



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314874-22

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<b>Development</b>	to construct a single storey dwelling, single storey garage, septic tank & percolation area, new bored well, new domestic entrance and all associated site works
<b>Location</b>	Bellmount, Clonmore, Hacketstown, Co. Carlow
<b>Planning Authority</b>	Carlow County Council
<b>Planning Authority Reg. Ref.</b>	21502
<b>Applicant(s)</b>	Samantha Kelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party x 2
<b>Appellant(s)</b>	Robert Keenaghan Sharon Cusack
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> May 2023
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.285 ha is located in the rural townland of Bellmount, Clonmore, Hacketstown, Co.Carlow and is located approx. 1.5 km to the east of the settlement of Clonmore. The site is located between two existing two storey style dwellings to the east and west with detached garages to the rear of each. The site is currently partly under grass and is accessed by means of an existing agricultural entrance. The site is bounded to the front/northern boundary by mature hedgerow and trees, to the side/eastern boundary by mature hedgerow and some trees and to the side/western boundary by a high block boundary wall between the site and the adjoining dwelling with a mixture of timber post and rail fence and hedging to the remaining boundary. The appeal site gently falls on site from front to rear in a north south direction. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1.1. Planning permission was sought on the **16<sup>th</sup> December 2021** for single storey dwelling (109.2sqm), single storey garage (21.6sqm), septic tank and percolation area, new bored well, new domestic entrance and all associated site works. The site will be served by a private well and septic tank. The application was accompanied by a (1) Wastewater Treatment Assessment Report (Site Characterisation Report) that recommended a septic tank and percolation area be installed and a (2) letter of consent from the landowner to make a planning application.
- 2.2. Unsolicited information was submitted on **28<sup>th</sup> January 2022** in response to observations recorded on the planning file summarised as follows:
- Location of proposed well is the best location but applicant happy to move it if a more suitable location is identified.
  - All proposed soakways are to be constructed in accordance with regulations and conditions of permission

- Existing wells are to the front of existing properties with existing septic tanks to the rear. A 40m radius from the proposed septic tank does not reach adjacent properties and is therefore removed from existing wells.
- There is ample space within the proposed site to comply with EPA regulations
- Adjacent septic tanks can be mapped as per their planning applications if required as access to sites not available
- Garage can be moved if required
- Unlikely that proposed single storey dwelling will overshadow observers site
- This a carefully designed 2 no bedroom house. There is no intention to convert the attic space. It is to be a storage area only. The 3 no velux windows are for light only. The percolation system has been over specified as the application does not wish to have percolation issues.
- The site is on family land (late Aunt) close to the applicants' parents.

2.3. Further information was submitted on **11<sup>th</sup> August 2022** summarised as follows:

- Revised site layout plan(s) indicating location of 2 no existing wells and their XY coordinates, neighbouring percolation areas, soakaways and drainage ditch along the southern boundary
- Revised site layout plan indicating the groundwater flow direction which is generally south-east as confirmed in the Hydrogeological report attached
- Visual Assessment
- Existing site levels
- Contiguous elevations and longitudinal site section
- Revised site layout plan indicating the existing features boundaries, walls, railings, trees etc
- Revised layout indicating revised location for the domestic garage
- Landscape plan
- Detailing of the proposed entrance piers and wing walls and surface finishes to the site.

2.4. The further information was accompanied by the following:

- SUDS Calculations
- Updated Site Assessment Report / Assessment
- Hydrogeological Report

2.5. Revised public notices were submitted on **24<sup>th</sup> August 2022**.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Carlow County Council issued a notification of decision to grant permission subject to 14 no conditions summarised as follows:

1.	Compliance with plans and particulars submitted on 16 <sup>th</sup> Decembers 2021 as amended on 11 <sup>th</sup> August 2022
2.	Completed dwelling to be permanently residence of applicant
3.	External finishes
4.	Garage shall be for domestic use only
5.	Attic shall be confined to storage only.
6.	Site entrance and roadside drainage
7.	Landscaping
8.	Underground cabling
9.	Consultation with the CFO
10.	Surface water and wastewater treatment
11.	Development Contribution
12.	Construction management
13.	Noise and dust emissions
14.	Construction work hours

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The **Case Planner** in their first report requested further information as per the report of the Environment Engineer (see below) in relation to location of existing and proposed bore wells and percolation area together with longitudinal sections / cross sections in relation to adjoining houses, boundary treatment details, relocation of garage to the rear of the proposed house and a landscaping scheme.
- **Further information** was requested on 15<sup>th</sup> February 2022.
- **Revised public notices** were requested on 16<sup>th</sup> August 2022.
- The **Case Planner** in their second report and having considered the further information recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Carlow County Council reflects this recommendation.

### 3.2.2. Other Technical Reports

### 3.2.3. Planning Application

- **Chief Fire Officer** – No objection
- **Area Engineer** – Proposal will not affect traffic in the area. No objection subject to conditions relating to roadside drainage, sightlines to be established prior to commencement of work on site, roadside drainage and underground cabling.
- **Water Services** – No impact. No objection
- **Environment Engineer** – In a report dated **5<sup>th</sup> January 2022** the Engineer requested detailed further information in relation to the location of the two existing wells located on either side of the proposed well and separation distances to the proposed percolation area, likely ground flow direction, revised site suitability report, detailed hydrological study and design details/calculations of the proposed soakaways.
- **Environment Engineer** - In a further report dated **27<sup>th</sup> January 2022** the Environment Engineer recommended a grant of planning permission subject to conditions relating to surface water, soakways complying with BRE Digest 365,

wastewater treatment system to comply with the EPAs Code of Practise for Domestic WWTS and submission of a Certificate of Compliance.

### 3.3. Further Information

- **Environment Engineer** – In their report dated **30<sup>th</sup> August 2022** and having considered the further information submitted recommended that permission be granted subject of the following conditions relating to surface water, soakaways, distribution pipes, vents and wastewater treatment.

### 3.4. Prescribed Bodies

- **Irish Water** – Site is not adjacent to IW infrastructure and seeks no new connection. No impact. No objection.

### 3.5. Third Party Observations

- 3.5.1. There are 2 no observations recorded on the planning file from (1) Sharon Cusack and (2) Robert Keenaghan. The issues raised relate to location of well, negative impact on existing water supply, soakways, wastewater treatment, concentration of percolation area at this location, proximity of garage to boundary, overshadowing, landscaping proposals and future attic development.
- 3.5.2. Following the submission of further information there are 2 no further observations from (1) Sharon Cusack and (2) Robert Keenaghan. The issues raised relate to impact to existing adjoining bore wells, concentration of septic tanks in the area, overshadowing report required, future development of the attic and ribbon development.

## 4.0 Planning History

- 4.1. No planning history has been made available with the appeal file. There is no evidence of any previous appeal at this location.



## 5.0 Policy Context

### 5.1. National Policy

### 5.2. National Planning Framework – Project Ireland 2040 (DoHP&LG 2018)

5.2.1. The *National Planning Framework – Project Ireland 2040* (NPF) is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.3. **National Policy Objective 19** refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e., the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

### 5.4. Sustainable Rural Housing Development Guidelines 2005

5.4.1. The *Rural Housing Guidelines* seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might

apply, including ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’.

5.4.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas

5.4.3. **Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)"** – Environmental Protection Agency, 2009 – Sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.5. **Development Plan**

5.5.1. The operative plan for the area is the **Carlow County Development Plan 2022-2028**. I refer to Chapter 3 Housing. Section 3.16 Single Housing in the Countryside (Map 3.2: Rural Housing Policy Zones) identifies the appeal site as being within **Rural Area Type Zone 1 - Rural Areas Under Urban Influence** where the *Council shall consider a single house in the countryside for the permanent occupation of an applicant in Rural Areas Under Urban Influence where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5*. It is stated that compliance with **only one of the Categories must be demonstrated**.

5.5.2. Table 3.5: Rural Housing Policy Zone 1 Categories and Criteria set out the following:

<b>Rural Housing Policy Zone 1 Rural Areas Under Urban Influence</b>	
<b>Category 1 Criteria for Functional Economic Requirement</b>	<b>Category 2 Criteria for Functional Social Requirement</b>
<p>The applicant shall demonstrate with relevant documentary proof, that they have a functional economic requirement to live in this rural area and wish to build a home for their own use. This includes persons who:</p> <p>i) have existing occupational or employment related ties to the rural area, such as those involved in full-time agriculture, horticulture,</p>	<p>The applicant shall demonstrate with relevant documentary proof that they have a functional social requirement to live in this rural area, and wish to build a home for their own use. This includes persons who can demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 consecutive years at any stage prior to the making of the planning</p>

<p>forestry, as well as similar rural-based occupations, and where it can be adequately demonstrated to the satisfaction of the Planning Authority that it is their predominant occupation.</p> <p style="text-align: center;">or</p> <p>ii) can demonstrate their commitment to operate a full-time business from their proposed house in the rural area. The nature, viability, and location of any such business must be dependent on, and intrinsically linked to, the rural area. This must be supported by a business plan prepared by a suitably qualified and competent professional.</p>	<p>application, including returning migrants seeking a permanent home in their local rural area. For the purposes of this policy, 'local rural area' is defined as a site within an 8km radius of where the applicant is living or has lived.</p>
<p>Where an application for a rural house is being made on the basis of Category 1 or Category 2, the applicant shall also demonstrate:</p> <p>a) compliance with all normal siting and design considerations (Refer also to Policy RH P6); and,</p> <p>b) that they do not own or have not been previously granted permission for a single house in the countryside in County Carlow and have not sold this house to an unrelated third party, save in exceptional circumstances</p>	

5.5.3. Policies relevant to the appeal are as follows:

- **Rural Housing Policy Zones and Criteria RH. P1** - *Manage the demand for single houses in the countryside of County Carlow in accordance with the Rural Housing Policy Zones shown on Map Ref. 3.2 and the corresponding criteria listed in Section 3.16.2. Documentary proof of compliance with the criteria listed must be submitted with a planning application.*
- **Occupancy RH. P2** - *Restrict the occupancy of a rural house as a permanent place of residence for a period of 7 years to the applicant/occupant who demonstrate compliance with the rural housing policy criteria.*
- **Speculative Rural Housing RH. P3** - *Not permit speculative rural housing in the countryside, and to restrict rural housing on a landholding where there is a history of the speculative sale of sites, notwithstanding an applicant's compliance with rural housing policy criteria.*

- **Local Exceptional Circumstances RH. P4** - *Recognise that local exceptional circumstances may require a person to live in a particular location. This includes (i) exceptional health needs, where supported by relevant documentation from a registered medical practitioner, or (ii) exceptional personal needs such as the requirement to sell a rural house on foot of a court order (e.g. following a divorce or legal separation), where supported by relevant documentation from a registered legal practitioner.*
  
- **Siting and Design RH. P6** - *Ensure, in addition to the requirement to comply with the rural housing policy criteria, that applicants demonstrate compliance with all normal siting and design requirements. The siting, layout and design of a new rural house shall appropriately integrate with its physical surroundings, including the natural and built heritage of the area, taking account of:*
  - i) *The Rural Housing Design Guidelines in Chapter 13.*
  - ii) *The character, sensitivity and capacity of the County's landscape as detailed in Chapter 9.*
  - iii) *The capacity of the area to absorb further development, taking account of 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.*
  - iv) *The protection and preservation of features in the landscape that contribute to local distinctiveness, attractiveness, and ecology, and which can assist in visually absorbing rural housing into its countryside. These features include hedgerows, trees, sod/stone banks and stone walls, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features and important views and prospects. Recessed development located / set back into the landscape away from the public road may be considered where the siting is appropriate to the rural context and provides for the protection of environmental, visual and residential amenities.*
  - v) *The ability to provide a safe vehicular entrance in accordance with Transport Infrastructure Ireland publications (Refer Section 16.10.7) and without the need to remove an extensive amount of hedgerow or trees to achieve sightlines.*

- vi) *The ability of a site to accommodate an on-site wastewater treatment system in compliance with the EPA Code of compliance with the 2021 EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses p.e. ≤ 10.*
- vii) *The ability of a site to accommodate an appropriate on-site surface water management system in accordance with Carlow County Council SuDS Policy and the ‘SuDS Manual’ CIRIA C753.*
- viii) *The need to comply with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities DoEHLG and OPW (2009).*
- ix) *The need to comply with the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG (2012).*
- **Infill (Gap) Sites RH. P11** - *Give consideration to single housing on infill (gap) sites in a continuous line of existing houses with road frontage, provided the character, scale, layout, design, building line etc. of the existing pattern of development along the road frontage is respected, and subject to compliance with normal siting and design requirements. To qualify as an infill (gap) site it must be adjoined on either side by a fully built and occupied dwelling/residential property.*

## 5.6. Natural Heritage Designations

- 5.6.1. The appeal site is not located in or immediately adjacent to a European Site.

## 5.7. EIA Screening

- 5.7.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 Grounds of Appeal

- 6.1.1. There are 2 no third party appeals that may be summarised as follows:

### 6.1.2. **Robert Keenaghan**

- **Proximity to Western Boundary** - Appellants property is located immediately to the west of the appeal site. Proposed dwelling is less than 5m from the eastern gable of the appellant's house. revised drawings indicate a distance of 2.5m from the gable of the proposed dwelling to the western boundary. Separation distances proposed are inappropriate and will have a negative impact on the appellants rear amenity space by reason of overshadowing.
- **Roof Lights** – Queried by it is necessary install rooflights in a single storey dwelling.
- **Water Supply** – Reference is made to the conclusions set out in the Hydrogeological Report. The GSI groundwater recharge values used in the calculations are maximum values. Noted that the report states that any future negative impact on water supply due to climate events would happen even if the new well was not drilled. Submitted that the new well would further increase the potential negative impact on water supplies in the existing wells in such circumstances. Concern also raised that should the depth of the proposed well extend below the depth of appellants well it will have a detrimental impact on water supply. Concern also raised that drilling for the new well will likely disturb soil resulting in dirt being introduced to water supply and pumping equipment.
- **Traffic Hazard** – Proximity of the proposed vehicular access immediately adjacent to existing vehicular access to the east of the appeal site represents a potential traffic hazard.

### 6.1.3. **Sharon Cusack**

- **Water Supply** - Proximity of proposed dwelling to applicants well (23m) and neighbours well will have an adverse impact on well water levels. Noted that Hydrogeological Report came back inconclusive as to water supply and recharge rates. This is concerning having regard to climate change.

## 6.2. **Applicant Response**

### 6.2.1. None

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

6.3.1. No further comment.

### 6.4. **Observations**

6.4.1. None

### 6.5. **Further Responses**

6.5.1. None

## 7.0 **Assessment**

7.1. This assessment is based on plans submitted to the Planning Authority on the 18<sup>th</sup> December 2021 as amended by unsolicited information submitted on 28<sup>th</sup> January 2022 and further information submitted on the 11<sup>th</sup> August 2022 together with details and particulars submitted to An Bord Pleanála.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Water Supply
- Other Issues
- Appropriate Assessment

### 7.3. **Principle**

The rural settlement policy for Carlow is set out in Chapter 3 (Housing) of the Carlow County Development Plan 2022 – 2028. Section 3.16 Single Housing in the Countryside (Map 3.2: Rural Housing Policy Zones) identifies the appeal site as being within Rural Area Type Zone 1 - Rural Areas Under Urban Influence where a single house in the country side shall be considered for the permanent occupation of an

applicant in Rural Areas Under Urban Influence where compliance with the criteria listed for Category 1 (Economic Need) or Category 2 (Social Need) can be demonstrated as detailed in Table 3.5. It is stated that compliance with only one of the Categories must be demonstrated. Relevant sections of the Development Plan are set out in Section 5.5 above.

- 7.3.1. I note from the appeal file that the owner of the site is the applicant's uncle. The planning application was accompanied by a letter of consent from the owner of the site consenting to his niece applying for planning permission on his lands at Bellmount, Clonmore, Hacketstown, Co. Carlow. It is further stated in the planning file that the applicant wishes to live close to their elderly parent. No other information has been submitted in support of this application and its compliance with the County's Rural Housing Policy's of the current County Development Plan 2022 – 2028.
- 7.3.2. It is noted from the planning file that the application when originally submitted was assessed under the previous County Carlow Development Plan 2015 – 2021 and the criteria for "infill development". While the current County Carlow Development Plan 2022 – 2028 was referenced in the reasons and consideration of the assessment of the further information submitted there is no evidence of any analysis of the applicant's compliance with the County's Rural Housing Policy in the second local authority planning assessment.
- 7.3.3. Having regard to the information submitted in relation to the application and the appeal, to the location of the site in an area under Urban Influence, and to the provisions of Table 3.5 – Rural Housing Policy Zone 1 Categories and Criteria of the Carlow County Development Plan 2022-2028, the applicant has not clearly demonstrated that she fulfils the criteria for One Off Rural Housing. Refusal is recommended.
- 7.3.4. **NOTE:** As documented above the application was submitted under the previous County Carlow Development Plan 2015 – 2021 which has now been superseded by the County Carlow Development Plan 2022 – 2028. Prior to making its decision the Board may wish to invite relevant parties to comment on the updated Rural housing Policies not applicable.



#### **7.4. Residential Amenity**

- 7.4.1. Concern is raised in the appeal with regard to the proximity of the scheme to the shared western boundary and the eastern gable of the adjoining dwelling house.
- 7.4.2. Having regard to the location, orientation, set back and detailed gable design and scale of the proposed dwelling I am satisfied that the proposed scheme would not have such a significant detrimental impact on the residential amenities of the adjoining property that would merit a refusal in this instance.
- 7.4.3. In addition I refer to the to the landscape plan and details submitted. While it will take some time for the scheme to come to fruition I am satisfied that it will negate an potential negative impacts on the appellants residential amenities. It is recommended that a condition be attached requiring that any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.
- 7.4.4. I note the concerns with regard ot the proposed roof lights and their necessity in a single storey dwelling. In line with the approach taken by the planning authority I am satisfied that this matter can be dealt with by means of a suitably worded condition restricting the use of this attic space to storage use only.

#### **7.5. Water Supply**

- 7.5.1. Concern is raised with regard to the proliferation of wells and the adverse impact of the proposed additional well on existing well water levels. Further concern is raised that the Hydrogeological Report came back inconclusive as to water supply and recharge rates and that drilling for the new well will likely disturb soil resulting in dirt being introduced to water supply and pumping equipment. According to the Hydrogeology Report there are generally few wells in the surrounding area, save for the two wells in close proximity to the proposed well.
- 7.5.2. The Carlow County Council Environment Engineers report of 30<sup>th</sup> August 2022 stated that *the applicant has provided a detailed hydrological study indicating that the*

*proposed well will not have a detrimental effect on the existing two neighbouring wells i.e. consulting report July 2022.*

- 7.5.3. I refer to the Hydrogeological Report submitted on 11<sup>th</sup> August 2023. The proposed development includes a dwelling with low water demand supplied by a proposed well in the north of the property. At the site groundwater flow is towards the southeast. The site is underlain by well drained soils, granite till subsoils, and granite bedrock. It has extreme groundwater vulnerability, where a site walkover confirms subsoil depths exceed 2.7mbgl. The site is located in the Ballyglass GWB and is in a locally important aquifer with moderately productive bedrock with recharge of c.200mm/yr. The ZOC for the proposed development is 0.16 ha and will extend to the north of the site. The water balance confirms there is sufficient recharge in this ZOC to support this abstraction with a 50% factor of safety included. There are no other wells included in the proposed well's ZOC.
- 7.5.4. Due to close proximity to neighbouring wells, a ZOC was also calculated for the three wells combined. The ZOC (including a factor of safety) of 0.50 ha extends north of the site. The water balance confirms there is sufficient recharge in this ZOC to support this abstraction with a 50% factor of safety included. The ZOC for all three wells will interact, so there will be interference, but the ZOC will adjust, and there appears to be enough upstream recharge.
- 7.5.5. As stated in the Reports conclusions it is reasonable to assume that there is sufficient water in the aquifer to support the proposed well without negatively effecting neighbouring wells. There may be times of the year in the future, when the aquifer may struggle due to extreme climatic events, but as stated in the report this would impact existing wells, even if the new well was never drilled.
- 7.5.6. Having regard to the information on file together with the report Environment Engineers I am satisfied that subject to appropriate conditions, this development can be adequately served by a well without significant compromise to adjoining wells.

## 7.6. **Traffic Hazard**

- 7.6.1. I note the concerns raised in the appeal that the proximity of the proposed vehicular access immediately adjacent to existing vehicular access to the east of the appeal site represents a potential traffic hazard.

7.6.2. I refer to the report of the Carlow County Council Area Engineer where it is stated that the proposal will not affect traffic in the area. Taken together with my site inspection I am satisfied that the site entrance is adequate to serve the proposed development and that subject to the implementation of the measures outlined in the application together with the conditions as recommended by the Area Engineer that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network.

## 7.7. Other Issues

7.7.1. **Development Contributions** – I refer to the Carlow County Council Development Contribution Scheme 2017 – 2021 (Adopted 13<sup>th</sup> February 2017 Revised on 1<sup>st</sup> January 2023). The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 7.8. Appropriate Assessment

7.8.1. Having regard to the nature and scale of the development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed 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

8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

## 9.0 Reasons and Considerations

- 1) Having regard to the information submitted in relation to the application and the appeal, to the location of the site in an area under Urban Influence, and to the provisions of Table 3.5 – Rural Housing Policy Zone 1 Categories and Criteria of the Carlow County Development Plan 2022-2028, it is considered that the applicant has not clearly demonstrated that she fulfils the criteria for One Off Rural Housing. The proposed development would not, therefore be in accordance with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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**Mary Crowley**

**Senior Planning Inspector**

**30<sup>th</sup> May 2023**