



An
Bord
Pleanála

Inspector's Report

ABP-319781-24

Development

Laying out of new replacement and relocated vehicular access and blocking up existing vehicular access. Permission for new culvert. Removal of an existing culvert. Retention of existing culvert.

Location

Barnacrow, Milltown, Newbridge, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

23965

Applicant

Desmond O Reilly

Type of Application

Permission & Retention

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Desmond O Reilly

Observer(s)

None

Date of Site Inspection

20th August 2024

Inspector

Matthew O Connor

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Barnacrow some 750 metres to the north of the rural village of Milltown and approximately 7km to the northwest of Newbridge, Co. Kildare. The site has an indicated area of 1.66ha and is located on the western side of the R-415, a Regional Road.
- 1.2. The appeal site comprises existing grassed lands subdivided with post and rail fences, a portal framed shed building finished with green metal panels, a hardstanding area and a children's playset. The shed building is set back approximately 150 metres from the road edge and is currently served by a recessed vehicular entrance with hard-surfaced track. The roadside (eastern) boundary of the site along the R-415 is mixed hedgerow with a variety of trees. The embankment of a spur section of the Grand Canal forms the western site boundary. An open drain/watercourse runs through part of the appeal site.
- 1.3. The appeal site is in a rural area with lands predominantly in agricultural use. There are a number of established rural dwellings of various styles and types located further to the east of the site on the L-70062. The topography of the lands is generally flat and is consistent with the immediate surrounding area.

2.0 Proposed Development

- 2.1. The development subject to this appeal comprises:
 - Permission for a new replacement, relocated and recessed vehicular access.
 - Laying of an internal road.
 - Blocking up existing vehicular access,
 - Installation of a soakaway and new culvert.
 - Removal of existing unauthorised culvert.
 - Retention permission is sought to retain an existing culvert.

3.0 Planning Authority Decision

3.1. Decision

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

1. *Policy TM P6 of the Kildare County Development Plan 2023-2029 seeks to maintain and improve the capacity, safety and function of the regional road network and Objective TM 095 of the Plan seeks to restrict new access onto regional roads where the 80km per hour speed limit currently applies, except in exceptional circumstances. The proposed development seeks to construct a replacement/relocated agricultural entrance from the Regional Road R448 at a point where an 80kph speed limit applies. In addition, the road on which the proposed development is located is heavily trafficked, with average speeds exceeding the applicable speed limit, on a downward incline. It is therefore considered that the proposed development would conflict with the provisions of Policy TM P6 and Objective TM 095 of the Kildare County Development Plan 2023-2029, would set an undesirable precedent for similar developments of this nature, would reduce the capacity of the road, would interfere with the safety and free flowing nature of traffic on the road, would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of extra traffic generated and would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report(s)

- The first Planner's Report dated 12/12/2023 had regard to the submitted documentation, locational context of the site, site planning history, policy framework of the Development Plan and inter departmental/referral reports.
- In terms of assessment, the Planning Authority noted the relocated entrance and internal road to access an all-weather exercise area and building along with the traffic impacts of the relocated entrance. The report also considered the retention of a culvert, the removal of a culvert and the proposal of a culvert on the site. The Planning Authority made reference to Enforcement Action on the site and potential Flood Risk.
- Further Information was sought in relation to 3 no. items:

- Details required for proposed entrance in respect of sightlines and mitigation measures for any hedgerow removal;
 - the submission of a Habitats Restoration Plan for the watercourse on site and removal of a culvert; and,
 - addressing existing developments on site against Article 9 of the Planning & Development Regulations 2001 (as amended).
- The second Planner's Report dated 24/04/2024 provides an analysis of the applicant's Further Information response and forms the basis of the decision to refuse permission.
 - Revised Site Layout Plan for the relocated entrance was acknowledged and the recommendation of the Transportation Section to refuse permission noted.
 - Inland Fisheries Ireland (IFI) raised 'no objection' to the Habitats Restoration Plan for the watercourse on site.
 - The Planning Authority noted the response in relation to the unauthorised development and indicated the outcome of the application would determine the status of development on site which is a matter for the Enforcement Section.
 - The Planning Authority deemed the subject development would represent a 'serious traffic hazard' and recommended that permission be refused.

3.2.2. Other Technical Reports

- Area Engineer - The initial report recommended refusal as the entrance related to previous application remains in place and the road is busy with a downhill gradient. The second report maintained its initial recommendation to refuse permission.
- Water Services - No objection, subject to conditions.
- Transportation - The initial report recommended refusal as the development would contravene an objective of the Development Plan; and, would be contrary to the proper planning and sustainable development of the area on account of the site conditions and current traffic levels. The second report maintained its initial recommendation to refuse permission.
- Environment - No objection, subject to conditions.

3.3. Prescribed Bodies

- Uisce Eireann - No response received according to Planning Authority report.
- Inland Fisheries Ireland - No objection, subject to conditions.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. The following planning history is associated with the subject site:

23160 - Permission **REFUSED** for the laying out of a new relocated and recessed vehicular access with the required sightlines, internal road, blocking up existing vehicular access, landscaping and associated works.

The 4 no. refusal reasons are summarised as follows:

1. The proposed entrance is located on a section of Regional Road (R-415) with a speed limit of 80km/h. The submitted drawings suggest that sightlines in a southern direction of 150 metres are not achievable. The opening of the new entrance would therefore endanger public safety by reason of traffic hazard.
2. The subject development is not consistent with Objective TM O95 of the Kildare County Development Plan 2023-2029 which restricts new accesses onto regional roads where the 80km per hour speed limit currently applies except in exceptional circumstances including development of strategic, local, regional or national importance.
3. The Planning Authority is not satisfied that the existing sheds, hardcore area and culverts on site constitute exempt development and so to permit the proposed development would consolidate existing unauthorised development on the landholding.
4. The site is within a Flood Zone and no Site Specific Flood Risk Assessment has been submitted. The Planning Authority is not satisfied that the proposed development is not a flood risk.

4.2. The appeal file indicates that the subject site currently has an active Planning Enforcement file – Ref. UD8088. The enforcement action is stated as being at S.160 (Injunction) stage for the widening of an existing agricultural entrance onto a public

road; construction of agricultural sheds; laying out of hard-surfacing; and construction of 2 no. culverts.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Kildare County Development Plan 2023-2029 is the relevant Development Plan for the subject site.

5.1.2. The following Development Plan chapters and associated policies/objectives are considered to be most relevant in respect of the subject development:

Chapter 5: Sustainable Mobility & Transport

Section 5.5 relates to Roads and Street Network and refers to national guidance documents which seek to implement a range of design measures that ensure roads and streets are designed and managed to cater for all road users.

Section 5.7 relates to Regional Roads. The Development Plan notes that these roads are generally unimproved legacy roads and a significant number carry considerable traffic volumes. The following policies/objectives are of note:

TM P6 Maintain and improve the capacity, safety and function of the regional road network (as finance becomes available) and to ensure that it is planned for and managed to enable the sustainable economic development of the county and wider area while encouraging a shift towards more sustainable travel and transport in accordance with the Core Strategy, the Spatial Planning and National Roads Guidelines (2012) and the Draft Transport Strategy for the Greater Dublin Area 2022-2042

TM O95 Restrict new access onto regional roads where the 80km per hour speed limit currently applies, except in the following exceptional circumstances:

- Developments of strategic, local, regional or national importance, where there is a significant gain to the county through employment creation or other economic benefit.*
- Where applicants comply with Schedule of Local Need Criteria (see Chapter 3), are proposing to build a home on their family landholding and cannot provide access onto a nearby county road. In this instance,*

applicants will only be permitted to maximise the potential of existing entrances. The onus will be on the applicant(s) to demonstrate that there are no other accesses or suitable sites within the family landholding.

- Where it is proposed to demolish an existing dwelling and replace with a new dwelling, where there is an existing entrance onto the regional road.*

Chapter 6: Infrastructure & Environmental Services

This chapter essentially relates to Water, Surface Water and Flooding. The following summarised policies and objectives are considered to be relevant:

- IN P5 The incorporation of Flood Risk Management and National Flood Risk Policy for County Kildare.
- IN O33 To manage flood risk in the county in accordance with the requirements of relevant guidelines, when preparing plans, programmes, and assessing development proposals.
- IN O35 Require To prepare a Flood Risk Assessment development proposals which may affect canals and their associated infrastructure.
- IN O56 Protect water quality from pollution by agricultural sources and to promote the use of good farming practices.
- IN O57 Have regard to the impact on the quality of surface waters and targets/measures set out in the River Basin Management Plan or other local or regional plans.
- IN O58 Require site specific assessments on proposals which may have an impact on water quality.

Chapter 12: Biodiversity & Green Infrastructure

This chapter relates to protecting and managing the County's biodiversity, promoting Green Infrastructure and improving Climate Resilience. The following summarised policies and objectives are considered to be relevant for the subject development:

- BI P4 Ensure any new development proposal does not have a significant adverse impact, incapable of satisfactory mitigation on plant, animal or bird species which are protected by law.

BI O26 Prevent removal of hedgerows to facilitate development. Where removal is unavoidable it must be satisfactorily demonstrated to the Planning Authority. In any event, removal shall be kept to an absolute minimum.

BI O27 Require the retention and appropriate management of hedgerows...in order to ensure an uninterrupted green infrastructure network.

Chapter 15: Development Management Standards

The chapter sets out the specific measures to ensure new development is of high quality and relates to the character, scale, layout, and form of the area.

Section 15.2.6 relates to 'Access to Land'.

Section 15.7.5 relates to 'Stopping Distances and Sightlines'.

Section 15.7.6 relates to 'Access Requirements'.

Section 15.8 relates to 'Surface Water'.

Section 15.9.8 relates to 'Agricultural Developments'.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. The nearest designated sites are the Pollardstown Fen Special Area of Conservation (Site Code: 000396) which is located approximately 1.46km to the south and the Mouds Bog Special Area of Conservation (Site Code: 002331) which is located approximately 1.5km to the east of the site. Both sites are also indicated as proposed Natural Heritage Areas. Part of the application site is located within the Grand Canal pNHA (Code: 002104) with the canal running to the west of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the subject development, which is for the re-location of a vehicular entrance, an internal road, a culvert and the retention of a culvert on agricultural lands in a rural area, there is no real likelihood of significant effects on the environment arising from the subject development. The need for Environment Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The first party appeal was lodged on behalf of the applicant, Desmond O Reilly against the decision of the Planning Authority to refuse permission. The grounds of appeal can be summarised as follows:

- The application has sought to overcome the previous refusal reasons set out under Reg. Ref. 23160.
- The development constitutes an 'exceptional circumstance' which complies with the objectives/policies of the Development Plan as lands are for agricultural purposes which benefit the local economy.
- Appropriate sightlines of 166 metres in both directions have been demonstrated in both directions from the proposed relocated entrance which are sufficient for road designation.
- There are no provisions in the Development Plan or National Guidance prohibiting the relocation of existing entrances or new accesses onto Regional Roads.
- The Planning Authority have changed the 'goal posts' in assessing the relocated entrance from the previous application and no opportunity was afforded to address Planning Authority's concern regarding the downhill gradient as referenced in the refusal reason.
- The Planning Authority did not consider the application on its own merits or in a fair and balanced manner. Bias was not avoided in the assessment of the application.
- The Planning Authority are selective on how they treat different applications for vehicular access within their functional area.

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority has been received on file and states that *'the Planning Authority confirms its decision and asks that you please refer to the Planning Reports, internal department reports and prescribed bodies reports in relation to the assessment of this planning application'*.

6.3. Observations

6.3.1. There are no observations.

7.0 Assessment

7.1. Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the first party in their grounds of appeal. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Planning History
- Compliance with Objective TM O95 and Policy TM P6 of Development Plan
- Road and Traffic Safety
- Procedural Considerations
- Appropriate Assessment (Screening)

7.2. Planning History

7.2.1. The Board should note that the only available planning history relating to this site relates to a previous application (Reg. Ref. 23160). This application is similar to the current application insofar as it related to a new relocated vehicular access, provision of internal road and the blocking up of existing vehicular access. The application was refused permission by the Planning Authority for 4 no. reasons relating to creation of a traffic hazard; contravention of Development Plan with respect to restricting new accesses onto regional roads; permission would consolidate existing unauthorised development on the landholding; and, the Planning Authority were not satisfied the development would not result flood risk.

7.2.2. In response to this refusal, the appellant has submitted the current proposal which has re-sited the proposed replacement entrance further north of the initially proposed entrance to address the concerns of refusal reasons 1 and 2. A Stage 1 Flood Risk Assessment has been carried out for the development along with associated mitigation measures to address refusal reason 3.

7.2.3. The appeal file makes reference to Enforcement Action taken by the Planning Authority regarding the widening of an agricultural entrance, the construction of agricultural sheds, laying out of hard surfacing and construction of culverts. The

appellant has indicated that no further unauthorised development would be carried out on the site and is seeking to regularise development.

7.2.4. Having reviewed the plans and particulars on the appeal file, I note that works proposed as part of this application relate to a proposed relocated entrance, the blocking up of the existing entrance, new internal road, soakaways and retention and permission of culverts. The existing shed structure and associated hardstanding area has not been included as part of the development but are within the red line application site boundary. The subject development would therefore facilitate an alternative access to serve the lands. The appellant claims that this shed structure is exempted development and has indicated that the subject development, as proposed in the statutory development description, must be assessed on its own merits having regard to relevant planning considerations and planning policy.

7.2.5. On this particular matter, I note that such issues of apparent unauthorised development regarding the entrance and shed are a matter for the Planning Authority and is outside of the remit of the Board for consideration in this appeal.

7.3. Compliance with Objective TM O95 and Policy TM P6 of Development Plan

7.3.1. Permission was refused for a single reason relating to traffic and road safety considerations. It is the view of the Planning Authority that the development would contravene Policy TM P6 of the Development Plan which seeks to maintain and improve the capacity, safety and function of the regional road network; and, Objective TM O95 of the Development Plan which seeks to restrict new access onto regional roads where the 80km per hour speed limit applies.

7.3.2. The appellant contends that Objective TM O95 of the Kildare County Development Plan 2023-2029 is not applicable to the subject development. It is the appellant's view that this objective relates only to the provision of new accesses onto regional roads and as the subject development is for a replacement entrance non-compliance with this objective does not arise as a singular entrance would remain. The appellant also considers that the Development Plan has no specific policy/objective regarding the relocation of a vehicular access and the closing up of an existing access onto Regional Roads and that TII Document DN-GEO-03060 does not prohibit new vehicular accesses onto Regional Roads.

7.3.3. I consider that the proposed entrance constitutes a "new" entrance irrespective of this access being claimed as a replacement or relocated entrance and must be considered

against all the relevant Development Plan provisions for entrances. Furthermore, I consider that there is no specified objective for relocating/closing up accesses onto Regional Roads as the existing objective sufficiently covers all new accesses.

7.3.4. Objective TM O95 restricts new access onto Regional Roads where the 80km per hour speed limit applies, except in exceptional circumstances. I consider that the only exceptional circumstance applicable in the subject proposal is that which relates to a development of 'strategic, local, regional or national importance and where there is a significant gain to the county through employment creation or other economic benefit'. I do not consider the other listed circumstances as relevant as they relate to residential development.

7.3.5. The report of Roads, Transportation and Public Safety Department of Kildare County Council recommended a refusal of permission as it was considered that the proposed development does not represent 'exceptional circumstances' to comply with Objective TM O95 of the Development Plan. However, according to the appellant, the current use of the land is for agricultural purposes which makes a financial contribution to the local economy. It is claimed in the appeal that the use of the subject lands requires payments for bales, feed, vets, blacksmiths and associated land maintenance. It is also the view of the appellant that should permission be granted, land use will expand and the financial outlay would increase along with the employment of an individual to carry out maintenance and tend the animals on site. The appellant therefore considers that the subject development represents an exceptional circumstance which accords with the Objective TM O95 of the Kildare County Development Plan 2023-2029.

7.3.6. Having reviewed the subject lands and contents of the appeal file, I am not satisfied that the appellant has satisfactorily demonstrated that the subject development represents an 'exceptional circumstance' that complies with Objective TM O95 of the Kildare County Development Plan 2023-2029. I note that no evidential documentation has been submitted which corroborates the agricultural use of the lands. The subject development seeks to provide a relocated access to a limited landholding of grassland and the entrance is also required to serve a shed structure (the status and use of which has not been fully detailed or verified and is not part of this application). In my opinion, it has not been demonstrated as to the importance of the development and its gain to County Kildare. In the absence of evidential records/information detailing how the subject proposal constitutes a development of strategic, local, regional or national

importance or how the development would represent a significant gain to County Kildare through employment creation or any other economic benefit, I conclude that the proposed development fails to accord with objective TM O95 of the Kildare County Development Plan 2023-2029. Permission should therefore be refused.

7.3.7. The reason for refusal also references Policy TM P6 of the Kildare County Development Plan 2023-2029 which essentially seeks to maintain and improve the capacity, safety and function of the regional road network. I would note that this particular policy is quite broad but that compliance with this policy would support the basis for refusal under objective TM O95. Moreover, the road/traffic safety element relating to the development shall be covered in the following section.

7.4 Road and Traffic Safety

7.4.1 The Roads, Transportation and Public Safety Department of Kildare County Council recommended a refusal as it was considered that the proposed entrance represents a serious traffic hazard for road users on the R-415 which is heavily trafficked with average speeds greater than the speed limit with a downhill gradient that appears to encourage speeding of traffic. The report contains details of a traffic survey conducted by the Planning Authority which suggests that the average speed of this section of road is 86kph where the speed limit is 80kph.

7.4.2 The appellant considers that the demonstration of sightlines of 166 metres in both directions from the proposed relocated entrance is sufficient for the subject development; that the new relocated entrance will replace an existing unsafe vehicular access to the lands and should be supported; that the Planning Authority was biased in the assessment; and, that the Roads Department are inconsistent and selective in the assessment of entrances.

7.4.3 In considering the proposed development, I conducted a site inspection on the 20/08/2024 between 12.20hrs and 12.45hrs. I observed the location of the existing entrance in close proximity to a bend to the south towards Milltown and noted the road has a solid centreline. At the location of the proposed entrance, the road has a generally straight alignment in both directions with a dashed centreline. I observed that the road rises at a gentle gradient along its length northwards from the proposed access point. The portion of the road to the south of the proposed relocated entrance towards the bend at the extent of the appellants landholding flattens out and is somewhat level. The road level is slightly elevated above the field level. I am satisfied

from my site experiences that this section of road is generally busy and that vehicles appear to travel in excess of the 80kmph speed limit. In my view, there is a sufficient traffic safety reason for restricting entrances onto Regional Roads as per the policy provision of the Development Plan.

7.4.4 It is my view that the Roads, Transportation and Public Safety Department had particular regard to the merits of this proposal and specifically referred to the downhill gradient in the initial report whilst recommending refusal at that stage when the appellant demonstrated substandard sightlines of 150 metres. The Planning Authority presented then appellant with an opportunity to address the entrance shortcomings by requesting Further Information.

7.4.5 I acknowledge the appellant has demonstrated sightlines of 166 metres in both directions from the proposed relocated entrance. In considering TII Document DN-GEO-03060 (Geometric Design of Junctions), the desirable “x” distance is 3 metres and the recommended “y” distance is 160 metres for sightlines of a vehicular access. Therefore, the proposal would exceed the technical guidance for the subject 80kph speed limit road – in normal circumstances. However, I consider that the Planning Authority was justified in applying a greater visibility measurement based on the road conditions identified at the subject site. Additionally, having regard to section 15.7.5 (Stopping Distances and Sightlines) of the Development Plan, I note that sightline requirements are determined on a case-by-case basis with factors including the type, speed limit and condition of the road taken into consideration.

7.4.6 I am satisfied the Planning Authority did not change the parameters of their assessment as it appears that the appellant only had regard to the requirements of sightlines but not impacts from gradients in their Response to Further Information. Moreover, I note the decision to refuse was not made exclusively on the issue of downhill gradient as a new consideration and that the Roads, Transportation and Public Safety Department of Kildare County Council were always consistent in recommending that permission be refused.

7.4.7 I would have significant concern as to the adequacy of the relocated entrance to accommodate agricultural vehicles/machinery entering and exiting the site safely. The proposed entrance has an indicated splayed width of approximately 9.7 metres tapering down to a gate width of 4.5 metres recessed 5.6 metres from the road edge. I do not consider the recess is sufficient to accommodate agricultural

vehicles/machinery, such as a jeep with horse box/trailer or a tractor with attachment, to pull in fully off the road prior to opening/negotiating the gateway. As such, I am not satisfied that the proposed relocated entrance would assure road safety and does not have the potential to create a traffic hazard.

7.4.8 I do not consider it reasonable to approve permission for a new entrance on the basis that it replaces a current unsafe entrance. I note that the subject lands were served by an established entrance to grassland which was subsequently modified by the appellant to facilitate the carrying out of development on the lands. These works have included the erection of a shed, hardstanding area, internal road and installation of culverts. It is my opinion that these items of development have, in effect, resulted in an intensified use of the lands from their pre-existing condition as grass fields. I do not consider this application merely represents 'the replacement of an unsafe vehicular access with a safe access' as claimed by the appellant. The proposed relocated entrance is sought to serve the shed unit and associated development of the landholding yet the planning status of same remains unclear and the nature of intensification has not been demonstrated. I therefore consider that the development, despite representing an improvement on the existing entrance, could potentially create an unacceptable traffic hazard risk due to additional and conflicting traffic movements which could endanger public safety.

7.4.9 As a further point of consideration, I note that the appellant has included an Appeal Addendum which includes a number of planning applications and outlines the Planning Authority's consideration of access/sightlines. I do not consider it practical or reasonable to have regard to other applications as I am satisfied that this application has been determined on its own merits and with respect to site specific concerns such as sightlines, speed limits, entrance design and other associated factors.

7.4.10 In conclusion, I would have significant concern with the provision of a new relocated vehicular entrance from the R-415 to serve the subject lands. It is my considered opinion that such an entrance would not be compatible with an overall assured improvement in road safety and so would be objectionable in principle. I am also of the view that the relocated entrance has the potential for creating a serious traffic hazard at this location given the nature of traffic speeds in this area. I recommend that permission should be refused.

7.5 Procedural Considerations

7.5.1. As noted, permission was refused permission for a single reason relating to traffic considerations and I consider that the relocated vehicular entrance constitutes the primary element of the development which has been assessed in isolation from the other parts of the subject development.

7.5.2. Nonetheless, I am cognisant that once a planning decision is appealed, apart from a condition(s) or contribution(s) attached to a planning permission, the Board is obliged to assess the entire development.

7.5.3. The other elements of the subject development can be summarised as follows:

- Permission for the installation of soakaways on the site. The works include a Stormcell Soakaway which will take overflow from the shed (which has not included as part of subject development).
- Permission for a new culvert to be constructed across the drain/watercourse at the northeastern corner of the appeal site. The culvert will serve the proposed internal roadway from the proposed relocated vehicular entrance.
- Removal of an existing culvert traversing the drain/watercourse on in the northern extent of the appeal site. This culvert appears to have been installed on the lands in recent years and consists of concrete drainage pipes within the channel of the watercourse and backfilled with hardcore and aggregate material.
- Retention permission for an existing culvert traversing the drain/watercourse at the northwestern corner of the appeal site. This culvert is of similar composition to the other existing culvert and appears to have been constructed around the same time.

7.5.4 I have assessed the above elements of the subject development, and I am satisfied that they raise no fundamental issues which would merit refusal in their own instance. The proposed culvert and the culvert to be retained represent relatively minor works on a channel that has been previously adapted in the past and the proposed restoration plan would be appropriate for the site. I recommend that should the development be permitted that these items be appropriately conditioned.

8.0 Appropriate Assessment (Screening)

- 8.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The subject development is located in a rural area approximately 1.46km from the Pollardstown Fen Special Area of Conservation (Site Code: 000396) and approximately 1.5km from the Mouds Bog Special Area of Conservation (Site Code: 002331) which are nearest European Sites respectively. The subject development comprises the relocation of a n entrance, the blocking-up of an entrance and the removal and installation of culverts.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 8.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission be refused.

10.0 Reasons and Considerations

- 10.1. It is considered that the subject development would endanger public safety by reason of traffic hazard because the site is located alongside the Regional Road [R-415] at a point where a speed limit of 80 kmph applies and it is considered that the proposed relocated entrance would result in the intensification of use of access to the lands, and create additional and conflicting traffic movements which would interfere with the

safety and free flow of traffic on the public road. The proposed development would also contravene Objective TM O95 of the Kildare County Development Plan 2023-2029 which seeks to restrict new access onto regional roads where the speed limit of 80 kmph applies; and, Policy TM P6 which seeks to maintain and improve the capacity, safety and function of the regional road network. The subject development would, therefore, be contrary to 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.

Matthew O Connor
Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319781-24		
Proposed Development Summary	Laying out of new replacement, and relocated vehicular access and blocking up existing vehicular access. Permission for new culvert. Removal of an existing culvert. Retention of existing culvert.		
Development Address	Barnacrow, Milltown, Newbridge, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____