



An
Bord
Pleanála

Inspector's Report ABP- 314804-22

Development	Construction of a double storey dwelling and wastewater treatment system.
Location	The Cottage, Milltown, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	22/61.
Applicant	Michael Connors.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission.
Appellant	Michael Connors.
Observer(s)	None.
Date of Site Inspection	8 th February 2023
Inspector	Enda Duignan.

1.0 Site Location and Description

- 1.1.** The address of the appeal site is The Cottage, Milltown, Newbridge, Co. Kildare. The site is located within the centre of the rural settlement of Milltown, on the south-western side of the R415 and immediately to the north-west of Scoil Bhríde primary school. The site currently comprises a detached, single storey cottage which is located within the northern corner of the site. The site is accessed via an existing vehicular entrance, centrally located within the roadside boundary. The site, which has a stated area of c. 0.17ha. has been cleared and boundaries typically comprise masonry block walls.

- 1.2.** With respect to the site surrounds, there is a brownfield site to its immediate north. There are a number of dwellings located to the north-east of the appeal site, on the opposite side of the R415. The Church of St. Brigid is also located to the south-east. The lands to the south-west (rear) of the site are typically in agricultural use.

2.0 Proposed Development

- 2.1.** The proposal seeks planning consent for the subdivision of the existing site and the construction of a new double storey dwelling and wastewater treatment system (WWTS) all to the side of the existing single storey cottage.

- 2.2.** The proposed dwelling has a stated floor area of c. 242sq.m. and shall comprise an entrance hall, open plan kitchen/living room, dining room, utility and WC and breakfast room at ground floor level and three (3) no. bedrooms and a bathroom at first floor level. The classical style dwelling will have a hipped roof profile and a maximum height of c. 7.7m. Materials and finishes shall comprise a plaster finish for the principal elevations with a slate roof.

- 2.3.** The proposal seeks to modify the existing vehicular entrance to provide a dual entrance to serve the existing and proposed dwellings. Metal gates are proposed at each entrance and new a 2m high front boundary comprising a plaster wall with columns and railings above, will form the new roadside boundary. A connecting driveway will lead from the entrance to a hard surface area for car parking within the dwelling's front setback.

- 2.4.** The dwelling is proposed to be served by an area of amenity space to its rear (south-west) and a wastewater treatment system and percolation area is proposed within this rear amenity space.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council refused planning permission for the proposed development for the following 1 no. reason:

1. Milltown is designated a Rural Settlement in the settlement strategy of the Kildare County Development Plan 2017-2023. Table 2.7 of Volume 2, Kildare County Development Plan 2017-2023 sets out a number of objectives for development within rural settlements which include that any proposals for residential infill should preserve or improve residential amenity, being at an appropriate scale, density and form to the existing residential character of the area and that all infill development proposals will be subject to a high quality design response and will not impact negatively on the residential character and residential amenity of the existing settlement.

Having regard to the 'Existing Settlement' designation of the lands and the location of the site in a prominent location in Milltown village centre with direct visual connectivity to build heritage structures, it is considered that the scale, bulk, massing and general design of the proposed dwelling would be visually intrusive thereby negatively impacting the character of the existing streetscape and the residential amenity of the existing single storey dwelling. The proposed development would therefore not comply with the Rural Settlement objectives set out in the Kildare County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Kildare County Council Planning Reports forms the basis for the decision. The First Report provides a description of the appeal site, it sets out the planning history that is relevant to the development proposal and provides an overview of the policy at national and local level that is relevant to the development proposal. The report also summaries the observations on file.

In terms of the principle of development, the Planning Authority was satisfied that the Applicant had demonstrated a local need and that this had been established under a previous permission on the site (Ref. 17/404). However, concerns were raised with respect to scale, design and massing of the proposal which was deemed to be at odds with the character of the surrounding area. In addition, concerns were highlighted that the proposal would have a negative impact on protected structures within the vicinity of the appeal site. Additional information was requested with respect to:

- Redesign of the dwelling to address the concerns of the Planning Authority.
- Revisions to the front boundary treatment.
- Details with respect to the proposed vehicular entrance.
- Details of the wastewater treatment system serving the existing dwelling.
- Additional information with respect to the proposed wastewater treatment system and its compliance with the EPA Code of Practice 2021.

The Second Report provides an assessment of the Applicant's response to the additional information request. Notwithstanding some modification to the design of the dwelling, concerns remained with respect to the proposed development which was not considered to be in keeping with the character of the existing rural settlement. A refusal of planning permission was recommended by the Planning Authority for 1 no. number reason

3.2.2. Other Technical Reports

Transportation: Initial report received recommending additional information. Second report on file stating no objection subject to conditions.

Water Services: Report received stating no objection subject to compliance with conditions.

Municipal District Engineer: Report received recommending additional information.

Environment Department: Initial report received recommending additional information. Second report on file stating no objection subject to conditions.

Enforcement Section: Report received stating there is no current enforcement case to date.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

A total of three (3) observations are on the planning file. The matters raised in the observations can be summarised as follows:

- Concerns with respect to overlooking of the adjoining school.
- Concerns with respect to overshadowing.
- Concerns highlighted with respect to the scale and design of proposed dwelling which is considered to be at odds with the prevailing neighborhood character.
- There is a lack of clarity with respect to what the rear portion of the site will be utilised for.

4.0 Relevant Planning History

4.1. Appeal Site

17/404: Planning permission granted by the Planning Authority in November 2017 for the construction of a bungalow, effluent treatment plant, landscaping site access and all associated site development works.

14/737: Planning application withdrawn by the Applicant (Michael Connors) which sought permission for the sub-division of existing site to include (a) storey and a half /

dormer style dwelling, effluent treatment plant, domestic garage, landscaping and all associated site development works. (b) New effluent treatment plant to serve existing cottage, (c) New dual entrance with piers and blockwork walling to serve existing and proposed dwelling houses.

5.0 Policy and Context

5.1. National Policy

5.1.1. Climate Action Plan 2023 (CAP23)

5.1.2. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to 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.

5.1.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.4. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005.**

The overarching aim of the Guidelines is to ensure that people who are part of a rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.1.5. **Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.**

5.2. Local Policy

5.2.1. **Kildare County Development Plan (CDP), 2023-2029.**

The appeal site within the 'Rural Settlement' boundary of Milltown. The current CDP highlights that lands within the rural settlements are not zoned lands. I note that Chapter 3 of the Plan sets out the County's policies for 'Housing'. Notably, Section 3.9 (Regeneration, Compact Growth and Densification) of the Plan provides the following policies and objectives of relevance.

- **HO P6** Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

In terms of wastewater treatment, Section 3.15.1 of the CDP is relevant to the consideration of the appeal and Policy **HO P27** is included as follows:

- Require all applications to demonstrate, to the satisfaction of the Planning Authority that the proposed development site can accommodate an on-site wastewater treatment system in accordance with the EPA Code of Practice for

Wastewater Treatment Systems for single houses (2021), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period.

Policy objectives for site access and entrances are contained within Section 3.16 of the CDP and include:

- **HO P28:** Avoid the creation of new accesses for one-off dwellings onto national roads, to comply with the requirements of the Spatial Planning and National Roads Guidelines, DECLG (2012).
- **HO P29:** Restrict new accesses for one-off dwellings onto regional roads, where the 80km/hr speed limit applies in order to avoid the premature obsolescence of regional roads, (see Chapter 5), through the creation of excessive levels of individual entrances and to secure investment in non-national roads.
- **HO P30:** Require that proposals retain and maintain existing hedgerows in all instances, with the exception only of the section required to be removed to provide visibility at the proposed site entrance. On such cases, proposals for replacement hedgerows, including details of composition and planting must be submitted with any application which requires such removal.
- **HO P32:** Require that the design of entrance gateways should be in keeping with the rural setting. All applications for a dwelling in a rural area should include detailed drawings and specifications for entrance treatments. The roadside boundary should ideally consist of a sod/earth mound/ fencing planted with a double row of native hedgerow species.

Chapter 14 of the current CDP sets out policy with respect to Urban Design, Placemaking and Regeneration.

Chapter 15 of the current CDP sets out Development Management Standards.

Volume 2 of the Kildare County Development Plan (CDP), 2023-2029 comprises the Village Plans and Rural Settlements for the County. As per Section V2 1.8.1 (Residential Development), it is an objective of the Council to:

- **GO 1** Provide for new residential development which is in accordance with the Core Strategy and Settlement Strategy.
- **GO 2** Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the county's population.
- **GO 3** Particularly support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout (to include high quality permeability connections) being achieved.
- **GO 4** Provide viable alternatives to rural one-off housing in the form of serviced sites with adequate infrastructure to attract people to build their own homes and to live in more sustainable, serviced settlements.

In terms of 'Rural Settlements', Section V2 3.3 acknowledges that these settlements will develop as local centres for their rural catchments with appropriate levels of growth to cater for local demand. Expansion will be controlled to minimise pressure on services and the environment and to counter unsustainable commuting patterns. Each of the 20 no. Rural Settlements is subject to a development strategy which comprises a settlement core, existing built-up area, settlement expansion area and a settlement boundary. The lands within the defined settlement boundaries do not constitute zoned land and the CDP has identified a number of serviced sites in the settlements in order to provide a sustainable alternative to one off housing in the countryside.

The following relevant objectives are indicated for rural settlements:

- V GO 1 Facilitate sustainable population growth in the identified Rural Settlements to cater primarily for local demands. Local demand for rural settlements is defined as persons residing for a period of 5 years within a 10km radius of the site. 'Primarily for local demand' shall be defined as being in excess of 50% of the overall development.

- V GO 2 Generally permit density levels in accordance with indicative levels outlined in Table 2.8 in Volume 1. Proposals shall also conform to the Development Management Standards contained in Volume 1, Chapter 15. Exceptions may be made to development management standards on infill / brownfield sites within village centres or settlement cores where schemes are of exceptional quality and design.
- V GO 3 Develop lands in both the villages and settlements sequentially and generally in accordance with the following:
 - i. Development will be encouraged from the centre outwards with undeveloped lands closest to the centres being given first priority;
 - ii. The development of 'infill' sites and lands with opportunities for brownfield/ regeneration will be encouraged;
 - iii. 'Leap-frogging' will be strongly resisted;
 - iv. Phasing of individual developments may be conditioned as part of a grant of planning permission in villages/ settlements.

As per Map V2-4.16, the appeal site is located on lands identified as 'Existing Settlement'. The following development aims are outlined:

- The existing settlement, which has grown around the settlement core, is mainly residential in nature, but may also include other uses such as employment and recreation.
- Developments that enhance the character and vitality of the existing settlement and do not negatively impact on the existing residential amenity will be encouraged.

Relevant Development Objectives for the 'Existing Settlement' include:

- Any proposals for residential infill should preserve or improve residential amenity, being at an appropriate scale, density and form to the existing residential character of the area.
- Extensions to other existing uses (employment, recreational, etc.) will be considered on a case-by-case basis subject to good design and protection of existing residential amenity.

- All infill development proposals will be subject to a high-quality design response and will not impact negatively on the residential character and residential amenity of the existing settlement. All proposals will be subject to the relevant development management standards set out in Volume 1, Chapter 15.

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are Pollardstown Fen Special Area of Conservation (Site Code: 000396), c. 900m to the south of the site and Mouds Bog Special Area of Conservation (Site Code: 002331) c. 1.5km to the site's east.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of a single infill dwelling within a 'Rural Settlement', 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

A First Party appeal has been prepared and submitted on behalf of the Applicant. The main grounds of appeal made can be summarised as follows:

- It is stated that the proposed house is sited within a large residential plot located on the main public road, which adjoins a National School on one side and a residential site on the other. It is indicated that there is permission for a family home on the lands to the north-west and the proposed dwelling has been designed to reflect the same height of this approved dwelling. It is stated that the Applicant has carefully restored the existing cottage on his lands and has never sought to replace same.
- It is contended that the appeal site is of an adequate size to allow for the development of a new family home, complete with the shared entrance which will also serve the existing cottage and which is currently in use.

- It is stated that the proposed house has been designed with an overall height of 7.7m and is of a scale which is consistent with the pattern of development in the area. It is also noted that the design of the dwelling was modified at additional information stage, through the omission of the two-storey side annex and the simplification of the house design.
- It is noted that the proposed house will be set back from the front boundary wall by 22m and will therefore not dominate the renovated cottage and it is set back behind the building line of the adjoining school.
- The house is proposed to be sited in the foreground of a large established boundary hedgerow and therefore will not break the skyline at this location. In addition, it is proposed to add extensive screen planting to the front and side boundaries as indicated on the submitted site layout plan.
- It is contended that Milltown has a mix of single and two-story houses, with no particular architectural style. It is contended that the proposed dwelling, given its low height, site positioning and screen planting will not detract from the established character of the settlement.
- It is also highlighted that the lands to the rear of the site have been designated under the draft County Development Plan as being suitable for two-storey housing. It is stated that the traditional architectural style of the proposed dwelling can be seen throughout the County and reference is provided to applications that were approved by the Planning Authority and the Board, where a similar design was provided.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 25th October 2022 which confirms its decision and has no further comments or observations to make.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the First Party grounds of appeal, the Planning Report and the consequent reason for refusal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development & Local Need
- Visual Impact, Design & Neighbourhood Character
- Site Access
- Wastewater Treatment
- Appropriate Assessment

7.1. Principle of Development & Local Need

- 7.1.1. As noted within Section 5 of this report, the appeal site is located on lands identified as 'Existing Settlement' within the boundary of the rural settlement of Milltown. The site has a direct (south-east) abuttal with the 'Settlement Core' and currently comprises a single storey cottage which is located within the site's northern corner. I note that planning permission was previously granted to the current Applicant on the appeal site (Ref. 17/404) for the site's subdivision and the construction of a single storey dwelling. With that permission, the Planning Authority included a condition (Condition No. 2) restricting the occupancy of the dwelling to the Applicant, his immediate family or an occupant, who complies with the relevant provisions of local demands criteria. As per Objective V GO 1 of the current CDP (Volume 2), it is policy of the Planning Authority to 'Facilitate sustainable population growth in the identified Rural Settlements to cater primarily for local demands. Local demand for rural settlements is defined as persons residing for a period of 5 years within a 10km radius of the site.' In terms of Applicant's qualification for a dwelling at this location, the Planning Authority confirm within their assessment that the Applicant had not submitted any documentary evidence to demonstrate compliance with the relevant policy of the Plan. However, it was noted that this issue was raised under Ref. 17/404 and the Applicant was deemed compliant. Having reviewed the detail of this application (i.e. Ref. 17/404), it was confirmed within an additional information response that the Applicant had been living in Newbridge for over 20 years. Although

no supporting documentation appears to have been submitted to substantiate this claim, it was accepted by the Planning Authority and permission was granted. From a review of the submitted plans, I note that the Site Layout Plan identifies the existing cottage on the site as the Applicant's sister. However, it is unclear whether the Applicant's sister is the owner of this dwelling and/or whether she is the occupant. Whilst there is a level of ambiguity with respect to the Applicant's current place of residence, I am generally satisfied that his links to this rural settlement as per the specific requirements of Objective V GO 1 of the current CDP (Volume 2) has been demonstrated. In addition, there is policy support for infill development of this nature as per Objective GO 3 of Volume 2 of the current CDP, whereby the Planning Authority will 'particularly support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout (to include high quality permeability connections) being achieved'. I am therefore satisfied that the principle of the proposed development is acceptable at this location and in accordance with the pertinent policy of the County Development Plan for Rural Settlements.

7.2. Visual Impact, Design and Neighbourhood Character

- 7.2.1. As noted, the proposal seeks planning consent for the subdivision of the site and the construction of a double storey dwelling to the side and rear of the existing dwelling. The proposed dwelling has a classical design with a stated floor area of c. 242sq.m. The hipped roof dwelling has a maximum height of c. 7.7m and materials and finishes comprise a plaster finish for the principal elevations with a slate roof. The dwelling is proposed to be set back c. 22m from the existing roadside boundary and will be sited behind the rear building line of the existing single storey cottage to its north-west. A hard surface area is proposed to the front of the dwelling to accommodate in curtilage car parking and a large area of amenity space is proposed to the dwelling's rear. Within their initial assessment of the application, the Planning Authority raised significant concerns with respect to the scale, design and massing of the proposed dwelling and it was considered that the proposal had failed to respond to the established character of the surrounding area. In response to the Planning Authority's concerns, the Applicant modified the dwelling's design through the omission of the double storey annex on its eastern side and a simplification of the fenestration on the front elevation.

Notwithstanding the revisions to the design of the dwelling, the Planning Authority noted that the design, scale and massing of the proposed dwelling was considered to be incompatible and out of character with the existing pattern of development in the area and therefore would not comply with the land use objective for the site as set out in County Development Plan.

7.2.2. Having inspected the appeal site and surrounding area, it is evident that the 'Settlement Core' of Milltown has an identifiable character with a number of Protected Structures, including the Milltown Catholic Church and gates (RPS Ref. No. B18-11) and the Old School/ Graveyard House (RPS Ref. No. B18-22) being located on the opposite side of the R415 to the north-east of the appeal site. I note that Saint Brigid's National School is also included on the National Inventory of Architectural Heritage (NIAH) (Reg. 11901809). There are also a number of other buildings within the centre of the settlement which display a vernacular form and provide a positive contribution to the character of the village. As you travel in a north-westerly direction away from the settlement core, I observed a linear pattern of residential development, and it was evident that buildings are of limited built heritage value or architectural merit. In terms of the 'Development Aims' for the 'Existing Settlement', within which the appeal site is located, 'developments that enhance the character and vitality of the existing settlement and do not negatively impact on the existing residential amenity will be encouraged'. In addition, it is an objective of the Plan that 'any proposals for residential infill should preserve or improve residential amenity, being at an appropriate scale, density and form to the existing residential character of the area. It is also policy that 'all infill development proposals will be subject to a high-quality design response and will not impact negatively on the residential character and residential amenity of the existing settlement.'

7.2.3. The appeal submission contends that the appeal site is of an adequate size to allow for the development of a dwelling of this scale and is an overall height which is consistent with the pattern of development in the area. It is also noted that the proposed house will be set back from the front boundary wall by 22m and would therefore not dominate the renovated cottage and it is set back behind the building line

of the adjoining school. The submission notes that the house is proposed to be sited in the foreground of a large established boundary hedgerow and it is also proposed to add extensive screen planting to the front and side boundaries as indicated on the submitted site layout plan. I note that the proposed dwelling is to be located on a prominent site within the village of Milltown and adjacent to the village's settlement core. Notwithstanding the set back of the dwelling from the roadside boundary, I would share the concerns of the Planning Authority with respect to the design and overall scale of the proposed dwelling. The design and architectural form of the dwelling fails to have regard to and is unsympathetic to the established character of its immediate surrounds. It is also not an appropriate design solution for the proposal to rely on proposed boundary landscaping as a means to screen the dwelling from the public realm and any proposal for the redevelopment of the site should make a positive design contribution which responds to the character of the site and surrounds.

- 7.2.4. I would also have concerns with respect to the visual impact of the proposal and its relationship with the existing single storey cottage on site. Although the dwelling is proposed to be sited behind the rear building line of the cottage, the dwelling will form a visually prominent feature and fails to respond to the existing streetscape context of this relatively intact village core. As per the development aims for the rural settlement, any proposal for the redevelopment of this infill site should enhance the character and vitality of the area. Although the Applicant has referred to precedent cases where developments of a similar nature have been supported, I note that each case must be considered on its own particular merits, and I am not satisfied that the proposal in this instance has had due regard to its receiving context. The proposal is therefore considered to be contrary to Objective GO 3 and the relevant development aims and objectives for 'Rural Settlements' as included within Volume 2 of the Kildare County Development Plan (CDP), 2023-2029. For this reason, I recommend that planning permission be refused for the proposed development.

7.3. Site Access

- 7.3.1. The existing cottage on the appeal site is served by a recessed vehicular entrance which is centrally located within the roadside boundary. The proposal seeks to modify

the existing boundary and provide 2 no. entrances to serve the existing and proposed dwellings. I note that the new entrances are not proposed to be recessed and a pillar separating the 2 no. entrances would align with the existing boundary wall. Within their initial assessment of the application, the Transportation Department of the Planning Authority requested the Applicant to modify the design of the entrances so that they were both recessed and a demonstration that adequate sightlines were achieved in each direction (i.e. 45m.). Although sightlines were included on the revised site layout plan submitted at additional information stage, the Planning Authority noted that the recessed entrances had not been provided as requested. Notwithstanding this, it was noted by the Planning Authority that the Transportation Department had no objection in principle to the proposal subject to compliance with appropriate conditions, which included the requirement to provide recessed entrances. Overall, I am generally satisfied that this element of the proposal is acceptable subject to compliance with the conditions as recommended by the Planning Authority's Transportation Department.

7.4. Wastewater Treatment

- 7.4.1. Assessment of the wastewater treatment element of a house is a standard consideration. I note that Policy Objective HO P27 of the current CDP requires '... all applications to demonstrate, to the satisfaction of the Planning Authority that the proposed development site can accommodate an on-site wastewater treatment system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2021), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period. The proposal originally sought to provide a new wastewater treatment system and percolation area to the rear of the proposed dwelling. However, the Planning Authority's Environment Department requested additional information with respect to the requirement for an updated Site Characterisation Form which has regard to the 2021 EPA Code of Practice. In addition, the Applicant was requested to submit details of the treatment system for the existing dwelling on site. Updated Site Characterisation Forms were submitted at additional information stage, and it was then proposed to decommission the septic tank serving the existing dwelling and provide a new wastewater treatment system and percolation area to its rear. I note that the

existing dwelling on larger landholding is located outside the application red line site boundary and the Applicant would have needed to amend the red line boundary at additional information stage to include these works. It is therefore not possible in this instance to upgrade the existing dwelling's wastewater treatment system as part of the development proposal.

7.4.2. In terms of the proposed dwelling, the site characterisation report notes that the site is in an area with a regionally important aquifer of high vulnerability. The Site Characterisation Form notes that groundwater or bedrock was not encountered in the 2.2m deep trial hole. The soil was top soil in the upper 400mm, gravel boulders between 400m and 1.2m and sand gravel 1.2m and 2.2m. I note that the Site Characterisation Form identifies a Groundwater Response of R1 which is 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)' as per Table E1 of the EPA Code of Practice.

7.4.3. The T test result was 8.56. A P test was also carried out giving a result of 19.11. I consider the results to be generally consistent with the ground conditions observed on site. Section 3.1 of the Site Characterisation Form states the ground condition was firm at the time of inspection. The site comprises a cleared site under grass and an area of hardstanding which was firm underfoot and had no indication of, for example, water ponding, outcrops etc. Section 4.0 (Conclusion of Site Characterisation) of the Site Characterisation form states that the site is suitable for development including a septic tank, secondary treatment system and tertiary treatment system, all of which are discharging to ground water. Section 5.0 (Recommendation) of the Site Characterisation Form recommends that a tertiary treatment system and infiltration area to be installed on site. I note there is a second report on file from the Planning Authority's Environment Department which noted that:

- 'In general, further development within Milltown is deemed to be premature pending the upgrade of the adjacent Millview municipal Wastewater Treatment Plant which, at present, is at greater than full capacity. However, the environment department is satisfied that an interim solution may be acceptable,

at this infill location, in the absence of a specific timeframe for the required upgrade of the Millview WWTP.'

Suitable conditions were recommended by the Environment Department in the event of a grant of planning permission. Having regard to the information on file and having inspected the appeal site, I am generally satisfied that the Applicant's proposals for the disposal and treatment of wastewater for the proposed dwelling are generally acceptable in this instance. Should the Board be minded to grant permission for the proposed development, I would recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent \leq 10 (2021).

7.5. Appropriate Assessment

- 7.5.1. The nearest designated sites are Pollardstown Fen Special Area of Conservation (Site Code: 000396), c. 900m to the south of the site and Mouds Bog Special Area of Conservation (Site Code: 002331) c. 1.5km to the site's east. Having regard to the modest nature, extent and scope of the proposed development and based on best scientific information alongside having regard to the documentation on file which includes a Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The 'Settlement Core' of Milltown has a distinct and intact identifiable character and includes a number of designated Protected Structures which are located within close proximity to the appeal site. Having regard to the 'Existing Settlement' designation of the appeal site and its prominent location adjacent

to Milltown's 'Settlement Core', it is considered that the scale, bulk, massing and design of the proposed dwelling fails to enhance and would have a negative visual impact on the residential character and amenity of the existing settlement. The proposed development therefore fails to accord with Objective GO 3 and the relevant 'Development Aims' and 'Development Objectives' (Table 3.8) for 'Rural Settlements' as included within Volume 2 of the Kildare County Development Plan (CDP), 2023-2029. In this regard, the proposal would be contrary to the proper planning and sustainable development of the area.

Enda Duignan

Planning Inspector

23/03/2023