to Kildare Town. The site lies within the speed limit and permission has been granted in the recent past for the development of 10 no. serviced sites on the site, with an access onto the regional road.

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. DMURS sets out a road user priority hierarchy and identifies a number of key design principles for roads. DMURS also provides detailed standards for appropriate road widths depending on the nature of the road and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, I would accept that the applicant has sought to design the internal roads of the proposed estate to ensure compliance

I note that the Roads and Transportation Section of Kildare County Council raised no objections. In the event of a grant of planning permission, I am satisfied that any future permission consequent application would provide for final details relating to roads and traffic to ensure compliance with DMURS.

7.3.3. Material Contravention Issue

The Board will note that the appellant has sought to argue that the PAs reason for refusal, which centred on an argument for a material contravention to RN5 and the KCDP 2017-2023 and the policies of Kildare County Council, does not accord with

National Policies in relation to density in zoned areas. It is submitted that the PA cannot deem the site 'a very rural site' as the lands are zoned residentially and therefore cannot be afforded any rural status. It is further submitted that the low-density development required for the site to effectively make a transition between rural and urban on the approach road to Rathangan has not been implemented successfully or otherwise in any other location in Rathangan or in any other small town in the CPD.

Section 37(2) of the Planning & Development Act, 2000 as amended states as follows:

- (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.
- (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—
 - (i) the proposed development is of strategic or national importance,
 - (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned,or
 - (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- (c) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan.

The appellant submits that there are conflicting objectives in the Development Plan and that the development is in accordance with all other policies and objectives of the Plan, with the exception of the indicative densities of developments in edge of centre/edge of small-town settlements in tables 4.1 and 4.2 of the Plan. It is further submitted that the proposed development is consistent with the overarching purpose and principles of the national and regional policies and guidelines.

The Board will note my comments above with regard to the specific zoning objective afforded to the subject site. In addition, I consider that the argument made by the appellant in relation to residentially zoned land in other small settlements is not pertinent in this case, as a logical rationale for the specific density and zoning for the subject site is provided for in the CDP.

While I acknowledge the appellants submission, I also note that the Guidelines specifically advise that 'development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.'

Having regard to the context of the subject site, together with the specific zoning objective for the site, which I consider reasonable, and the core strategy for Rathangan, I am satisfied that the proposal to increase the density of development on the site to in excess of that recommended for such small towns and villages sites in the national guidelines, in my opinion, is inappropriate and would materially contravene objective RN5. I am not satisfied that the proposed development warrants a material contravention of the Kildare County Development Plan.

7.3.4. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.3.5. **Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the River Barrow and River Nore SAC (Site Code 002162) which is located approximately 9km south-west of the site while the Pollardstown Fen SAC (Site Code 000396), is approximately 11km to the south east and Mouds Bog SAC (Site Code 002331) is located approximately 10km to the east of the site. The Long Derries, Edenderry SAC (Site Code 000925) is located approximately 12km to the north of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 **Recommendation**

I recommend that planning permission be refused for the proposed development for the following stated reason.

9.0 Reasons and Considerations

Having regard to the 'edge of small town/village' location of the site, the specific 'C9' 'New Residential' zoning of the site in the Kildare County Development Plan, 2017-2023, the objective of which is to provide for a low density residential development at a maximum of 4 units per acre (10 units per hectare) and to include serviced residential sites for people wishing to build a house to their own design and layout, together with Objective RN5, which requires 'that lands zoned C9 (Refer to Map V2-1.7A) provide for lower density residential development at a density of approximately 10 units per hectare', it is considered that the proposed density of 22 units per hectare is excessive in the context of adjoining and permitted development and would, if permitted, contravene materially the said zoning objective and would be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

10th January, 2020