



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309110-21

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<b>Development</b>	Construction of single storey dwelling with mezzanine at attic level
<b>Location</b>	Haynestown (td) , Naas , Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	201024
<b>Applicant(s)</b>	Orla Hanrahan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Liam McCabe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15/05/21
<b>Inspector</b>	Una O'Neill

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. National Policy .....	6
5.2. Kildare County Development Plan 2017-2023 .....	7
5.3. Natural Heritage Designations .....	10
5.4. EIA Screening .....	10
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Applicant Response .....	12
6.3. Planning Authority Response .....	13
6.4. Observations .....	13
7.0 Assessment.....	14
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19

## 1.0 Site Location and Description

- 1.1. The subject site is located in the rural townland of Haynestown, approx. 4km east of Naas, 3km southeast of Johnstown and 3km south of Kill, Co. Kildare. The site is located at the entrance to an existing single carriageway laneway off the eastern side of local road L2019. The access to the proposed dwelling is from the existing laneway, which appears to serve four other dwellings.
- 1.2. The site, which has a stated area of 0.136ha, is currently under grassland with the southern, northern and western boundaries comprising of mature trees and hedgerows. The western boundary of the site is with the L2019, the northern boundary is with an existing laneway, to the south is an existing dwelling and to the east is an existing dwelling.

## 2.0 Proposed Development

- 2.1. Permission is sought for a single storey dwelling with mezzanine space at attic level, to be served by an on-site wastewater treatment system, entrance, and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following the receipt of a response to a request for further information, Kildare County Council issued a notification of a decision to grant permission on 11<sup>th</sup> December 2020, subject to nine conditions, the following of which are noted:

- C2: Occupancy condition.
- C4: Landscaping.
- C6: Lines of sight to be in accordance with TII document and site layout drawings received on 1<sup>st</sup> December 2020.
- C13: Development Contribution.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The Planning Officer's report generally reflects the decision of the Planning Authority. It is noted that Further Information was requested in relation to sight lines to be achieved and extent of hedgerow/tree and other removal/set back. The following points of the planning officer's report are noted:

- The applicant has applied for a dwelling in Zone 1 of the CDP. The applicant has submitted personal information which for the purposes of data protection was assessed under separate cover. The conclusion of this assessment is that the applicant has demonstrated a rural housing need to live in this location and thus is in compliance with Policy RH2 of the CDP.
- The design is contemporary, and the scale of the dwelling is modest. The proposal is acceptable in this rural area.
- With regards to Policy RH9(iv) of the CDP, it is not considered that there is an excessive level of development at this location and a further house can be accommodated.
- The subject site comprises a suitable infill site and will not contribute to ribbon development.
- There is no significant concern in terms of impact on adjoining residential amenity, ie overshadowing or overlooking, given the distance to property boundaries and the single storey nature of the development.
- Further information requested and submitted in relation to sightlines at the entrance to the public road, which is considered acceptable.
- The Environment Section has no objection to the proposed private wastewater system on the site, subject to conditions. Proposal complies with Policy RH9(vi).

### 3.2.2. Other Technical Reports

Roads Department: No objection following receipt of further information.

Area Engineer: No objection following receipt of further information

Water Services: No objection. Conditions recommended.

### 3.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

### 3.4. Third Party Observations

One observation was submitted from the occupant of the house to the immediate south of the proposed development, which stated the observer had concerns about the development proposal having regard to the provision of the Kildare County Development Plan and the proper planning and sustainable development of the area.

Two representations were submitted in support of the application.

## 4.0 Planning History

None on the site.

### Permission on site to east (family home):

042516 – Retention Permission granted to Carmel Hanrahan for conversion of shed to a residential unit and permission for side extension to same and EPS Bison effluent treatment unit, for Carmel Hanrahan.

Condition 4a) Within 8 weeks of the grant of permission issuing, the applicant shall enter into an agreement stating that her existing dwelling on the overall landholding shall be sold to a person or persons who comply with Schedule 6.1 of the County Development Plan 2005-2011.

b) The development herein granted permission shall not be occupied until such time as her existing dwelling on the overall landholding has been sold.

### Permission on site further south of application site:

99468 – Permission granted to Sinead Hanrahan for erection of a dormer bungalow, double garage, septic tank, 6 loose boxes, tackroom and menage.

## 5.0 Policy Context

### 5.1. National Policy

#### 5.1.1. Project Ireland 2040, National Planning Framework (NPF)

NPO19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

#### 5.1.2. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- Chapter 2: Policy Aims

Section 3.2 identifies a number of rural area typologies including 'Rural Areas Under Strong Urban Influence', which are defined as those areas exhibiting characteristics such as being within proximity to the immediate environs or close commuting catchment of large cities and towns and exhibiting characteristics of rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

- Chapter 3: Other Objectives and Policies

Section 3.3.3 addresses 'Siting and Design'.

- Appendix 3 – Development Plan Objectives and Issues for Rural Areas: Box 1 relates to areas under strong urban pressure and sets out that in areas under strong urban influence, urban generated development should be directed to areas zoned for new housing development in cities, towns and villages in the area of the Development Plan.
- Appendix 4 – Ribbon Development

Ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

#### 5.1.3. **EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)**

This document provides guidance on the site characterization, design, operation and maintenance of domestic waste water treatment systems.

I note a new 2021 Code of Practice for Domestic Waste Water Treatment Systems has been published. It is stated on the EPA website that the 2009 Code of Practice may be used for site assessments and associated installations commenced before the 7th June 2021 or where planning permission has been applied for before that date.

#### 5.2. **Kildare County Development Plan 2017-2023**

5.2.1. The settlement hierarchy (as set out in Variation 1) identifies Naas as a Key Town within the Core Region, Celbridge is a Self-Sustaining Town and Kill is identified as a Town. The appeal site is located in close proximity to each of these settlements.

5.2.2. Section 2.3 relates to Preferred Development Strategy and states the preferred development strategy is based on building strong urban centres while protecting the rural hinterlands.

The following policies are noted:

**CS 3** Support rural communities through the identification of lower order centres including towns, villages and settlements to provide more sustainable development centres in the rural areas.

**CS 4(a)** Develop in accordance with the National Planning Framework (NPO 18b) a programme for new homes in small towns and villages in association with public infrastructure agencies, local communities, housing bodies and landowners to identify lands for the provision of low density serviced sites with appropriate infrastructure throughout settlements identified as Rural Towns, Villages and Rural Settlements (as identified in Table 3.3).

**SS 2** Direct growth into the Key Towns, followed by the Self-Sustaining Growth Towns and the Self-Sustaining Towns, whilst also recognising the settlement requirements of rural communities.

5.2.3. Section 4.12: Housing in Rural Areas:

5.2.4. The Plan sets out criteria for an applicant to be considered for a one-off dwelling in the county and two rural housing zones are identified, Zone 1 and Zone 2. Zone 1 is identified on map V1-4.4 as the more populated areas with higher levels of environmental sensitivity and significant development pressure. Map V1-4.4 of Chapter 4 indicates that the area of the appeal site is located in 'Rural Housing Policy Zone 1'.

5.2.5. An applicant must meet one of the following categories:

A) is a member of a farming family actively engaged in farming the family land (Category 1), or a member of the rural community (Category 2),

and

B) meets one of the local need criteria set out in Table 4.3(a) and (b) Schedule of Local Need.

5.2.6. The applicant is considered a Category 2 Applicant in Zone 1 and is therefore required to comply with the following:

**A member of the rural community:** The applicant must demonstrate a genuine local need to reside close to their family home by reason of immediate family ties or their active and direct involvement in a rural based enterprise.

#### **Local Need Criteria in Rural Housing Policy Zone 1**

- (i) 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 and who seek to build their home in the rural area on their family landholding and who currently live in the area. Where no land is available in the family ownership, a site within 5km of the original family home may be considered.
- (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 5km of the original family home.

- (iii) Persons who can satisfy the Planning Authority of their commitment to operate a full-time business from their proposed home in the rural area where they have existing links to that rural area and that the business will contribute to and enhance the rural community and that the nature of such enterprise is location dependent and intrinsically linked to a rural location.

**Table 4.3(b)** includes the following note:

Applications for rural one-off dwellings will be considered, subject to the policies and objectives set out in the County Development Plan, where it is demonstrated that the development would not prejudice the environment and the rural character of the area. In this regard factors such as the sensitivity of the receiving environment, the nature and extent of existing development and the extent of development on the original landholding will be considered.

#### 5.2.7. Section 4.13 Policies: Rural Housing -

**RH 2** 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.

**RH 3** Require applicants to demonstrate that they are seeking to build their home in the rural area in Kildare for their own full-time occupation. Applicants will be required to demonstrate that they do not own or have not been previously granted permissions for a one off rural dwelling in Kildare and have not sold this dwelling or site to an unrelated third party, save in exceptional circumstances.

**RH4** 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.

**RH9:** 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 (Inter alia):

- (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.
- (v) 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.

**Policy RH10:** 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
- (iv) The potential to undermine the viability of urban public transport due to low density development.

### 5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within or adjacent to any designated European Site. The nearest such site is the Red Bog Special Area of Conservation (000397), which is situated approx. 4.8 km southeast of the site. Poulaphouca Reservoir SPA (004063) is situated approx. 8km southeast of the site.

### 5.4. EIA Screening

- 5.4.1. The proposal is for a new dwelling, to be served by an on-site wastewater treatment system. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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**

One appeal has been lodged by William Fry law firm on behalf of Liam McCabe, the owner and occupier of the residential property to the south of and adjoining the proposed development. The grounds of appeal are summarised as follows:

- The appellant has been unable to properly engage with this application as he has been denied access to certain documents within the application, the full extent of which is unknown. It is fundamental to the appellant's entitlement to participate in the planning process that the full application is available for review and inspection. The decision of Kildare County Council is for this reason unlawful and invalid.
- The applicant is unaware of how the applicant complies with local need criteria as they have not been given access to the information. However, it is clear that the applicant works 17km from the site on the edge of Newbridge where there is an established housing supply and does not need to live in the rural area.
- In relation to policy RH3 and RH4, the application site is owned by the applicant's mother, Mrs Carmel Hanrahan. The family has previously obtained permission under reg ref 99468 and 042516 for two rural dwellings on what was the overall landholding of approx. 5 acres. One of these houses to the south of that occupied by Liam McCabe was sold to a third party following its construction. The other is now the Hanrahan family home, as the original family home was sold to Liam McCabe (appellant) in 2008. If granted, this application would result in a situation where a small landholding in a sensitive location has been developed into four houses, two of which have been sold to third parties (see attached aerial). It is clear from the Planner's Report that no adequate consideration was given to the application of these policy objectives

to the planning history of the Hanrahan land. This is the type of rural development which the restriction RH4 is intended to preclude.

- The development is for a single ribbon development house on a greenfield site in rural Kildare. Rural Housing Policy Zone 1 is expressed to be an area under higher level of environmental sensitivity and significant development pressure.

## 6.2. Applicant Response

The applicant has responded to the grounds of appeal, which is summarised as follows:

- The applicant qualifies for rural housing at this location and is an 'intrinsic part of the rural area by way of family ties to the area'. The applicant has resided in Haynestown for 31 years, having moved there as a small child. From 1990 to 2007, the applicant resided at Haynestown Lodge and the applicant's parents now live at The Gatelodge, Haynestown. The applicant attended Rathmore National School and St. Mary's College (secondary school) Naas. The applicant is involved in various community organisations, including local equestrian groups, Eadestown GAA club and volunteers at local events.
- The applicant wishes to reside close to her mother in order to care for her.
- The applicant is a primary school teacher and has been employed in Athgarvan primary school since 2012, which is 17km from the application site.
- As the site has been gifted to the applicant from her mother, this provides for an affordable housing solution.
- The applicant is an intrinsic part of the rural community, as per section 4.12.1 of the KCDP and paragraph 1.2 of the Guidelines for Planning Authorities on Sustainable Rural Housing.
- The Guidelines for Planning Authorities on Sustainable Rural Housing state 'People who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban-based pressures'.

- The applicant has applies under ‘Rural Housing Policy Zone 1 (i) of Table 4.3(b) of the development plan. It is noted that Rural Housing Policy Zone 1 (ii) also applies.
- With regard to policy RH3 of the development plan, the applicant states she does not own a house or any property in Kildare or elsewhere and she has obtained planning permission previously for a dwelling.
- With regard to policy RH4 of the development plan, and the appellant’s assertion that the owner of the landholding has a history of selling properties, it is stated that due to a family separation the original family home was sold to the appellant, at which point the application site became part of a smaller landholding and the applicant’s mother obtained retention permission for converting a shed on the property to a dwelling.
- In relation to the appellant’s asserting that the family landholding will become overdeveloped, the CDP has no standards in this regard and the proposal is for one small infill house.

### 6.3. **Planning Authority Response**

The Planning Authority in relation to the grounds of appeal states the following:

- The applicant’s local need was assessed under private cover due to GDPR.
- The applicant’s local need was assessed under Policy RH2 of the Kildare County Development Plan 2017-2023 and National Policy Objective 19 of the National Planning Framework. The PA is satisfied that the applicant has demonstrated a local need to live in this rural area.
- The PA respectfully requests that An Bord Pleanála uphold the decision to grant permission for the proposed development.

### 6.4. **Observations**

None.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Rural Housing Policy
- Wastewater Treatment
- Appropriate Assessment

### Rural Housing Policy

7.2. The proposed development site is located in a rural area of County Kildare, in an area under strong urban influence. I note the location of the appeal site relative to urban areas identified within the settlement hierarchy of the Kildare County Development Plan (KCDP), with the appeal site approx. 4km east of the Key Town of Naas, 3km southeast of the town of Self-Sustaining Town of Johnstown, 3km south of the Town of Kill, with additional Rural Nodes of Rathmore/Eadestown and Newtown in the area of the appeal site.

7.3. There is a presumption against development in such areas under strong urban influence save for in instances where it can be demonstrated that an applicant complies with the Planning Authority's (PA's) rural housing policy, as per section 4 of the KCDP. The National Planning Framework further states in relation to areas under urban influence, that it will be necessary for applicants to demonstrate 'a functional economic or social requirement for housing need' (with National Policy Objective No. 19), stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements, whilst the Rural Housing Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

7.4. In terms of the Rural Housing Policy of Kildare County Council, the site is located in an area identified as Rural Housing Policy Zone 1. Table 4.3 (b) refers and notes that in order to be considered a member of the rural community, the applicant must

demonstrate a genuine local need to reside close to their family home by reason of immediate family ties or their active and direct involvement in a rural based enterprise. Documentary evidence of compliance with the rural housing policy is required to be submitted as part of the planning application.

- 7.5. The applicant states she has lived in the area for 31 years (the KCDP specifies 12 years) and she is currently living with her mother in the family home adjoining the application site and she has never owned a home. The applicant states she wishes to live near her mother to care for her and states she works as a primary school teacher in Athgarvan Co. Kildare, which is 17km from the application site. The applicant submitted documentation with the original application to provide evidence that she complies with the local need criteria. The PA considered the applicant's submitted documentation was sufficient to satisfactorily demonstrate the applicant had a rural housing need.
- 7.6. The grounds of appeal has raised concerns in relation to the applicant's requirement to live at this location on the basis of where she works and questions her overall compliance with policy given the appellant could not view the documentation submitted as it was withheld from the public file.
- 7.7. I note Kildare County Council in response to the appellant's concern in relation to access to information on file, states that the information relating to the local need criteria was not placed on the public file due to GDPR reasons.
- 7.8. While I note the concern raised, I also note that the appellant does not dispute the applicant's links to the area, as evidenced by the quoted planning history relating to the applicant's family in their submission. In view that it is accepted the applicant has links to the area and the planning history itself indicates the length of those links, as does the applicant's submission, and that this is not disputed by the PA, I propose to proceed with the assessment, notwithstanding the concerns raised in relation to access to information.
- 7.9. While I would accept that the applicant has close family links to the area and would appear to have a housing need on the basis that she has never previously owned or sought permission for/built a dwelling, I would have serious reservations in terms of the significant pressure this area of the County is under, as evidenced by the extent of rural dwellings in the immediate area, and I would have serious reservations as

regards the validity of the applicant's functional need to reside at the subject site, notwithstanding the family links to the area. Given the close proximity of the subject site to the urban centres of Naas, Celbridge and Kill as well as other rural nodes in the immediate area (as identified in the Settlement Strategy of the KCDP), and as the applicant's current principle employment as a school teacher in Athgarvan does not necessitate her to reside in the rural area in question, I am inclined to suggest that the existing settlements in the immediate locality would be capable of satisfactorily addressing the applicant's residential needs. Policy RH9 states that notwithstanding an applicant's compliance with the local need criteria, other siting and design considerations must be complied with, including regard to the capacity of an area to absorb further development, with factors such as the extent of existing development in the area and degree of existing haphazard/piecemeal development to be considered. Policy RH10 further 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 a number of areas including efficient development of towns and villages, provision of future infrastructure and the potential to undermine the viability of public transport. I consider this proposed dwelling would exacerbate such issues having regard to the extent of existing haphazard and piecemeal development in the area and would materially contravene policy RH10, given this area is under significant development pressure given its proximity to existing urban centres and settlements. The Board will note in relation to NPO 19 it is a core consideration in rural areas under urban influence, that the provision of single housing in the countryside is based on demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, as well as the requirement to have regard to the viability of smaller towns and rural settlements, with the latter point being, in my opinion, of particular import in this case.

- 7.10. Further to the appellant's consideration of the planning history relating to the original family landholding and application of policy RH3 and RH4, I note the applicant states the application site has been gifted to her from her mother. As per RH3 and in considering the planning history, I note the applicant herself has not been granted permission previously. In relation to policy RH4, I note there is a history whereby permission was granted on the original landholding for two properties, one relates to



the construction of a new dwelling to a Sinead Hanrahan (daughter of the landowners) and the other relates to a retention application for conversion of a shed to a dwelling by the applicant's mother (stated to be resided in by the applicant and her mother), with the original family home sold to the appellant. The appellant states the house to the south of his (that permitted to Sinead Hanrahan) was sold to a third party following its construction and that the subdivision of the original land holding for construction of dwellings for sale is contrary to policy RH4. I note the site has been subdivided previously and each application was assessed by the PA based on the merits of the case at that time and with the development plan in force. While I note the planning history and land ownership changes as set out by the applicant in her response to the appeal, which indicates the present family home was not constructed for speculative reasons, I do not consider RH4 to be clear or strictly applicable in this instance.

- 7.11. With regard to the issue of ribbon development, I note the proposal does not comply with the definition of ribbon development as per the Sustainable Rural Housing Guidelines, albeit I note the proliferation of rural dwellings in the area which I consider to be piecemeal and haphazard against the location of the area in proximity to a number of urban centres and rural nodes.
- 7.12. Having regard to my assessment above, to the totality of the 2005 Guidelines, the relevant provisions of the development plan and of the National Planning Framework, in particular the location of the site proximate to the urban centres of Naas, Johnstown, Kill, and other rural nodes, I am not satisfied that the applicant has demonstrated adequate compliance with the policy objectives of the CDP and Objective 19 of the NPF, having regard to the viability of smaller towns and rural settlements.

### **Wastewater Treatment**

- 7.13. The applicant proposes a wastewater treatment system with percolation area to address wastewater. A connection to the public water mains is proposed.
- 7.14. The accompanying site characterisation form states the site is over a poor aquifer, with vulnerability classified as Extreme. The groundwater protection response is indicated as R2(1), where an on-site system is acceptable subject to normal good practice. Where domestic water supplies are located nearby, it is stated that

particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised. The depth from ground surface to bedrock in the trial hole is not indicated as it is stated no rock present for depth of trial hole and no water was present (trial hole 2.45m deep). The soil type is described as tills derived from limestones.

- 7.15.** I note the site was firm underfoot upon site inspection and the trial holes were observed with no water in them. I note the Environment Section of the PA had no objection to the proposed wastewater treatment system.
- 7.16. A T-test result of 3.44 min/25mm is indicated. The CoP states that a figure between 3 and 50 indicates the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater.
- 7.17. A P test was undertaken due to the low T-test result, with the P value stated to be 13.50 min/25mm. P test values of between 3 and 75 indicate the site is suitable for a secondary treatment system with polishing filter at ground surface or overground.
- 7.18. The tests were carried out in accordance with the CoP, Annex C. The proposal complies with separation distances to key features and scale of percolation area required is acceptable.
- 7.19. On the basis of the foregoing results, it would appear that the subject site is suitable for the installation of the wastewater system proposed.

### **Appropriate Assessment**

- 7.20. The site is not located within any designated site. The site is not directly connected to any European Site and there are no hydrological connections to any such sites.
- 7.21. As the proposed development has no source-pathway-receptor to any European site, it does not have the potential to have an effect on any European site and there is no potential for it to have likely significant effects on any site in combination with any other plan or project. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any

European site and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be refused, for the reasons and considerations set out hereunder.

## **9.0 Reasons and Considerations**

1. Having regard to the location of the site within a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Policy RH10 of the Kildare County Development Plan 2017- 2023 seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements. It is considered that the proposed development, by reason of its location in proximity to Naas, Celbridge and Kill, would further exacerbate the level of such haphazard development in proximity to these and other settlements, in which lands are designated/zoned for residential purposes. To permit development at the location proposed, having regard to the level of existing housing development already in

existence in this rural location, would contribute to the further unsustainable development of this rural area. The proposed development would, therefore, materially contravene policy RH10 of the Kildare County Development Plan 2017- 2023 and would be contrary to the proper planning and sustainable development of the area.

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Una O'Neill

Senior Planning Inspector

16<sup>th</sup> May 2021