



An  
Bord  
Pleanála

## Inspector's Report

**ABP 320642-24**

<b>Development</b>	Dwelling house, domestic garage, onsite wastewater treatment system, recessed entrance and all associated development.
<b>Location</b>	Ladycastle Upper Straffan. Co Kidare.
<b>Planning Authority</b>	Kildare Co. Council.
<b>Planning Authority Reg. Ref.</b>	2460194.
<b>Applicant(s)</b>	Deirdre Harrington.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mark & Jen Callaghan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	October 23 <sup>rd</sup> , 2024.
<b>Inspector</b>	Breda Gannon.

## **1.0 Site Location and Description**

- 1.1. The site is located in the townland of Ladycastle Upper, Straffan. Co. Kildare. It is positioned c 2km south of Straffan and c 3km east of Clane. It is accessed by a narrow cul de sac that provides access to a number of dwellings and farm holdings in the area and terminates a short distance to the west of the site. The site which has a stated area of 0.69 ha is part of a larger agricultural holding, which at the time of inspection was used for grazing sheep.
- 1.2. The site is bounded to the north (roadside) by a dense hedgerow, part of which has been back planted with leylandii trees. The western and eastern boundaries are bounded by hedgerows/trees and the southern boundary remains undefined. There is an existing agricultural access to the land at the western end of the site frontage and a former access further to the east.
- 1.3. The area is rural in character and the predominant land use is agriculture. There is an existing poultry farm to the north of the site. Residential development is in the form of ribbon development along the local road network which includes single houses to the east and west of the site.

## **2.0 Proposed Development**

- 2.1. The proposal as described in the public notices is to construct a storey and a half dwelling (259 m<sup>2</sup>) with single storey elements on the site. The house would be recessed from the site frontage by a distance of 25m. The external walls would have a nap render finish with a natural stone finish to selected elevations. The roof covering would be natural slate with a zinc raised seam roof over the front door and the kitchen area to the rear.
- 2.2. Foul effluent from the house would be treated in an on-site wastewater treatment system and soil polishing filter located towards the front of the house. The water supply would be from a bored well.

## **3.0 Further Information**

- 3.1. Further information on the application was requested on the following matters:

- Compliance with rural housing requirements.
- Proposals to provide safe vehicular access to the site and required lines of sight.
- Amended house design with reduced scale and appropriately sited to reduce impacts on the landscape.
- Detailed landscaping plan.
- Proposals for surface water collection and disposal within the site.

3.2. The response of July 1<sup>st</sup>, 2024, which was to the satisfaction of the planning authority included the following:

- farming related documentation stated to confirm that applicant is engaged in farming on a daily basis.
- revised site layout plan indicating the required 80m line of sight as requested. It was noted that the proposed new entrance would replace an existing field entrance gate in this location.
- revised house plans and elevations indicating a new proposed ridge height of 7.06m.
- landscaping plans.
- revised site layout showing proposed road gullies located at the new entrance which are to be connected to a soakpit located within the site

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority decided to grant permission for the development subject to 27 no. conditions, which includes the following conditions of note:

**Condition No 2:** Controls use of the dwelling as a single housing unit. Garage to be used for domestic purposes only.

**Condition No 3:** Occupancy clause.

**Condition No 4:** One dwelling unit only shall be developed on the site.

**Condition No 5:** Existing hedgerow at the access shall be retained except where removal is required to provide sightlines. Landscaping to be carried out in accordance with the landscaping plan submitted.

**Condition No 6:** No surface water runoff from the site shall be discharged onto the public road or adjoining property.

**Condition No 7:** Lines of sight of 80m to be provided at the site entrance.

**Condition No 9:** Existing land and roadside drainage shall not be impaired by the development and the existing entrance shall be designed and constructed to ensure the uninterrupted flow of existing roadside drainage.

**Condition No 26:** External finishes shall be as outlined on drawing no. HD-24-P-04 received on 01/07/24.

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

The planning officers report of 23<sup>rd</sup> July 2024, following the receipt of further information noted the following:

- Additional information to substantiate the applicant's status as a farmer was submitted and considered to be satisfactory.
- The proposal requires the removal of extensive tracks of hedgerow to achieve sightlines. A comprehensive landscaping plan has been submitted to mitigate this impact. It is tailored to the requirements of the site particularly at the access. Subject to conditions there is no objection, as confirmed by the Roads and Transport Section.
- Amended drawings were submitted reducing the ridge height to just over 7m. The reconstituted stone has been removed, however, annotations referring to it remain which can be addressed by condition.
- A revised site layout plan has been submitted and has been assessed by the Roads and Transport Section.
- No outstanding issues remain and the proposal is considered to comply with the provisions of the development plan.

#### 4.2.2. Other Technical Reports

**Transport, Mobility and Open Spaces Department** in their report of July 23<sup>rd</sup>, 2024 following receipt of further information raised no objection to the development subject to conditions.

**Environment Section** in their report of March 12<sup>th</sup>, 2024, raised no objection to the development subject to conditions.

**Water Services** in their report of March 3<sup>rd</sup>, 2024, raised no objection to the development subject to conditions.

**Naas Municipal District Report** of July 23<sup>rd</sup>, 2024, following receipt of further information raised no objection to the development subject to conditions.

#### 4.3. Prescribed Bodies

**Uisce Eireann:** No objection subject to conditions.

**E.H.O:** Requested that the trial hole be reopened to facilitate an assessment. It also considered that further clarification was required regarding the location of wells on neighbouring property within 50m of the site.

#### 4.4. Third Party Observations

An observation was submitted by Mark and Jen Callaghen that raised similar issues to those raised in the appeal.

### 5.0 Planning History

No details of any relevant planning history have been submitted by the planning authority.

### 6.0 Policy Context

#### 6.1. Development Plan

The operative development plan is the **Kildare County Development Plan 2023-2029**.

**Section 3.13: Sustainable Rural Housing** acknowledges the potential for rural settlements but also a continuing need for housing for people who live and work in the countryside. The site is located within an 'Area under Strong Urban Influence' (Zone 1). In these areas it is an objective of the Council to facilitate the provision of single housing in the countryside based on the core considerations of:

- demonstrable 'economic or social' need to live in a rural area and build their home, and
- siting, environmental and design criteria for rural housing in statutory guidelines and plans having regard to the viability of smaller towns and the provision and availability of serviced sites in these areas.

The definition of Economic and Social Need is set out in Table 3.4 of the Plan.

**Section 3.13.4 Siting and Design** requires that all new dwellings respond sensitively and appropriately to the characteristics of the receiving environment.

**Policy HO P26:** Sensitively consider the capacity of the receiving environment to absorb further development ...and to facilitate where possible those with a demonstrable social or economic need to reside in the area. Applicants will be required to demonstrate to the satisfaction of the planning authority that no significant negative environmental effects will occur as a result of the development.

**Objective HO O51:** Requires all applications to demonstrate the ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees.

**Objective BI O26:** Prevent, in the first instance, the removal of hedgerows to facilitate development. Where their removal is unavoidable, this must be clearly and satisfactorily demonstrated to the Planning Authority and kept to an absolute minimum. There shall be a requirement for mitigation planting comprising a hedge of similar length and species composition.

The site is located within the **Northern Lowlands Landscape Character Area** (Map Ref: VI-13.1), with a 'Low Sensitivity' rating. These are described as areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. There are no scenic routes/viewpoints identified in the area proximate to the site.

**Appendix 4** of the plan contains the Rural House Design Guide.

## 6.2. **National Planning Framework**

**National Policy Objective 15:** Seeks to support the sustainable development of rural areas and to manage the growth of areas under urban influence to avoid over-development.

**Policy Objective 19:** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence within the commuter catchment of cities and larger 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.
- *In rural areas elsewhere, 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 small towns and rural settlements.*

## 6.3. **Natural Heritage Designations**

There are no designated sites proximate to the site.

## 6.4. **EIA Screening**

- 6.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The following summarises the grounds of appeal:

- The appellants reside in an existing dwelling house opposite and directly north of the site and will be materially affected by the development if permitted, particularly as a result of flooding arising from the development.
- The appellants concerns relate to the lack of information regarding proposed roadside drainage improvements and the impact of possible additional road flooding arising from the development of the land.
- The appellants content that flooding has previously arisen on many occasions as a result of alteration of and interference with existing roadside drainage by the applicant and her family over the past number of years.
- The flooding that has occurred has and continues to have a direct impact on appellants property and on occasion prevents access to their property. Photographs of historic flooding are included in Appendix B.
- To date no adequate or successful remedies have been implemented either by the local authority or the landowners.
- The planning authority has failed to adequately address this matter in the assessment of the application.
- Requests that the Board refuse permission for the development due to insufficient information and the absence of engineered and calculated solutions to roadside drainage.
- The applicant proposes to locate their effluent treatment system and soil polishing filter to the front of the site and 4.0m from the boundary. There is a local drainage network to the front of the site which is not shown on the submitted drawings.
- The effluent treatment system would be located too close to the drain and would not satisfy the EPA guidelines. Combined with the flooding risk this poses a major health and environmental risk.



## 7.2. Applicant Response

- There is a distance of 162m from the proposed development to appellants dwelling.
- Access to the proposed development is via an existing field entrance which will be modified to comply with required standards. It will be fitted with road gullies which will drain the areas directly adjacent to the entrance. The gullies will be connected into a soakpit within the site in accordance with normal practice.
- The boundaries of the applicant's property outlined on OSI folio maps do not encompass the roadway referred to by the appellant.
- Historical maps available on Taille Eireann have been digitized from 1995-2018 and there are no digital images of any dykes, ditches, trenches, swales or streams at, in or around the proposed development site. The OSI maps do not show any culverts or watercourses at the roadside of the proposed development site.
- No land drainage works have been required or completed by the applicant at or around the proposed development site.
- The proposed development is greater than 25m from the public road with a soakpit planned for rainwater and surface runoff as detailed on the submitted planning application and permitted by Kildare Co. Council.
- The applicants land slopes from northwest to southeast. Due to the natural slope of the lands to the southeast, it is inconceivable that water runoff would flow uphill and westwards towards appellants property.
- A site suitability test was carried out by a qualified person and submitted with the planning application. The effluent treatments system proposed was considered appropriate for the subject site.
- The effluent treatment system would be located 4m from the roadway and not adjacent to any watercourse or neighbouring dwellings. The system will be placed underground and securely covered to prevent the ingress of surface water and maintain operational safety.

- It would appear that the appellants' have an issue with flooding outside their property which should be discussed and hopefully resolved with Kildare Co. Council. The applicant should not be held responsible for flooding which occurs over 162m from her site.

### **7.3. Planning Authority Response**

The response from Kildare Co. Council states that Water Services were consulted and that subject to the recommended conditions being complied with, i.e. that drainage is dealt with on site, the proposal is compliant with the provisions of the Kildare County Development Plan 2023-2029.

### **7.4. Observations**

None.

## **8.0 Assessment**

### **8.1. Introduction**

The substantive issue raised in this appeal relates to flooding and drainage. For the information of the Board, I have also considered other matters which are relevant in terms of the proposed development and good planning practice.

I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:

- Flooding and drainage.
- Rural housing policy.
- Effluent treatment.
- Impacts on the visual and residential amenities of the area.
- Access and road safety.
- Appropriate Assessment.

## **8.2. Flooding and drainage**

- 8.2.1. The official national publicly available database (Floodinfo.ie) does not indicate that the area is subject to fluvial flooding from any river or stream in the vicinity. There is no record on the database of any past or recurring events in the locality. I also note that there is no reference to flooding in any of the technical reports of the planning authority.
- 8.2.2. The appellants have submitted photographs of flooding in the vicinity of the site. They do not provide any information on the date or duration of the flood event or provide context for the submitted photographs. However, following my inspection of the site and its surrounds, I accept that the photographs show ponding along the roadside at the front of the appeal site, with more significant flooding along the roadway at the front of appellants' house, adjacent residential properties and agricultural land. The appellants' house is located to the northwest and is not opposite the site as contended.
- 8.2.3. The appellants suggest that the flooding that occurred is a result of appellants activities including the impedance of roadside drainage. Due to the dense vegetation at the front of the appeal site, I was unable to verify the presence or otherwise of a drain/watercourse. In the event of a significant rainfall event, it is possible that flows could have been impeded for a variety of reasons. The problem would have been more severe adjacent to appellants property and adjoining dwellings due to the gradient of the road which is down gradient of the appeal site.
- 8.2.4. The applicant's response to the appeal states that there are no watercourses or culverts at the roadside boundary. To address the matters raised in the further information request, the applicant indicated proposals to install road gullies at the site entrance which would be connected to a soakpit within the site. While this solution was considered acceptable by the planning authority, having regard to the flood event documented in the appeal, I consider that the appellants' arguments are not unreasonable regarding the lack of information submitted. I accept that details regarding the design, size, capacity and installation of the proposed soakpit, supported by design calculations prepared by a suitably qualified person should have been submitted, to ensure that the system would be capable of accommodating surface water generated on the site.

8.2.5. In conclusion, I would note that it is not possible to conclude that the flooding event recorded on the roadway in this location was caused by applicant's activities, or, that the construction of a house on the site would contribute to or exacerbate flooding that may arise during a significant rainfall event. However, given the apparent vulnerability of the area, I consider the application is deficient in terms of the lack of more detailed information on the design and capacity of the surface water disposal system.

### 8.3. Rural Housing Policy

8.3.1. The site is located within an 'Area under Strong Urban Influence' (Zone 1) as set out in the development plan. In order to qualify for consideration for a house in these areas an applicant must demonstrate that they have a demonstrable 'economic or social' need to live in the rural area. The applicant states that she grew up in the family home and currently resides in the parental home adjacent to the site. She wishes to build on family lands which were transferred into her ownership in 2008.

8.3.2. The applicant is seeking to build a house in this location on the basis of 'economic need'. No case has been made for consideration under the 'social need' requirements of the development plan.

8.3.3. 'Economic need' is defined in Table 3.4 of the Plan. It includes:

- Category A (i) 'farmers with a landholding of greater than 15 ha in the ownership of the immediate family for a minimum of 7 years, and
- Category A (ii) 'owners and operators of a farming/ horticultural/forestry/ bloodstock/animal husbandry business on an area of less than 15ha'.

8.3.4. The applicant claims that he qualifies for consideration for a house in this rural area under Category A (ii) which states:

*'The owner/operator (as referred to in Category 2(ii)) must be engaged in that farming activity on a daily basis, as their main employment. Same must be demonstrated through the submission of documentary evidence to include confirmation that the farming/agricultural activity forms a significant part of the applicant's livelihood, including but not limited to intensive farming'.*

8.3.5. Details of the required supporting evidence is set out in the rural housing application form. The information appended to support the case of economic need includes land

registry maps and folio indicating that the lands are in the ownership of the applicant. The lands are stated to have been farmed by the applicant since 2008 and this is confirmed by correspondence from the Department of Agriculture, Forestry and Fisheries. There is a declaration signed by a solicitor on the file stating that the applicant never owned a house and never previously sought or received permission for a house in Co Kildare.

8.3.6. The submitted information also includes details of applicant's attendance at Teagasc Agricultural and Horticultural College (80-hour and 100-hour course 2004), invoice from lamb and beef processors 2017, 2018 and 2020, farm insurance 2010, 2013, mart sales 09, 2019, 2020.

8.3.7. The planning authority consider that criteria (ii) is satisfied in this case. However, I note that the response to information did not provide the details requested, specifically,

- statement of accounts including income/expenditure details,
- up to date sales receipts for all years farmed,
- stock numbers, type of farming enterprise, stocking rate statement.

8.3.8. From the information provided, I would accept that some level of farming activity is being carried out by the applicant. However, in the absence of the specific information requested by the planning authority, it cannot in my opinion be concluded that the applicant is engaged in farming on a daily basis and that the income derived constitutes a significant part of her livelihood. I would, therefore, conclude that an economic need for a dwelling house in this area has not been substantiated in accordance with the provisions of the development plan.

8.3.9. The Board may consider this to be a new issue and avail of its powers under Section 137 of the Planning Development Act 2000, as amended.

#### **8.4. Effluent treatment**

8.4.1. Foul effluent from the proposed development would be discharged to an effluent treatment system prior to discharge to ground. I did not gain access to the site during the site inspection, which was conducted from the existing entrance.

8.4.2. Foul effluent from the proposed house would be treated in an effluent treatment system located to the front of the house. The Site Suitability Assessment has been

carried out in accordance with the EPA's Code of Practice: Domestic Wastewater Treatment Systems (2021).

- 8.4.3. The site is stated to be underlain by a 'Locally' ( LI) important aquifer with a 'Moderate' vulnerability rating. A trial hole was excavated on the site to a depth of 2.1m and the water table was recorded at 1.2m. The percolation tests indicate soils with slow percolating properties with a surface percolation P test result of 18 and a subsurface result T value of 64.
- 8.4.4. The site suitability assessment report states that the appropriate ground water Response is R2<sup>1</sup> which suggests that the site is generally suitable for an onsite treatment system. It is proposed to install a tertiary treatment system to ensure the effluent is treated to a high standard prior to discharge to ground. Following primary and secondary treatment the effluent would be pumped to soil polishing filter.
- 8.4.5. The appellants' raise issue regarding the proximity of the treatment system to the road. The applicant proposes installing the system within 4m of the roadway and this satisfies the distance requirements set out in Table 6.2 of the EPA's Code of Practice. I did not observe any roadside drains along the road frontage or the adjacent site boundary and the site assessment notes that no drainage ditches/streams or watercourses were observed.
- 8.4.6. On the basis that the suitability of the site for the proposed treatment system has been established and the minimum separation to boundaries, roads, dwelling, surface water features can be complied with, I consider that foul effluent from the house can be effectively treated, subject to the system being installed and maintained in accordance with the guidelines.
- 8.4.7. While there is no evidence provided that the appeal site was inundated during the recorded flood event, in order to ensure that the polishing filter is not exposed, I consider that an alternative location on the site would be more acceptable to ensure the integrity of the system is maintained and there is no risk to public health.

#### **8.5. Impacts on the visual and residential amenities of the area.**

- 8.5.1. In terms of visual impacts, the house is in an area of low landscape sensitivity with the ability to absorb development. The site is relatively flat and with the exception of the dense roadside boundary hedgerow the site is not well screened. It is proposed

to position the house 0.2m above the adjoining road level. The ridge height of the house was reduced by 1m to 7m in response to further information.

- 8.5.2. While the house is set back from the adjoining roadway there are no features within the site that would aid its assimilation into the landscape. It is also proposed to remove a section of the roadside boundary to achieve the required sightlines.
- 8.5.3. While I consider that a single storey dwelling would have been a more appropriate design solution for the subject site, I accept that the impact of the dwelling will be mitigated to a degree by the proposed landscaping proposals. These include the provision of a native hedgerow along the site frontage to replace that being removed and dense native woodland along the eastern side of the site. The western side will be planted with Silver Birch (*Betula pendula*). These measures will mitigate potential impacts on the visual amenities of the area. The proposed house would be well removed from other residential properties in the vicinity which removes any potential for impacts on residential amenity.

#### **8.6. Access and road safety**

- 8.6.1. It is proposed to access the site from a former field entrance gate along the road frontage. The existing field entrance at the western end of the site frontage will also be maintained to provide access to the lands to the rear. The planning authority requested that sightlines of 80m be provided in both directions. The revised site layout plan submitted in response to further information indicates that this can be achieved to the satisfaction of the planning authority.

#### **8.7. Appropriate Assessment Screening Determination**

- 8.7.1. I have considered the proposed development, consisting of the construction of a dwelling house and effluent treatment system, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.7.2. The subject site is located in a rural area and the closest European site is Ballynafagh Bog SAC (Site code 000391) and Ballynafagh Lake SAC (Site code 001387), which are located c.9km east of the site.

No nature conservation concerns were raised in the planning appeal

8.7.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows;

- Nature of works proposed and the limited scale of the development.
- Location of the development and the separation distance to the European sites and lack of connections.
- The screening report carried out by Kildare Co. Council.

8.7.4. I conclude that 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.

8.7.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

9.1. I recommend that permission be refused for the development for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the evidence submitted in support of the appeal of localised flooding on the local road in the vicinity of the site, and in the absence of specific information on the design, installation and capacity of proposals to cater for surface water discharges generated by the proposed development, the Board is not satisfied that surface water discharges can be adequately disposed of on the site and would not contribute to, or exacerbate localised flooding in the area. It is considered, therefore, that the proposed development has the potential to significantly impact on the amenities of adjacent properties and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located within an 'Area under Strong Urban Influence' (Zone 1) set out in the Kildare County development Plan



2023-2029. Within these areas it is the policy of the Council as stated in Policy HO P11 to facilitate the provision of single housing in the countryside based on the core considerations of demonstrable 'economic or social' as set out in the Rural Housing Need Assessment Criteria set out in Category A (ii) Table 3.4 of the Plan. The applicant is seeking a house in this rural area on the basis of 'economic need'. Based on the information submitted in support of the application and the appeal the Board is not satisfied that the applicant has adequately demonstrated an 'economic need' to reside in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria set out in the plan. The proposed development would, therefore, be contrary to Objective HO P11 of the development plan and 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.

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Breda Gannon  
Planning Inspector

7<sup>th</sup> November 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP 320642-24		
<b>Proposed Development Summary</b>	Dwelling house, domestic garage, onsite wastewater treatment system, recessed entrance and all associated development.		
<b>Development Address</b>	Ladycastle Upper, Straffan. Co Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	YES
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>		Class 10(b)(i): Infrastructural Projects	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>		Sub -threshold development	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	NO	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	ABP 320642-24
<b>Proposed Development Summary</b>	Dwelling house, domestic garage, onsite wastewater treatment system, recessed entrance and all associated development.
<b>Development Address</b>	Ladycastle Upper, Straffan. Co Kildare
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of</p>	<p>The development is situated in a rural area on improved agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of</p>

natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	identified significance in the County Development Plan.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and limited scale of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_