



An
Coimisiún
Pleanála

Inspector's Report

ABP-321366-24

Development

Construction of house and all associated site works.

Location

Kilcarry, Clonegal, Co. Carlow.

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

2412

Applicant(s)

David Murphy

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Emma Treacy

Date of Site Inspection

19th of June 2025

Inspector

Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site, 0.43ha, is located 1.7km in a rural area west of Clonegall town. It is located in a townland called Kilcarry and served by local road L-2024-20, which is an agricultural area west of the River Slaney in an undulating topography.
- 1.2. The site is currently a field under grazing. There is a two-storey dwelling overlooking the site to the south. The existing dwelling is positioned at a lower ground level than the subject site. The sites slopes away from the northern roadside boundary in a southerly direction.
- 1.3. There is a single storey dwelling to the west of the site and a farmhouse and farmyard to the east.
- 1.4. The roadside boundary consists of a mature hedge. The western site boundary is the access lane to the dwelling house located along the southern site boundary.
- 1.5. To the north of the side on the opposite side of the road, there are more one-off houses and the foundations for 2 additional dwelling directly opposite the site.
- 1.6. The site has panoramic views to the south across the River Slaney valley towards Slievebawn.

2.0 Proposed Development

- 2.1. The proposed development includes for:
 - a) A four bedroomed dormer bungalow (216.6sq,) and a detached garage.
 - b) A new entrance at the western extremity of the roadside boundary;
 - c) Proposed effluent treatment system with polishing filter
 - d) Boundary treatment, landscaping
 - e) Connection to public watermain.
- 2.2. Further information was requested regarding compliance with the Rural Housing Policy,
- 2.3. A response was received from the applicant on the 8th of July 2024 outlining the applicant's case for compliance with the rural needs policy.

3.0 Planning Authority Decision

3.1. Decision

Carlow Co. Co. granted the proposed development subject to 16No. conditions on the 6th of November 2024. The conditions were standard planning conditions for a rural dwelling and farm buildings.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The First report considered the proposed development, the objection from the third party, technical reports. It was considered additional information was required regarding the applicant's local needs case.

The Second Report considered the applicant had complied with the development plan policies regarding a house in a rural area. The velux lights were removed to ensure privacy of the existing dwelling to the south was maintained

3.2.2. *Other Technical Reports*

- Environment Department The sewage treatment proposal area acceptable. The water supply is from public water supply. Conditions recommended.
- District Engineer: No objections

3.3. Prescribed Bodies

None

3.4. Third Party Submissions

3.4.1 There was one third party objections to the proposed development:

- The elevation of the proposed dwelling above her property has not been addressed in the application.
- Serious loss of privacy

- The percolation area is uphill and in close proximity to her dwelling house
- Her sightlines would be greatly reduced by the proposal.
- This is overdevelopment of a small rural area
- The economic need is questioned

4.0 Planning History

There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Carlow County Development Plan 2022-2028

5.1.2 Chapter 3: Housing

3.16 Single Housing in the Countryside

The countryside is a source of some of the County's most valuable assets and resources, including land, landscape and water resources, and natural and cultural heritage features. In accordance with the NPF and RSES, the Council recognises that the countryside of County Carlow will continue to be, a living and lived-in landscape, with a focus on the requirements of its rural economy and its rural communities, based on agriculture, forestry, tourism, and rural enterprise. A recognition of the need for housing for people to live and work in Carlow's countryside requires careful planning to:

- Ensure that demand, particularly in the most accessible areas around towns villages and rural settlements, can be managed to avoid ribbon and over-spill development;
- Support revitalised towns, villages, and rural settlements;
- Achieve sustainable compact growth targets; and,
- Protect the County's countryside assets, resources, and environmental qualities.

The subject site is located in ***Rural Housing Zone 1 Rural Area Under Urban Influence.***

Having regard to:

- the viability of smaller towns and rural settlements in County Carlow; and,
 - the need to protect the County's key economic, environmental, natural resources and heritage assets, such as important landscapes, habitats and built heritage, water quality, and the public road network,
- 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. **Please note that compliance with only one of the Categories must be demonstrated.**

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:

- (i) have existing occupational or employment related ties to the rural area, such as those involved in full-time agriculture, horticulture, 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;

or

- (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.

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 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

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.

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

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 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*.

RH.P9

Discourage the development of rural housing in the countryside located on backland to the rear of an existing house(s) with road frontage. This form of backland development is inconsistent with the recommendations of the Sustainable Rural Housing Guidelines (2005), militates against the preservation of the rural environment, represents piecemeal and haphazard development in the countryside, and can negatively impact on the residential amenity of neighbouring houses.

5.1.3 Chapter 6: Infrastructure

WW.P1:

Require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021) Serving Single Houses (population equivalent less than or equal to 10) or any updated version during the period of this Plan, the Water Framework Directive, the National River Basin Management Plan 2018-2021 (as maybe updated) and the Habitats Directive.

Chapter 10: The Natural Environment

Chapter 13: Rural Design Guide

5.2 National Planning Framework

National Policy Objective 19 makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3 Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater

public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

5.2. Natural Heritage Designations

5.2.1 River Slaney Valley SAC (site code 000781) 258m from the site boundary in the field.

5.3. EIA Screening

Schedule 5, Part 2, Class 10 (b)(i) provides that EIA is required for the construction of more than 500 dwellings units. Class 1(a) of Part 2 (rural restructuring/hedgerow removal) provides that EIA is required where the length of field boundary to be removed is above 4km. Class (dd) of Part 2 relates to private roads exceeding 2000 metres in length. The proposed development falls significantly below these thresholds comprising a development of a single dwelling unit. Having regard to the nature and scale of the proposed development, I consider that the submission of a subthreshold EIAR is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal has been brought by Emma Tracy who owns the dwelling positioned at the rear, southern boundary of the site. The creation of backland development is contrary to the current county development. The development is inappropriate, the planning authority ignored her concerns.

6.1.2 Backland Development

The proposed would create backland development. The proposed dwelling will be positioned in a field in front of her dwelling. The proposal would have devastating consequences for her property. Her house has been established for a number of years. The two properties would be 60m apart. The Council dismissed it with a

comment that the development would have no impact on amenities, without assessing the merits of such.

6.1.3 *Sightlines*

The planner failed to assess the issue of sightlines adequately. There are walls and features that are not depicted in the drawings. The proliferation of entrances will create a traffic hazard. There would be three separate entrances beside each other on a short stretch of the local road within the 80kph speed limit.

6.1.4 The proposal to plant birch trees will not providing screening between the properties. The trees are tall with no foliage for many metres. There will be damage by their extensive roots. Some screening proposed was removed because it was considered to be too close to the percolation area. The landscaping plan was incomplete and is now the subject of a planning condition. The proposal will devalue her property.

6.1.5 Due to the gradient of the site, surface water run-off may occur onto her property. The general area is a wet area prone to springs rising.

6.1.6 The overall area is saturated with development all for financial gain. The proposed development represents a haphazard and progression of further piecemeal development, and is in conflict with policy/. None of the original landowner's holdings or extended family live in the 4No. dwellings that planning permission was sought for, Ref: CW9169, 00553 and 2 other properties mapped. There is another site with foundations started Re: 05848/07534. The sale of another site within the landholding has not regard for the rural landscape.

6.1.7 Concern is submitted that the applicant will not return from Australia to occupy the dwelling. Carlow Co./ Co. have shown blatant disregard to local and national policies.

6.2. Planning Authority Response

Carlow Co. Co. acknowledges the site is on unzoned land and is located in the Blackstairs and Mount Leinster Uplands Character Area, Rural Zone 1. The receiving environment has a two -storey dwelling to the south, a single storey dwelling to the west, and farmhouse and yard to the east, and foundations for two

dwellings north of the public road (granted under Ref: 05/848 and 05/84, which have expired).

Having regard to the separation distance and the fact the proposed dwelling has its own access, the proposal is not considered to be backland.

The Municipal Engineer was satisfied with the sightlines.

Having regard to the further information, the removal of velux lights, there will be no overlooking or overbearing impacts.

The landscaping scheme is acceptable.

The applicant has demonstrated a functional social need to live in the area.

7.0 Assessment

7.1. I visited the subject site and considered the content of the appeal file.

I intend examining this appeal under the following headings:

- Compliance with Rural Housing Policy
- House Design and Impact on the landscape
- Sewage treatment and disposal
- Traffic
- Other Matters

7.2 Compliance with Rural Housing Policy

7.2.1 According to the Carlow County Development Plan 2022 -2028, the subject site is located in a Rural Area Under Urban Influence. The relevant rural housing policies relating to this rural area are cited in Section 5 of this Report.

7.2.2 The subject site is located in Zone 1: Rural Areas Under Urban Pressure. There is qualifying criteria to facilitate rural housing in Zone 1. The applicant is claiming to qualify under Category 2 criteria:

*‘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 consecutive years at any stage prior to the making of the planning 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.

7.2.3 According to the appeal file, the applicant, Mr David Murray is currently living in Australia. He is originally from the locality. The planning authority requested further evidence to the applicant's requirements to meet with the relevant criteria in its letter dated the 22nd of April 2024. In response, there were letters of proof the applicant was born and reared in the area, and he is returning from Australia to live in the area. However, there is no indication when he will return to the area, and the reasons for needing a dwelling house at this rural location in Kilbarry, Clonegal.

7.2.3 The applicant was born and reared in Craan (school attendance information has been supplied), a townland further west near the subject site, there has been no other evidence submitted with his planning application, other than he intends returning from Australia. In my opinion, it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the development plan for a house at this location. The applicant has not presented a need for the house at this location, in the context of *providing* 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. His compliance with the development plan criteria is vague and inconclusive. Therefore, in my opinion, the applicant's local housing need has not been satisfactorily substantiated to determine whether the applicant meets the criteria of Table 3.5 Rural Housing Policy Zone 1: Categories and Criteria of the County Development Plan. I conclude the proposed development is contrary to Policy RH P1 of the development plan which is to:

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.

7.3 House Design and Impact on the Landscape

- 7.3.1 The subject site is located on the south side of the public road. On three site boundaries there are existing developments, and to the north of the site on the opposite side of the road, there are foundations for two dwellings (please refer to aerial photograph in the Photo Plate 13). The receiving rural environment has a high concentration of existing and proposed developments in the general vicinity of the site served by individual vehicular entrances and sewage treatment systems along a relatively short stretch of road.
- 7.3.2 The third-party appellant, resides to the south of the site. Her dwelling is a two-storey house which is positioned at a lower ground level to the subject site. The proposed dwelling and sewage treatment system back onto the third-party appellants property uphill of her dwelling house. I have consulted the Rural Design Housing Guide of Chapter 13 of the Carlow County Development Plan 2022-2028. According to the Design Guide Houses should be 'tucked into' the landscape close to existing landscape features such as field boundaries, trees, and hedgerows. In this instance the dwelling is to be positioned between existing developments (residential and farmyard) and to the front of an existing rural dwelling. I would consider the siting to be inappropriate for this rural area. It will potentially undermine the setting of the existing dwelling to the south which is setback a considerable distance from the public road and set into the landscape. I refer the Commission to Photograph Plate 1 which was taken from the agricultural entrance of the site along the northern and roadside site boundary. The third-party appellant's dwelling is located in the background. In my opinion, the subject dwelling will create an obtrusive, insensitive and piecemeal form of development on the existing landscape.
- 7.3.3 The proposed dwelling is a dormer bungalow with a detached garage positioned along the eastern site boundary. It will command nearly the full width of the site in terms of legibility. Having regard to the level of existing and permitted developments in the immediate vicinity of the subject site, I consider the proposed development will militate against the rural environment which has a landscape classification in the current development plan as the Blackstairs and Mount Leinster Uplands.
- 7.3.4 in terms of Policy RH. P6 the proposed development does not comply with Section III of the criteria:

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.

Furthermore Section 3.16.7 refers to policies regarding Backland Development in the Countryside. In my opinion, placing the dwelling uphill in front of an existing dwelling, will create backland of the existing dwelling (the appellant's house). This form of backland development is inconsistent with the recommendations of the Sustainable Rural Housing Guidelines (2005), militates against the preservation of the rural environment, represents piecemeal and haphazard development in the countryside, and can negatively impact on the residential amenity of neighbouring houses. The proposal would be contrary to Policy RH P9 of the county development plan.

7.3.6 I refer to the aerial photograph, Plate No. 13. The concentration of existing and permitted dwellings is highlighted. The rural housing in the immediate vicinity is sporadic. The aerial photography gives no indication or context of the topography. The proposed development is another irregular and random form of rural housing development in this Kilbarry area.

7.4 Sewage Treatment and Disposal

7.4.1 The Site Suitability report submitted with the planning application, indicates the underlying soil is lower podzolics. The underlying aquifer is of local importance and is considered to be highly vulnerable. The overall site is free draining with no evidence of poor percolation capabilities. The site falls from northeast to south west, with the proposed sewage treatment system and percolation area located uphill of an existing dwellinghouse. The area is served by the public water mains. It is proposed to install a tertiary treatment system with a polishing filter in accordance with the EPA 2021 Code of practice. In my opinion, it represents a high density of existing, permitted and proposed sewage treatment systems within a small geographical area on a sloping topography alongside agricultural developments within a groundwater aquifer that has high vulnerability. In my opinion, the proposal represents an unsustainable form of rural development.

7.5 Traffic

7.5.1 The proposed access to the site is positioned to the north-western extremity of the roadside boundary in close proximity to two existing accesses serving two existing dwellings. I examined the sightline in both directions at the proposed entrance and I would consider them to be adequate in both directions. I note the planning authority's engineer was satisfied with the proposed entrance.

7.5.2 Having examined the existing and proposed layout of the individual entrances serving the existing, permitted and proposed dwellings in the general vicinity of the subject site, I consider the proposed development is a haphazard form of development because it will represent a multiplicity of entrances along a short stretch of road where there is a continuous white line, a speed limit of 80kmph, and poor horizontal alignment. I would be concerned about the traffic turning movements generated by the proposed development because there are too many separate individual entrances allocated in close proximity to each other.

7.6 Other Matters

In the event the Commission may decide to uphold the planning authority's decision to grant permission for the proposed development the following conditions should apply:

- An occupation condition should be attached.
- Development contributions are payable in this instance in accordance with the adopted Scheme.
- The landscaping may get damaged during the construction works therefore it is more appropriate to carry out the landscaping in the first planting season following completion of the development.

8.0 AA Screening

8.1. There was no A.A. screening report submitted by the applicant. I note the planning authority carried out a Habitats Directive Appropriate Assessment Screening report, dated 19/04/2024.

8.2. European Sites

I have considered the proposed project in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 258m east of a European site:

Slaney River Vally SAC (site code 000781)

The other European sites are in excess of 10km from the subject site with no hydrological link between the site and the European sites.

There is a roadside drain along the roadside ditch which is uphill of the proposed development. This was culverted and there was no water present during my site inspection.

8.3. Likely Impact of the project (alone or in combination)

The development comprises the construction of a dwelling house, sewage treatment and site development works. I noted from my site inspection that there were no open water drains contiguous to the site or downhill of the site. The River Slaney Vally is to the west of the subject site.

Having viewed the Environmental Protection Agency's AA Mapping Tool, and having visited the site, I note that there are no direct hydrological connections between the development proposed, the subject site and the European Sites.

I note that the Planning Authority undertook a screening for Appropriate Assessment and concluded that there would be no potential for significant effects on any European Site.

There is no hydrological connectivity between the site and the nearest European site to the west, or any other European sites within a 15km Zone of Influence.

During the construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water. The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. The separation distance between the proposed building works and surface water drains offers a considerable buffer area to ensure the existing drains will not be impacted upon the proposed construction works.

8.4. Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SACs due to separation distance and lack of meaningful ecological/ hydrological connections. There will be no changes in ecological status of the European sites due to construction related emissions.

8.5. In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

8.6. Overall Conclusion – Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment Stage 2 is not required.

The determination is based on:

- Having regard to the absence of any direct hydrological connection from the subject site to any European Site.
- Having regard to the distance of the site from the European Sites regarding any other potential ecological pathways.
- Having regard to the screening report and determination of the planning authority.

9.0 Recommendation

I recommend the planning authority's decision to grant planning permission for the development be overturned by the Commission. I am recommending the proposed development be REFUSED for the following reasons.

10.0 Reasons and Considerations

1. Having regard to the topography of the site, the level of existing and permitted development in the general vicinity, together with its scale, and the location of the site within the Landscape Character Type, Blackstairs and Mount Leinster Uplands, in accordance with the Carlow County Development Plan, 2022 – 2028, it is considered that the proposed development would form a discordant and inappropriate feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such random located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the siting and design of the proposed development in the context of the receiving environment, the existing and permitted residential developments in the general vicinity, it is considered the proposed development will create backland development and fails to appropriately integrate into the open countryside and therefore fails to comply with the policies of the planning authority, Policies RH. P6 and RH P9, as set out in the Carlow Development Plan 2022-2028. The proposed development would consolidate and contribute to the build-up of further haphazard and piecemeal residential development in the open countryside. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the site within an 'Area Under Strong Urban Influence' as identified in Carlow County Development Plan, 2022 – 2028, and in an area where housing is restricted to persons demonstrating local need in accordance with Policy Objective RH. P1 of the Development Plan, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the

Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed 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.

Caryn Coogan
Planning Inspector

31st of July 2025

Form 1 - EIA Pre-Screening

Case Reference	321366-24
Proposed Development Summary	Construction of a dwelling, entrance, effluent treatment system, and all associated site development works
Development Address	Kilcarry, Clonegal, Co. Carlow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> <input type="checkbox"/> No, further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveway
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveway

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	321366-24
Proposed Development Summary	New Dwelling House Detached Garage
Development Address	Kilcarry, Clonegal, Co. Carlow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The site is currently agricultural land. The proposed development is a dormer dwelling house. The overall development is not significant in size or scale. Excavation works are required for the construction of the dwelling, and the installation of site drainage infrastructure. The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.
Location of development (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 natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development does not have the potential to have likely significant effects on any European Sites. This matter has been considered in a Stage 1 Appropriate Assessments which have been undertaken in relation to this appeal case.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The construction impacts which would arise on foot of the development reflect typical residential of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water run-off and potential for fuel / oil leaks from construction equipment. Such impacts could reasonably be controlled / managed

		through planning conditions. The proposed development does not have the potential to result in cumulative effects with likely significant effects on the environment during the operational stage provided it complies with planning conditions
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.	

Inspector: _____ Date: _____