



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321947-25**

### Development

The proposed development will consist of (i) demolition of existing detached two storey five bedroom dwelling on site; (ii) construction of a replacement two storey over basement (with swimming pool and cinema) six bedroom detached dwelling, with part mezzanine level over first floor; (iii) proposed dwelling to include; pitched roof with parapets, balconies, bay windows, covered terraces, porches and roof lights; (iv) construction of a fully sunken basement independent of the proposed dwelling to include; car-parking, games areas, bar, ancillary rooms, ramped driveway (accessed from existing vehicular access off public road) and staircase to ground level, and 3 no. above ground roof-lights; (iv) external swimming pool to the rear of new proposed dwelling; (v) other works to include: landscaping, drainage, boundary treatments, access roads within site, driveway

amendments within site, and all necessary ancillary works to facilitate the development.

<b>Location</b>	The Paddocks and No. 5, Castledillon Lower, Straffan, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	24162
<b>Applicant(s)</b>	Conor McGregor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Conor McGregor
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> May, 2025
<b>Inspector</b>	Robert Speer

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located in the rural townland of Castledillon Lower, Co. Kildare, approximately 1.0km southeast of the village of Straffan and c. 1.0km east of 'The K Club' golf resort, where it forms part of a 'cluster' / cul-de-sac of rural dwelling houses set on substantial individual sites and served by a private access roadway which extends north / northeast from Local Road No. L-20071. The wider area is broadly characterised by a gently undulating rural countryside interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings while the immediate site surrounds include an existing dwelling house to the southeast, further housing to the west, and the River Liffey which passes along the northern site boundary.
- 1.2. The site itself has a stated area of 4.12 hectares, is irregularly shaped, and encompasses the amalgamated plots of two existing residences known as 'The Paddocks' and 'No. 5 Castledillon Lower' set within mature and well-maintained grounds. 'The Paddocks' occupies the eastern part of the site and comprises a large two-storey, dormer-style dwelling where some demolition works have already been carried out. The other property ('No. 5 Castledillon Lower') is situated further southwest and consists of a smaller single-storey, bungalow-type construction. Each of these dwellings is accessed via its own driveway from the private service road, however, two further 'agricultural' accesses (as described in the first party appeal) have been opened onto the public road to the south. In addition to the outbuildings constructed proximate to each of the existing dwelling houses, the south-eastern corner of the site is presently being used for the storage of construction materials, while a larger marquee-type structure within the northwestern part of the site houses a private gym. Mature boundaries define the full extent of the site perimeter (albeit to a lesser extent adjacent to the River Liffey) while a tree-lined avenue on the approach to 'The Paddocks' and other planting contribute to the overall setting and landscaping of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the demolition of an existing two-storey, detached dwelling house (floor area: 605.2m<sup>2</sup>) known as 'The Paddocks' and its

replacement through the construction of a substantial, two-storey over basement (with part mezzanine level over first floor), detached dwelling house with a stated floor area of 2,290.7m<sup>2</sup> and a maximum ridge height of 11.85m over ground level. The overall design of the new construction derives from a modern interpretation of classical architecture (new classical) and is characterised by its grand scale, broadly symmetrical composition, general proportions, and its use of columns (along with the pediment positioned over the main entrance portico). External finishes will include an acrylic render, selected stone cladding, selected roof slates / tiles, brickwork (to the chimneys), metal balustrades, and decorative stone columns.

- 2.2. The proposal also provides for the construction of a fully sunken basement (floor area: 746.6m<sup>2</sup>) independent of the proposed dwelling house which will include car parking, games areas, bar, ancillary rooms, a ramped driveway (accessed directly from an existing vehicular access off Local Road No. L-20071) and staircase to ground level, and 3 No. above ground roof-lights.
- 2.3. Additionally, the proposed development will involve the amalgamation of the housing plots presently occupied by 'The Paddocks' and 'No. 5 Castledillon' into a singular larger site with interlinking access arrangements and pathways (the existing dwelling house at 'No. 5 Castledillon' being intended to provide full-time accommodation for staff associated with the proposed replacement dwelling).
- 2.4. It is proposed to install a wastewater treatment plant with discharge to a soil polishing filter while a water supply will be provided via an existing connection to the public watermain.
- 2.5. Further site development works include the provision of an external swimming pool to the rear of the proposed dwelling, landscaping, drainage, boundary treatments, access roads within the site, revisions to the driveway layout, and all necessary ancillary works to facilitate the development.
- 2.6. Amended proposals submitted in response to a request for further information have revised the access arrangements to the wider site by providing for the closure of the existing entrance to No. 5 Castledillon Lower off the private cul-de-sac as well as the closure of the easternmost access onto the public road (Local Road No. L-20071).

- 2.7. The grounds of appeal have sought to amend the proposed access arrangements further by maintaining the 2 No. existing access points off the private road / cul-de-sac while closing both secondary ('agricultural') accesses onto the public road.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 29<sup>th</sup> January, 2025 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:
- Having regard to the site's location within the River Liffey Landscape Character Area (Kildare County Development Plan, 2023-2029) on lands designated as Class 4 'Special' sensitivity landscape that have a '*low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors*' where it is an objective to protect and enhance the visual amenity and natural character of the area, the proposed development by reason of its excessive bulk, scale and mass (outside of the original footprint of the existing dwelling house) would result in the dwelling house appearing visually incongruous, and if granted would seriously injure the visual and character amenities of the area, would be contrary to County Development Policy and Objectives and would lead to an undesirable precedent for similar type developments. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
  - The proposed development, which seeks the closure of an existing fit for purpose access off a private road and its replacement with a new domestic access off the L-20071 road, where only an agricultural entrance exists, would result in an intensification of traffic movement at this rural location and the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. Furthermore, the proposed development of a new domestic access off the L-20071 road would be contrary to Section 15.7.6 of the Kildare County Development Plan, 2023-

2029 which seeks ‘. . . to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern . . .’ and if permitted, would set an undesirable precedent for similar development elsewhere in the County, would lead to a proliferation of similar type developments in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. *Planning Reports***

An initial report details the site context, planning history, and the relevant policy considerations, including the site location across two landscape character areas with its southern extent located within the Class 1 (Low Sensitivity) ‘Northern Lowlands’ Landscape Character Area and the remainder of the site falling within the Class 4 (Special Sensitivity) River Liffey Landscape Character Area wherein development proximate to the river valley will need to be sensitive in terms of design and scale. The report proceeds to note that PA Ref. No. 21/1171 has not been taken up by the current site owner although an extension to the original (existing) dwelling house has been demolished. It subsequently compares the proposed replacement dwelling with the existing house as was to be extended under PA Ref. No. 21/1171 before commenting on its broader design. Although it is acknowledged that the proposed dwelling will be largely imperceptible from roadside viewpoints, given its considerable scale and mass along with departures from the ‘Rural House Design Guide’ of the County Development Plan, it is considered necessary for the applicant to justify the submitted design and its impact on the surrounding sensitive rural landscape. With respect to wastewater treatment and the proposed access arrangements, deference is given to the recommendations of the Environment Section and the Naas Municipal District Office (Area Engineer). The report thus concludes by recommending that further information be sought in relation to a number of issues, including the submission of a revised house design with a supporting design statement, the proposed wastewater treatment & disposal arrangements, and the closure of existing access points onto the public road. Following the receipt of a response to the request for further information, a final report was prepared which stated that notwithstanding the design statement

submitted in support of the proposal as originally lodged, it was considered that the proposed development would have a negative impact on the visual amenity and character of this highly sensitive location. It subsequently assesses the additional details provided as regards the proposed wastewater treatment arrangements and deems these to be acceptable. With respect to the amended proposals which provide for the closure of the easternmost access onto the public road as well as the access from the private road serving the southernmost dwelling house on site, it is stated that the Planning Authority cannot support the closure of the existing 'high-quality' access as this would lead to a proliferation of accesses onto Local Road No. L20071 in contravention of Development Plan policy. Having assessed the response to the request for further information, the report includes an additional planning note as regards compliance with the provisions of the Development Plan, with specific reference to Objective HO 048 (which encourages the use and reuse of existing building stock as an alternative to new build) and Policy HO P20 (which outlines the restrictive circumstances under which an existing dwelling may be demolished and rebuilt). This notes the replacement nature of the proposed dwelling house and references the requirement of HO P20 that it be demonstrated that the dwelling to be demolished is no longer habitable and that *'... in cases where an applicant / occupant wishes to replace an existing habitable dwelling on the same footprint and of the same or similar floor area there will be no requirement to comply with local need criteria identified in this Plan'*. It proceeds to state that as no justification has been provided for the demolition of the entirety of the existing habitable structure, and as the proposed building footprint would exceed that of the existing dwelling to be demolished thereby necessitating compliance with the 'local needs' criteria (with no indication that the applicant satisfies same), the proposal fails to comply with the requirements of HO P20 and HO 048 of the Development Plan. The report thus concludes by recommending that permission be refused for the reasons stated.

### 3.2.2. *Other Technical Reports*

*Kildare County Council Municipal District (Area Engineer):* No objection, subject to conditions.

*Environment:* Given the absence of sufficient information to allow for a decision on the application, an initial report recommended that further information be sought in relation to the proposed wastewater treatment arrangements.

Following the receipt of a response to a request for additional information, a further report was prepared which indicated that there was no objection to the proposed development, subject to conditions.

*Water Services:* No objection, subject to conditions.

*Naas Municipal District (Area Engineer):* Refers to the policy of the Planning Authority to discourage the proliferation of access points onto public roads before stating that the proposed development site should be accessed via the existing private laneway which extends from Local Road L-20071 while the 2 No. access points / openings situated along the southern site boundary should be closed off in their entirety. The report proceeds to recommend that the applicant should be required by way of a request for further information to submit (within a specified timeframe) photographic evidence along with certification from a suitably qualified technical person demonstrating that both openings on the southern site boundary have been closed in their entirety.

*Roads, Transportation & Public Safety:* Agrees with the recommendations of the Naas Municipal District Office.

*Transportation, Mobility and Open Spaces:* States that the response received to the request for further information as regards the closure of the 2 No. existing access points along the southern site boundary is unacceptable. It proceeds to recommend that permission be refused for the following reason:

- It is the policy of the Local Authority to discourage the proliferation of access points onto public roads. The proposal for an alternative access point from the public road to service a dwelling site is in conflict with the objectives of section 15.7.6 of the County Development Plan (2023-2029) and is considered unnecessary given that the existing access to the dwelling is fit for purpose.

### **3.3. Prescribed Bodies**

#### **3.3.1. *Inland Fisheries Ireland:*** States the following:

- The proposed development borders the River Liffey, which is exceptional in supporting Atlantic Salmon (*Salmo salar*, listed under Annex II and V of the EU Habitats Directive) and Sea Trout (*Salmo trutta*) in addition to resident Brown Trout (*Salmo trutta*) populations. The catchment also supports



populations of Freshwater Crayfish (*Austropotamobius pallipes*) and Lamprey (*Lampetra sp.*) listed under Annex II of the Habitats Directive.

- The ground preparation and construction works, including the large-scale topographic alteration and the creation of a basement level, have significant potential to release sediments and pollutants into surrounding watercourses. Poor construction practices could have a significant negative impact on the fauna and flora of this sensitive freshwater system. Therefore, all works should be completed in line with a Construction Environmental Management Plan which ensures good construction practices and contains mitigation measures to deal with any potential adverse impacts identified in advance of the scheme.
- The proposed basement will be located in an area with high groundwater. There can be no direct pumping of contaminated water from the works to the river at any time. Any dewatering of groundwater during excavation works must be treated by either infiltration over land or to a suitably sized and sited settlement pond.
- In the event of a grant of permission, the owner should be required to enter into a regular maintenance contract as regards the efficient operation of the swimming pools to prevent any release of chlorinated water to the environment.
- Compliance with the Environmental Protection Agency's 'Manual on Treatment Systems for Single Houses' is essential. An annual contract should be entered into to maintain the wastewater treatment plant.
- All discharges must comply with the European Communities (Surface Water) Regulations, 2009 and the European Communities (Groundwater) Regulations, 2010.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

### **4.1. On Site:**

- 4.1.1. PA Ref. No. 211171. Was granted on 21<sup>st</sup> January, 2022 permitting Julie Ann Colgan permission for (i) demolition of existing detached garage on site; (ii) demolition of pitched roof canopy and entrance porch to front, storey & a half wing to side, and bay to rear of existing dwelling; (iii) construction of a part single, part storey and a half extension to front, side & rear of existing dwelling to include: addition of 2no. new gables to front and 1no. gable to rear; flat roof projection with pitched bay porch to front; new first floor dormer windows to front and rear; 1no. first-floor balcony each to front and rear; new rooflights; alterations to all elevations including fenestration treatment and roof amendments; (iv) relocation of existing tennis court on site; (v) new partially sunk basement under relocated tennis court to contain car-park, gym and ancillary rooms; Other works include; landscaping, and all necessary ancillary works to facilitate the development.
- 4.1.2. PA Ref. No. 2064. Was refused on 19<sup>th</sup> March, 2020 refusing Emily Murphy permission for the construction of a 2-storey dwelling, single storey stable block with integrated garage, wastewater treatment system, new vehicular entrance and all ancillary site works, all at Castledillon, Straffan, Co. Kildare.
- 4.1.3. PA Ref. No. 17888. Was granted on 31<sup>st</sup> January, 2018 permitting Gillian Mangan permission for the construction of a two storey dwelling, the provision of a new on-site wastewater treatment system and percolation area, surface water to soakaways, recessed vehicular entrance, detached garage and all associated site works.
- 4.1.4. PA Ref. No. 0831. Was granted on 10<sup>th</sup> October, 2008 permitting Niall & Tanya Clarkin permission for the demolition of existing single storey domestic dwelling and out houses and erection of a two storey pitched roofed 4 bedroom new domestic dwelling and associated outbuildings to include garage and loose boxes, all at 5 Castledillon, Straffan, Co. Kildare.
- PA Ref. No. 13486. Was refused on 10<sup>th</sup> April, 2014 refusing Niall & Tanya Clarkin an 'Extension of Duration' for PA Ref. No. 0831.
- 4.1.5. PA Ref. No. 06188. Was granted on 25<sup>th</sup> August, 2006 permitting Gary & Mandy Smith permission for demolition of house, garages and 2 stables and erection of dormer style house, garages and 3 stables, tack room, dungstead and wastewater treatment unit.

**4.2. On Adjacent Sites:**

**4.2.1. (to the immediate west):**

PA Ref. No. 03158 / ABP Ref. No. PL09.203311. Was granted on appeal on 10<sup>th</sup> December, 2003 permitting Patrick Mangan permission for (a) the retention of partial demolition of existing single storey dwelling, and (b) the construction of a dormer style replacement dwelling, domestic garage and puraflo wastewater treatment system at "White Lodge", Castledillon Lower, Straffan, Co. Kildare.

**4.2.2. (to the immediate southeast):**

PA Ref. No. 052638. Was granted on 17<sup>th</sup> February, 2006 permitting Raymond Cremin permission for a new double garage with boiler house and utility room extension to previously approved bungalow (reg ref. 04/685), together with conversion of approved garage to games room and minor internal alterations, at Castledillon Lower, Straffan, Co. Kildare.

PA Ref. No. 04685. Was granted on 1<sup>st</sup> July, 2004 permitting Raymond Cremin permission to construct a new single storey residential dwelling with integrated garage / store, secondary wastewater treatment system, new recessed entrance to replace existing field gate to be closed up, and all associated site works at Castledillon Lower, Straffan, Co. Kildare.

PA Ref. No. 03457 / ABP Ref. No. PL09.203641. Was refused on appeal on 20<sup>th</sup> November, 2003 refusing Raymond Cremin permission for the construction of a new single-storey residential dwelling, incorporating guest accommodation, new recessed entrance, secondary waste water treatment system and all associated site works, on a site within previously sterilised lands under planning register reference number 9242 at Castledillon Lower, Straffan, Co. Kildare.

**4.3. On Sites in the Immediate Vicinity**

- 4.3.1. PA Ref. No. 22/1452 / ABP-315874-23. Was granted on appeal on 26<sup>th</sup> Nune, 2023 permitting Michael Gowran permission to change the use of part of the permitted agricultural shed (planning register reference number 20/889) from agricultural storage to a home office and agricultural and domestic storage. Retention permission is also permitted for certain alterations to the development permitted under planning register reference number 20/889 including the addition of windows and doors to the southern, eastern and western elevations and the addition of a chimney flue on the northern elevation, all at Ballyhays, Straffan Co. Kildare.

- 4.3.2. PA Ref. No. 20889. Was granted on 4<sup>th</sup> November, 2020 permitted Michael Gowran permission for the retention of the construction of a c. 6m tall agricultural shed measuring c. 93m<sup>2</sup> (including c. 21m<sup>2</sup> at mezzanine level) for storage of agricultural machinery and feedstock, all at Ballyhays, Straffan, Co. Kildare.
- 4.3.3. PA Ref. No. 08201. Was granted on 17<sup>th</sup> October, 2008 permitting Peter & Sabrina Macari permission for the partial demolition of existing dwelling and the construction of a replacement dwelling. The development comprises of a new two storey house to include 5 no. bedrooms, kitchen, dining room, living room, playroom, study, TV room, bathrooms, gym, library space and Jacuzzi room. Alo the relocation of existing entrance with new gates and piers, new driveway, new effluent treatment system and percolation area, landscaping and all associated site works. The existing swimming pool is to be maintained with the remaining part of the existing dwelling converted to a garage used in conjunction with the proposed house. All at Glenwood, Castledillon, Straffan, Co. Kildare.

#### 4.4. **Other Relevant Files:**

- 4.4.1. PA Ref. No. 2360133. Was granted on 18<sup>th</sup> January, 2024 permitting Tom & Frances O'Rourke permission for the demolition of existing single storey detached house with permission for the construction of a replacement two storey house with single storey element with integrated family unit, upgrade existing septic tank with secondary effluent treatment system and all associated site works, all at Ballycaghan, Kilcock, Co. Kildare.

## 5.0 **Policy and Context**

### 5.1. **National and Regional Policy**

- 5.1.1. ***Project Ireland 2040 - The National Planning Framework: First Revision (April, 2025):***

*National Policy Objective 24:*

- Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are

under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

*National Policy Objective 28:*

- Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:
  - In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
  - 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 smaller towns and rural settlements.

**5.1.2. *Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031:***

Section 4.8: *'Rural Places: Towns, Villages and the Countryside'* of the RSES states that:

*'A key challenge is to ensure that in planning for rural places, responses are uniquely tailored to recognise the balance required between managing urban generated demand in the most accessible rural areas, typically in proximity to Dublin and other towns, whilst supporting the sustainable growth of rural communities and economies, including those facing decline. In general, those rural places in proximity to large urban centres have experienced significant growth and urban generated pressures and require levels of growth to be managed in order to ensure that there is a requisite service level for the existing population'.*

It further states that the rural housing planning policy of local authorities should be evidence-based and accommodate rural-generated housing consistent with the settlement framework contained in the RSES and the 'Sustainable Rural Housing,

Guidelines for Planning Authorities, 2005', or any successor thereof, and should be accommodated within the Housing Needs Demand Assessment, reflecting the housing needs of the county as a whole.

In this regard, Regional Policy Objective (RPO) 4.80 states that:

- Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

**5.1.3. 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005':**

These Guidelines promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Kildare County Development Plan, 2023-2029 includes a detailed identification of the various rural area types specific to the county at a local scale and 'Map Ref: V1-3.1: Rural Housing Policy Zones' of the Plan details that the site is located within 'Zone 1: Areas under Strong Urban Influence'.

**5.2. Development Plan**

**5.2.1. Kildare County Development Plan, 2023-2029:**

*Chapter 3: Housing:*

*Section 3.13: Sustainable Rural Housing:*

*Section 3.13.2: An Evidence-based Approach:*

*Zone 1 - Areas under Strong Urban Influence:*

In 'Areas under Strong Urban Influence', it will be 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 rural settlements and the provision and availability of serviced sites in these areas.

### Section 3.13.3: *Compliance with the Rural Housing Requirements:*

Rural generated housing demand will be facilitated having regard, inter alia, to the applicant's genuine local and housing need, together with the protection of key economic, environmental, natural and heritage assets, such as the road network, water quality, sensitive landscapes, habitats, and the built heritage. The Department of Housing, Local Government and Heritage have indicated that new Rural Housing Guidelines are being prepared to address rural housing issues and to take account of the Flemish Decree, the NPF and broader settlement context. In the interim, Kildare Development Plan must establish a policy to facilitate those who can demonstrate a genuine housing need and a social and/or economic need to live in rural County Kildare. Urban generated rural housing will not be considered.

For the purposes of demonstrating compliance, this plan has provided a definition of 'Economic' and 'Social' need in the context of rural housing policy, as set out below:

#### **Economic:**

A person (or persons) who is (are) actively engaged in farming/agricultural activity on the landholding on which the proposed dwelling is to be built, meeting either of the following:

- (i) A farmer of the land or son, daughter, niece or nephew of the farmer who it is intended will take over the operation of the family farm.

*Note:* A farmer (for this purposes) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission. The leasing of agricultural land to supplement lands within an applicant's ownership for farming, may be considered for the purposes of calculating the minimum land area of 15ha. The applicant shall submit details

of said lease with the relevant planning application indicating that the lease is in place for a period of 10 years or more from the date of the application.

or

- (ii) An owner and operator of farming/horticultural/forestry/bloodstock/animal husbandry business on an area less than 15ha, who is engaged in farming activity on a daily basis, where it is demonstrated through the submission of documentary evidence that the farming/agricultural activity forms a significant part of their livelihood, including but not limited to intensive farming.

### Social:

- (i) A person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build.

*Table 3.4 - Schedule of Local Need Criteria in accordance with the NPF (NPO 19):*

Applicant Category	Rural Housing Need Assessment Guide	
<b>Category A - Economic</b>	<b>Zone 1:</b> Areas under Strong Urban Influence	<b>Zone 2:</b> Stronger Rural Areas
i. A <b>farmer</b> of the land or the son/daughter/niece/nephew of the farmer who it is intended will take over the operation of the family farm  or  i. An <b>owner and operator of a farming/horticultural/forestry/bloodstock/animal husbandry business</b> on an area less than 15ha.	A farmer (for this purpose) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission.  The owner/operator [as referred to in Category A (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.	
<b>Category B - Social</b>	<b>Zone 1:</b> Areas under Strong Urban Influence	<b>Zone 2:</b> Stronger Rural Areas
i. A person who has resided in a rural area for a substantial period of their lives within an appropriate distance of the site where they intend to build on the family landholding	<p>Applicants must have grown up and spent <b>16 years</b> living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.</p> <p>Where no land is available in the family ownership, a site within <b>5km of the applicant's family home</b> may be considered.</p>	<p>Applicants must have grown up and spent <b>16 years</b> living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.</p> <p>Where no land is available in the family ownership, a site within <b>5km of the applicant's family home</b> may be considered.</p>

*Note:* Applications for rural one-off dwellings will be considered, subject to the policies and objectives set out in the County Development Plan. Applicants will be expected to comply with all other requirements of the plan and demonstrate that the development would not prejudice the environment and the rural character of the area. In this regard, factors such as the sensitivity of the receiving environment, the nature and extent of the existing development and the extent of development on the original landholding will be considered.

*Policy HO P11:* Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside in conjunction with the rural housing policy

zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the objectives set out below. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.

*Objective HO 043:* Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare.

*Objective HO 044:* Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites to an unrelated third party.

*Objective HO 045:* Restrict occupancy of the dwelling as a place of permanent residence for a period of ten years to the applicant who complies with the relevant provisions of the local need criteria.

*Objective HO 046:* Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.

*Objective HO 048:* Encourage the appropriate re-use and adaptation of the existing rural residential building stock as a sustainable alternative to new build.

*Objective HO 049:* To consider favourably proposals to complete/renovate/refurbish one-off houses in rural areas which may be unfinished (for stated reasons outside the control of the original applicant) for a period in excess of 3 years, subject to an occupancy clause of 5 years where the applicant can demonstrate that they have lived and worked within 10km of the site for a period of not less than 3 years. The onus shall be on the applicant/occupant of the property (as appropriate) to satisfactorily demonstrate to the Planning Authority, full compliance with this policy.

Section 3.13.4: *Siting and Design:*

The design of all new dwellings in rural areas should respond sensitively and appropriately to the characteristics of the receiving environment. Dwellings should be designed to be absorbed into the existing landscape features, including topography, existing field boundaries and green infrastructure. Applying good rural design principles and appropriate site selection criteria will ensure that new dwellings will integrate with the character and natural setting of the specific rural area while also delivering high quality, energy efficient homes. Further to the policies and objectives set out below, detailed guidance is provided in the Kildare Rural Housing Design Guide in Appendix 4.

*Policy HO P12:* Ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment. Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.

*Objective HO O50:* Require that new dwellings incorporate principles of sustainability and green principles in terms of design, services and amenities with careful consideration in the choice of materials, roof types (i.e. green roofs), taking advantage of solar gain/passive housing and the provision of low-carbon and renewable energy technologies as appropriate to the scale of the development and to support microgeneration in all residential, commercial, agricultural and community development planning. Other sustainable principles could include the use of Sustainable Urban Drainage Systems (such as attenuation ponds and grass lined swales), the use of gravel or grasscrete rather than permanent paving/tarmac for driveways, landscaping and planting for biodiversity/pollinators and adequate waste segregation and storage space, as set out in Section 15.4 of Chapter 15 (Development Management standards) and the Rural House Design Guide contained in Appendix 4.

*Objective HO 051:* Require 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 All applications will be considered on a case-by-case basis, having regard to, the quality of the hedgerow, age and historical context, if an old town boundary hedgerow, species composition, site context and proposed mitigation measures.

*Objective HO 052:* Recognise the biodiversity and ecosystem services value of established hedgerows within rural and urban settings and where hedgerow must be moved to achieve minimum sight lines, a corresponding length of hedgerow of similar species composition (native and of local provenance) shall be planted along the new boundary, while allowing occasional hedgerow trees to develop.

*Objective HO 053:* Retain, sensitively manage and protect features that contribute to local culture heritage and distinctiveness including:

- heritage and landscape features such as post boxes, pumps, jostle stones, etc.
- hedgerows and trees,
- historic and archaeological features and landscapes,
- water bodies,
- ridges and skylines,
- topographical and geological features and
- important scenic views and prospects.

*Objective HO 054:* Protect and maintain all surface water drainage within the curtilage of the site. Where site works impact on surface water drainage effective remedial works will be instated.

#### *Section 3.13.5: Restoration / Refurbishment of Traditional Structures:*

Kildare has a significant number of attractive vernacular structures within the rural area. Rather than risk the loss of the built heritage of Kildare through dereliction, the

Council will promote and encourage the retention and sensitive refurbishment of vernacular buildings within the county. There are also quite a number of derelict dwellings across the rural countryside. Such structures present opportunities for restoration and/or partial or full demolition, as the case may be.

*Policy HO P17:* Promote the re-use and sensitive restoration of existing dwellings, particularly those of traditional architecture. Regard should be had to Kildare County Council's "Reusing Farm Buildings – A Kildare Perspective", (2006) and any other design guidelines issued during the period of the Plan.

*Policy HO P18:* Encourage the sensitive restoration of derelict traditional structures as an alternative to the construction of a one-off dwelling elsewhere subject to the following:

- The vernacular dwelling must be capable of being suitably restored to habitable accommodation in keeping with its original character without the necessity to demolish or significantly alter it.
- Documentary evidence to include a structural survey and photographs.
- The distinctive character and original historic fabric of the structure is retained using appropriate traditional construction methods and materials.
- The applicants or proposed occupants will not be required to comply with local need criteria, identified in the Plan (Table 3.4).

Normal planning, siting and design considerations will be taken into consideration.

*Policy HO P19:* Support and encourage the appropriate refurbishment, conversion and adaptation of existing rural building stock, such as former schoolhouses, stone outbuildings and coach houses, where feasible, as a sustainable alternative to new build.

*Policy HO P20:* Facilitate, where it is demonstrated by an applicant that a dwelling is no longer suitable for habitation, its replacement with a new dwelling subject to the applicant demonstrating and submitting the following with the application:

- I. The structure must last have been used as a dwelling and the external walls must be identifiable/visible.
- II. A report from a suitably qualified competent person shall be submitted to verify that the dwelling is habitable (or not) and that replacement of the dwelling is the most sustainable option.
- III. Documentary evidence of the most recent date of occupation.
- IV. Normally a condition to demolish the existing dwelling will be included in any grant of permission.
- V. Normal planning considerations will be taken into account in the assessment of planning applications for replacement dwellings.

In cases where an applicant/occupant wishes to replace an existing habitable dwelling on the same footprint and of the same or similar floor area there will be no requirement to comply with local need criteria identified in this Plan.

#### *Section 3.14: Rural Residential Density:*

*Policy HO P26:* Sensitively consider the capacity of the receiving environment to absorb further development of the nature proposed through the application of Kildare County Councils 'Single Rural Dwelling Density' Toolkit (see Appendix 11) and 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. In this regard, the Council will:

- examine and consider the extent and density of existing development in the area,
- the degree and pattern of ribbon development in the proximity of the proposed site.

*Objective HO O59:* Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.

Section 3.15: *Environmental and Technical Considerations:*

Section 3.15.1: *Domestic/On site Wastewater Treatment Systems*

Section 3.16: *Access and Entrances:*

*Policy HO P30:* Require that proposals retain and maintain existing hedgerows in all instances, with the exception only of the section required to be removed to provide visibility at the proposed site entrance. On such cases, proposals for replacement hedgerows, including details of composition and planting must be submitted with any application which requires such removal.

*Policy HO P32:* Require that the design of entrance gateways should be in keeping with the rural setting. All applications for a dwelling in a rural area should include detailed drawings and specifications for entrance treatments. The roadside boundary should ideally consist of a sod / earth mound / fencing planted with a double row of native hedgerow species.

Section 3.18: *Technical Considerations for Rural Housing Proposals in County Kildare*

Chapter 5: *Sustainable Mobility & Transport:*

Section 5.5: *Road and Street Network*

Section 5.8: *Local Roads*

Chapter 13: *Landscape, Recreation & Amenity:*

### Section 13.3: *Landscape Character Assessment:*

The majority of the proposed development site is located within the ‘*River Liffey*’ Landscape Character Area as shown on Map Ref.: V1-13.1 although its south-eastern extent falls within the ‘*Northern Lowlands*’ Landscape Character Area.

#### Section 13.3.1: *Landscape Sensitivity:*

*River Liffey: Class 4 (Special Sensitivity):* Significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.

*Northern Lowlands: Class 1 (Low Sensitivity):* Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.

#### Section 13.3.2: *Impact of Development on Landscape*

*Policy LR P1:* Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

*Objective LR O1:* Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.

*LR O2:* Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:

- Landscape Sensitivity Factors;
- A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);
- A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary).
- All Wind Farm development applications irrespective of location, shall be required to be accompanied by a detailed Landscape/Visual Impact Assessment including a series of



photomontages at locations to be agreed with the Planning Authority, including from scenic routes and views identified in Chapter 13.

*Objective LR O4:* Ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area.

*Objective LR O9:* Continue to support development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of local absorption opportunities provided by the landscape, landform and prevailing vegetation.

#### Section 13.4: *Areas of High Amenity:*

In addition to Landscape Character Areas and the sensitivity of these areas to development, there are certain special landscape areas within the county, some of which overlap with sensitive landscapes. For the purposes of this Plan these areas have been defined as Areas of High Amenity. They are classified because of their outstanding natural beauty and/or unique interest value and are generally sensitive to the impacts of development.

##### Section 13.4.4: *The River Liffey and the River Barrow Valleys:*

The River Liffey and the River Barrow valleys are of significance in terms of landscape and amenity value and as such are sensitive to development. The River Barrow is a designated Special Areas of Conservation (SAC). They are characterised by smooth terrain and low vegetation, with extensive upland views (i.e. the Chair of Kildare to the west and the Eastern Uplands to the east) and distant views including the neighbouring Wicklow Mountains. The topography is such that it allows vistas over long distances without disruption along the river corridor. As a result, development on the banks of the rivers can have a disproportionate visual impact, due to an inherent inability to be visually absorbed. However, the undulating topography occurring within the river valleys provides physical shielding and has the potential to visually enclose the built form within the river valley, where it does not break the skyline. Shelter vegetation exists along some stretches of the valleys with the presence of natural and native woodland that grows on the floodplains of the

ivers, as well as by conifer plantation in adjacent lands. This vegetation has a shielding and absorbing quality in landscape terms. It can provide a natural visual barrier as well as adding to the complexity of a vista, breaking it up to provide scale and containment for built forms.

Many views of the river valleys are available from local roads and from viewing points located along the valleys. While river valleys represent potentially vulnerable linear landscape features, as they are often highly distinctive in the context of the general landscape, in certain circumstances landscape sensitivities may be localised or site-specific.

*Policy LR P2:* Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

*Objective LR O17:* Control development that will adversely affect the visual integrity of Areas of High Amenity by restricting the development of incongruous structures that are out of scale with the landscape within the Areas of High Amenity including advertising signs, hoardings, fencing etc. which create visual clutter and disrupt the open nature of these areas.

*LR O18:* Facilitate appropriate development in areas of high amenity that can utilise existing structures, settlement areas and infrastructure, taking account of the visual absorption opportunities provided by existing topography and vegetation.

*Section 13.5: Scenic Routes and Protected Views*

*Chapter 15: Development Management Standards:*

*Appendix 4: Rural House Design Guide*

*Appendix 10: Rural Housing Policy Report*

*Appendix 11: Single Rural Dwelling Density Toolkit*

### **5.3. Natural Heritage Designations**

- 5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 1.9km southeast of the site.
- Royal Canal Proposed Natural Heritage Area (Site Code: 002103), approximately 8.1km north of the site.
- Kilteel Wood Proposed Natural Heritage Area (Site Code: 001394), approximately 8.6km southeast of the site.
- Donadea Wood Proposed Natural Heritage Area (Site Code: 001391), approximately 8.8km northwest of the site.
- Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398), approximately 9.8km northeast of the site.
- Rye Water Valley / Carton Proposed Natural Heritage Area (Site Code: 001398), approximately 9.8km northeast of the site.
- Liffey Valley Proposed Natural Heritage Area (Site Code: 000128), approximately 10.1km northeast of the site.
- Liffey at Osberstown Proposed Natural Heritage Area (Site Code: 001395), approximately 10.2km southwest of the site.
- Ballynafagh Bog Special Area of Conservation (Site Code: 000391), approximately 10.8km west of the site.
- Ballynafagh Bog Proposed Natural Heritage Area (Site Code: 000391), approximately 10.8km west of the site.
- Slade of Saggart and Crooksling Glen Proposed Natural Heritage Area (Site Code: 000211), approximately 11.1km east-southeast of the site.
- Ballynafagh Lake Special Area of Conservation (Site Code: 001387), approximately 11.7km west of the site.
- Lugmore Glen Proposed Natural Heritage Area (Site Code: 001212), approximately 11.1km east-southeast of the site.
- Ballynafagh Lake Proposed Natural Heritage Area (Site Code: 001387), approximately 11.7km west of the site.

- Hodgestown Bog Natural Heritage Area (Site Code: 001393), approximately 12.4km west of the site.
- Red Bog, Kildare Special Area of Conservation (Site Code: 000397), approximately 12.4km south-southeast of the site.
- Red Bog, Kildare Proposed Natural Heritage Area (Site Code: 000397), approximately 12.4km south-southeast of the site.

## **5.4. EIA Screening**

- 5.4.1. Having regard to the nature, size and location of the proposed development, which comprises the demolition of an existing dwelling house and the construction of a replacement dwelling house served by a wastewater treatment system, the proximity of the site to nearby sensitive receptors, and to the criteria set out in Schedule 7 of the Regulations, 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. Please refer to the completed Forms 1 and 2 appended to this report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- Both of the entrances to the proposed development site from Local Road No. L-20071 have always been in existence (albeit for agricultural purposes) and it was felt that the use of one of these entrances to accommodate access by staff / security etc. to the existing dwelling house (No. 5 Castledillon Lower) within the southern part of the site would have been acceptable. It was also assumed that such an arrangement would have been appreciated by residents of the current private road access. Moreover, any increase in traffic would have been minimal.

Nevertheless, the applicant is amenable to complying with the Planning Authority's request to permanently close off both existing entrance points onto Local Road No. L-20071. This may be achieved by way of condition with the

applicant availing of the 2 No. remaining access points from the private roadway as is currently the case.

- With respect to the initial reason for refusal, the applicant is disappointed at the decision to refuse permission on grounds which are felt to be open to consideration based on the precedent evident on site.
  - Having reviewed the grant of permission issued on site for PA Ref. No. 21/1171 in detail post planning and pre-construction, the applicant decided that a better solution for his family needs would be to apply for permission for the construction of a new dwelling house on site. In this regard, it is submitted that the construction of a replacement dwelling house with a similar footprint and in the same location as the existing dwelling to be demolished would not be so detrimental as to warrant a refusal of permission.
  - The proposed development involves the replacement of a single use two-storey dwelling house with a new single use two-storey dwelling house (plus a small mezzanine within part of the attic space).
  - The proposed dwelling house will occupy the same location as the existing house with their respective building footprints (taking account of the development previously permitted on site under PA Ref. No. 21/1171) overlapping considerably (as illustrated in the grounds of appeal) although the proposed construction has been reorientated to avail of better sunlight and to increase the separation distance from the neighbouring property.
  - Given the comparable size, shape and location of the proposed dwelling house to the development previously approved on site under PA Ref. No. 21/1171, it is difficult to comprehend the assertion that the proposal would *“seriously injure the visual and character amenities of the area”*.
  - The Board is referred to the accompanying imagery which compares the proposed dwelling house with the development permitted under PA Ref. No. 21/1171. In this regard, the building footprints and elevational lengths would seem to be very comparable.

- The proposed dwelling house will be more energy efficient and compliant with current Building Regulations.
- Cognisance should be taken of the evolution of the site's ownership since the applicant's acquisition of same as illustrated in the figures included with the grounds of appeal:
  - Site Plan 'A' indicates the extent of the site as initially purchased by the applicant. It also shows the location of the dwelling house previously permitted on site under PA Ref. No. 17/888 which was never constructed with the permission having since lapsed.

When taken cumulatively, the building footprint of the house granted permission, along with the shed, the existing house on site and its sheds, would have been 1,041m<sup>2</sup> in total.

Given that the dwelling house permitted under PA Ref. No. 17/888 would have comprised an additional unit on site and was to have been located substantially closer to the River Liffey, it is unclear how the subject proposal could be deemed to be injurious to amenity character by comparison.

- The approval for the extension of the existing dwelling house under PA Ref. No. 21/1171 was on condition (by way of an undertaking given by the then applicant) that PA Ref. No. 17/888 not be constructed. The result of this is shown on Site Plan 'B' which indicates a much cleaner site without the previous sheds and outbuildings and without reference to PA Ref. No. 17/888.

The intention was to implement PA Ref. No. 21/1171, however, upon commencing demolition works it was noted that the construction and quality of the existing house was / is very substandard. This resulted in the applicant requesting the option of a full rebuild.

- Prior to the lodgement of the subject application, the applicant acquired the adjoining site known as No. 5 Castledillon Lower (please refer to Site Plan 'C') and in this regard it is submitted that the visual difference between Site Plans 'B' and 'C' is negligible in terms of local building fabric.

Indeed, the extended site area serves to dilute the increased footprint of the proposed dwelling in terms of percentage site coverage.

The black outline shown on Site Plan 'C' indicates the new basement location which is proposed is to be a full basement and thus better in terms of visual amenity than the semi-sunken basement permitted under PA Ref. No. 21/1171.

- In view of the foregoing, it is submitted that the proposed development should not have been refused permission on the basis of being injurious to the amenity character.
- It is not accepted that the proposed replacement dwelling house (with its negligible increase in elevation and height and its higher standard of finish) should have been refused permission, particularly as the development permitted under PA Ref. No. 17/888 would have:
  - Been closer to the River Liffey;
  - Intensified the use / people / traffic levels on site; and
  - Increased the overall building footprint on the site to 1,041m<sup>2</sup> (compared to the subject building footprint of 977m<sup>2</sup>).
- Although the Planning Authority is of the opinion that the proposed development is of "*excessive bulk, scale and mass (outside of the original footprint of the existing dwelling house)*", that reference is not applicable and should instead take account of PA Ref. No. 21/1171 which remains valid.
- The applicant is seeking to build a modern, energy efficient, building compliant, two-storey family home with better materials and in the same location as what he already has permission for under PA Ref. No. 21/1171.

## 6.2. Planning Authority Response

- Confirms its decision to refuse permission and refers the Board to the Planner's Report, internal department reports, and the submissions received from prescribed bodies, in relation to the assessment of the planning application.

### 6.3. Observations

None.

### 6.4. Further Responses

None.

## 7.0 Assessment

7.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Traffic implications
- Wastewater treatment and disposal
- Appropriate assessment

These are assessed as follows:

### 7.2. The Principle of the Proposed Development / Rural Housing Policy:

7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance in the first instance to note that although the proposed development site is located within '*Zone 1: Areas under Strong Urban Influence*' as identified on '*Map Ref: V1-3.1: Rural Housing Policy Zones*' of the Kildare County Development Plan, 2023-2029 wherein proposals for rural housing are to be assessed in accordance with Policy HO P11 (which aims to facilitate those who can demonstrate a genuine housing need and a social and / or economic need to live in rural County Kildare), the subject proposal involves the demolition of an existing dwelling house and the construction of a new replacement dwelling house. In this regard, it should be noted that despite the initial assessment carried out by the Planning Authority not raising any concerns with respect to the proposed development in terms of compliance with the applicable rural housing policy, the final report of the case planner includes an '*Additional Note Subsequent*



to *Receipt of Response to FI Request*' which states that in the absence of an engineering report justifying the demolition of the existing habitable structure, and as the footprint of the proposed dwelling will exceed that of the existing construction, there is a need for the applicant to satisfy the 'local needs' rural housing policy. It subsequently states that as there is no indication that the applicant complies with the 'local needs' policy, the submitted proposal fails to comply with the requirements of Policy HO P20 & Objective HO O48 of the Development Plan, although permission was not refused on these grounds.

7.2.2. Having reviewed the available information, it is my opinion that the pertinent policy provision in this instance is Policy HO P20 which refers to the construction of replacement of dwelling houses while distinguishing between proposals involving the demolition of habitable and non-habitable (no longer suitable for habitation) dwellings. While I would acknowledge that during the course of my site inspection it was observed that some demolition works had been carried out at the existing dwelling house proposed for replacement, I would suggest that the extent of these works would not in itself render the property uninhabitable and that it would be inappropriate in any event to lend credence to any such works which may or may not have been purposively undertaken so as to render a dwelling house no longer suitable for habitation. In this regard, I would draw the Board's attention to Section 3.0: '*Demolition Works*' of the Design Statement provided with the initial application wherein it is stated that the demolition works were undertaken pursuant to PA Ref. No. 21/1171 with a view to extending the existing house as per that grant of permission thereby implying that the house itself was habitable and suitable for extension. Therefore, on the basis that the dwelling house proposed for demolition would not satisfy the definition of a dwelling 'no longer suitable for habitation', it would seem that there is no requirement for the applicant to comply with the qualifying criteria set out in Parts (I)-(V) of Policy HO P20. Instead, the relevant consideration is what appears to be a standalone provision contained in Policy HO P20 which relates to the replacement of '*existing habitable dwellings*' with no requirement for compliance with Parts (I)-(V).

7.2.3. In accordance with Policy HO P20 there is no requirement for an applicant to comply with the local needs criteria set out in the Development Plan provided it is proposed to replace an existing habitable dwelling on the same footprint and of the same or

similar floor area (it is unclear why the physical limitations on the location and size of replacement dwellings only apply to 'habitable' houses and not also to 'uninhabitable' properties). Having established that the existing dwelling is 'habitable', it is necessary to determine whether or not the proposed replacement dwelling will occupy the same footprint and be of the same or similar floor area.

7.2.4. Given that partial demolition works have already been carried out on site with a view to constructing the extension as approved under PA Ref. No. 21/1171 (during which it was determined that the existing construction was substandard and thus it would be more appropriate to construct a replacement house), I am inclined to suggest that it would be reasonable to draw a comparison between the existing dwelling house as permitted to be extended (as opposed to the current dwelling) and the proposed replacement dwelling. In this regard, I am satisfied that the footprint of the proposed dwelling broadly corresponds with that of the existing & extended dwelling (as shown on Drg. No. 2020-45-P2-003: '*Proposed Site Plan*') notwithstanding that the new construction will be orientated to avail of improved solar and shading.

7.2.5. With respect to the requirement that the floor area of the replacement dwelling should be the same or similar to that of the original construction, I would refer the Board to the 'Design Statement' submitted in support of the initial application which includes a table comparing the floor areas of the existing dwelling proposed for demolition, the dwelling as permitted to be extended under PA Ref. No. 21/1171, and the proposed replacement dwelling. Please see below.

	Existing House	Previously Approved under PA Ref. No. 21/1171	Proposed Replacement House
<b>Site Area</b>	2.3632 Ha	2.3632 Ha	4.12 Ha
<b>Ground Floor</b>	356.7m <sup>2</sup>	667.7m <sup>2</sup>	885.5m <sup>2</sup>
<b>First Floor</b>	248.4m <sup>2</sup>	480.0m <sup>2</sup>	726.5m <sup>2</sup>
<b>Total Ground &amp; First Floor Area</b>	605.2m <sup>2</sup>	1,147.7m <sup>2</sup>	1,612.0m <sup>2</sup>
<b>House Basement</b>	-	-	581.5m <sup>2</sup>
<b>House Mezzanine</b>	-	-	97.2m <sup>2</sup>
<b>Independent Basement</b>		565.5m <sup>2</sup>	746.6m <sup>2</sup>

- 7.2.6. From a review of the foregoing figures, it is apparent that the combined ground & first floor areas of the extended and proposed dwelling houses are 1,147.7m<sup>2</sup> and 1,612m<sup>2</sup> respectively which, in my opinion, are not entirely dissimilar. Although this comparison does not take account of the basement and mezzanine floor areas, it should be noted that these spaces do not impact on the building footprint, nor do they significantly contribute to the overall scale and massing of the structure. Regrettably, no mechanism or indication has been included in the Development Plan by which an applicant or any other party can make a reasoned determination as to what amounts to a 'similar' floor area in the case of a new dwelling replacing a 'habitable' structure, however, I am inclined to suggest that the subject proposal is sufficiently similar as to be permissible under Policy HO P20 thereby negating any requirement for the applicant to demonstrate a 'local need'. In support of such a conclusion, the Board may wish to consider the Planning Authority's previous determination of PA Ref. No. 2360133 (under the same Development Plan provisions) wherein it granted permission for the demolition of a 'habitable' dwelling house with a floor area of 93m<sup>2</sup> and its replacement with a new dwelling house (including an attached 'granny flat') with a stated floor area of 300m<sup>2</sup>.
- 7.2.7. Further credence is lent to the proposal if cognisance is taken of the planning history of the site given that permission had already been granted under PA Ref. No. 17888 for an additional dwelling house (with a stated floor area of 609m<sup>2</sup>) to the west of the existing dwelling in advance of the approval of PA Ref. No. 21/1171 thereby potentially increasing the cumulative floor area across the wider site. In addition, permission for another dwelling house on site (to the west of No. 5 Castledillon Lower) was only refused permission on the grounds of local need (PA Ref. No. 2064). Consideration should perhaps also be given to the increased site area resulting from the amalgamation of the plots occupied by 'The Paddocks' and 'No. 5 Castledillon Lower'.
- 7.2.8. By way of further comment, should the Board not be minded to accept that the proposed dwelling is of a similar floor area to that of the existing house, it should be noted that there is an absence of clarity as to whether a larger replacement construction would be permissible from first principles or if any 'local need' requirement would apply.

7.2.9. On balance, although Objective HO O48 of the Development Plan seeks to *'encourage the appropriate re-use and adaptation of the existing rural residential building stock as a sustainable alternative to new build'*, the case has been put forward that the replacement of the existing dwelling house is warranted given the substandard nature of the existing construction (as was determined during the demolition works for PA Ref. No. PA Ref. No. 21/1711) and that the replacement structure will also have the benefit of improved energy efficiency and adherence to current building regulations. In any event, Policy HO P20 includes provision for the replacement of *'existing habitable dwellings'* and it is my opinion that the subject proposal is permissible by reference to same.

### 7.3. Overall Design / Visual Impact:

7.3.1. In terms of assessing the visual / landscape impact of the proposed development, it is of relevance in the first instance to note that the majority of the proposed development site is located within the *'River Liffey'* Landscape Character Area as shown on Map Ref.: V1-13.1 of the Kildare County Development Plan, 2023-2029, although its south-eastern extent falls within the *'Northern Lowlands'* Landscape Character Area. Moreover, the proposed replacement dwelling will be predominantly sited within the *'River Liffey'* LCA. In this regard, Section 13.3: *'Landscape Character Assessment'* of the Development Plan details how a landscape sensitivity rating was developed for each of the Landscape Character Areas as a means by which to measure the ability of the landscape to accommodate change or intervention without suffering unacceptable effects to its character and value. Although the Northern Lowlands LCA has been deemed to be of the lowest sensitivity (Class 1) with a greater capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area, the *'River Liffey'* LCA has been identified to be of a higher *'Special Sensitivity'* (Class 4) which is described as *'Significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors'*. Guidance on the compatibility of particular development types within each of the LCAs is contained in Table 13.3 of the Plan and although *'Rural Housing'* is shown to have a *'Low'* compatibility rating with the River Liffey LCA, I would suggest that there must be an acknowledgement in the subject instance that the proposed development involves the construction of a replacement dwelling house on lands already in residential use and occupied by two

dwelling houses (with permission having previously been granted for a third dwelling on the property).

- 7.3.2. In a local context, while the broader landscape is primarily characterised by low-lying rural countryside, there is a notable concentration of piecemeal one-off housing in the wider area while the subject site forms part of a planned 'cluster' / cul-de-sac of rural dwelling houses set on substantial individual sites and served by a private access roadway. This pattern of development is likely attributable to historical development pressures exerted by the wider Dublin Metropolitan Area, with particular reference to the nearby urban centres of Naas and Celbridge, as well the comparatively close proximity of Sallins and Hazelhatch Train Stations. In addition, the proposed development site is located approximately 1.0km southeast of the village of Straffan and c. 1.0km east of 'The K Club' golf resort where there are multiple examples of houses of a substantial scale having been developed. The site itself is heavily screened from view with mature boundaries defining the full extent of the site perimeter (albeit to a lesser extent alongside the River Liffey) while a tree-lined avenue on the approach to 'The Paddocks' along with other planting serve to provide a well landscaped setting across the site.
- 7.3.3. The proposed development involves the demolition of an existing two-storey, detached dwelling house known as 'The Paddocks' and its replacement through the construction of a substantial, two-storey over basement (with part mezzanine level over first floor), detached dwelling house (with a stated floor area of 2,290.7m<sup>2</sup> and a maximum ridge height of 11.85m over ground level) in broadly the same location on site. The overall design of the new construction derives from a modern interpretation of classical architecture (new classical) and is characterised by its grand scale and broadly symmetrical composition. In this respect, the Planning Authority raised serious concerns as regards the overall scale, bulk, height and massing of the proposed construction along with its potential to detract from the highly sensitive River Liffey LCA which culminated in a decision to refuse permission on the basis that the proposal would be visually incongruous and would seriously injure the visual amenity and character of the surrounding area.
- 7.3.4. From a review of the available information, and having conducted a site inspection, while I would concede that the proposed replacement dwelling is of an imposing design and is clearly intended to elicit an element of grandeur (in an attempt to mimic

that of historic stately homes / estate houses), it is my opinion that the overall size and scale of the proposal is not in itself incompatible with the site location and context. The proposed development involves the amalgamation of the housing plots presently occupied by 'The Paddocks' and 'No. 5 Castledillon' into a singular larger site in excess of 4.0 hectares and I am satisfied that this can accommodate a development of the scale proposed. Indeed, it is of note that prior to the applicant's acquisition of the wider site, permission had been granted for an additional dwelling house to the west of the property known as 'The Paddocks' while approval was also given for the substantial extension of the existing house ('The Paddocks') under PA Ref. No. 21/1171. A review of the planning history of the site also indicates that permission was previously granted for the replacement of No. 5 Castledillon Lower with a two-storey dwelling while another dwelling house on site (to the west of No. 5 Castledillon Lower) was only refused on the basis of local need (PA Ref. No. 2064). In effect, the case could be made that the application site could potentially have historically accommodated 3 - 4 No. dwelling houses seemingly without detriment to the visual amenity or character of the area.

- 7.3.5. The application has been accompanied by two Design Statements in support of the proposed development as lodged and I would draw the Board's attention in particular to the photomontages submitted by way of further information which provide a basis for comparing the visual impact / overall visibility of the replacement dwelling house with that of 'The Paddocks' as existing and as approved to be extended. In my opinion, these visual representations serve to demonstrate that the subject site is capable of accommodating the development as proposed without detriment to the wider area. The mature landscaping throughout the site and along the perimeter boundaries provide considerable screening and this was acknowledged in the initial report of the case planner wherein it was stated that the proposed dwelling would be *'largely imperceptible from roadside viewpoints'*. This can be supplemented by further landscaping where required in the event of a grant of permission.
- 7.3.6. Therefore, having regard to the overall design, scale and nature of the proposed replacement dwelling house, the specifics of the site context (including the extent of the amalgamated site area and the considerable screening offered by its mature setting and perimeter boundaries), the positioning of the proposed dwelling set back from public road and the River Liffey (to broadly correspond with that of the existing

dwelling house proposed for demolition), the acknowledged presence of substantial individual rural houses within the immediate site surrounds and the wider area, and the planning history of the application site, it is my opinion that the proposed development will not appear visually incongruous and will not unduly detract from the visual amenity or character of the surrounding area or the 'River Liffey' Landscape Character Area.

#### **7.4. Traffic Implications:**

- 7.4.1. At present, each of the existing dwelling houses on site is principally accessed via its own entrance from the private service road which extends north / northeast from Local Road No. L-20071 to serve both the subject site and neighbouring housing, although two further secondary / 'agricultural' accesses have been opened directly onto the public road (Local Road No. L-20071) through the southern site boundary. The proposed development, as initially submitted to the Planning Authority, sought to maintain this arrangement but also included for the upgrading of the westernmost secondary access onto the public road so as to facilitate dedicated vehicular access to the car parking within the proposed independent basement construction while also seeking to provide further access (segregated from that visiting the proposed replacement house) to No. 5 Castledillon Lower. This proposal was held to be unacceptable to the Planning Authority as informed by the report of the Naas Municipal District (Area Engineer) which emphasised the Council's policy of discouraging a proliferation of access points onto public roads before recommending that both the access points / openings along the southern site boundary be closed off in their entirety.
- 7.4.2. In response to a request for further information, the applicant submitted amended proposals which sought to address the Planning Authority's concerns in part by closing the existing entrance to No. 5 Castledillon Lower off the private cul-de-sac as well as the easternmost access onto the public road (Local Road No. L-20071), however, these revised arrangements were also considered unacceptable on the basis that they provided for the closure of an existing 'fit for purpose' access off a private road and its replacement with a new domestic access directly off the local public road. This culminated in a refusal of permission on the grounds that the proposal would result in an intensification of traffic movements at this rural location; would endanger public safety by reason of traffic hazard or obstruction of road users;

would be contrary to Section 15.7.6 of the Kildare County Development Plan, 2023-2029 which seeks ‘ . . . to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern . . . ’; and would set an undesirable precedent thereby leading to a proliferation of similar type developments.

- 7.4.3. The first party appeal has sought to remedy the Planning Authority’s traffic safety concerns by indicating that the applicant is now amenable to maintaining the 2 No. existing access points off the private road / cul-de-sac while closing both the secondary (‘agricultural’) accesses onto the public road.
- 7.4.4. Having considered the available information, I am inclined to concur with the position adopted by the Planning Authority that the proposal as initially submitted, which would have involved the provision of a further domestic access onto the public road, would give rise to an unnecessary proliferation of access points and would not be warranted in light of the existing access arrangements already in place via the private service road. Accordingly, in the event of a grant for permission, a condition should be imposed requiring the closure of both the existing access points opening directly onto the public road along with the submission of a revised site layout plan detailing an amended internal service arrangement providing for vehicular access to the independent basement car parking.

**7.5. Wastewater Treatment and Disposal:**

- 7.5.1. The proposed development includes for the installation of a wastewater treatment system and provides for treated effluent to be discharged to ground by way of pumped discharge to a soil polishing filter. On the basis of the information available, including the submitted Site Characterisation Form, the report of the Environment Section of the Local Authority has concluded that the proposed wastewater treatment and disposal arrangements are acceptable, subject to conditions.

**7.6. Appropriate Assessment:**

- 7.6.1. **Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive):**
- 7.6.2. I have considered the proposed development, which includes for the demolition of an existing dwelling house; the construction of a replacement dwelling house; the provision of a fully sunken basement area independent of the proposed dwelling; an



external swimming pool; and associated site development works (including the installation of a new wastewater treatment system with discharge to a soil polishing filter), all at 'The Paddocks' and 'No. 5 Castledillon Lower', Straffan, Co. Kildare, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

(Please refer to Section 2.0 of this report for a more detailed description of the proposed development).

7.6.3. The proposed development site is located in the rural townland of Castledillon Lower, Co. Kildare, approximately 1.0km southeast of the village of Straffan and c. 1.0km east of 'The K Club' golf resort, where it forms part of a 'cluster' / cul-de-sac of rural dwelling houses set on substantial individual plots and accessed by a private roadway. The wider area is broadly characterised by a gently undulating rural countryside interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings while the immediate site surrounds include an existing dwelling house to the southeast, further housing to the west, and the River Liffey which passes immediately alongside the northern site boundary. The subject site is not located within or adjacent to any European Site with the closest such sites as follows:

- The Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398), approximately 9.8km northeast of the site.
- The Ballynafagh Bog Special Area of Conservation (Site Code: 000391), approximately 10.8km west of the site.
- The Ballynafagh Lake Special Area of Conservation (Site Code: 001387), approximately 11.7km west of the site.
- The Red Bog, Kildare Special Area of Conservation (Site Code: 000397), approximately 12.4km south-southeast of the site.

7.6.4. No nature conservation concerns have been raised in the planning appeal.

7.6.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

7.6.6. The reasons for this conclusion are as follows:

- The nature and scale of the development;
- The location of the development site and its distance from the nearest European site(s), and the absence of hydrological or other ecological pathways to any European site; and
- The contents of the appropriate assessment screening report and conclusions statement completed by Kildare County Council.

7.6.7. 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.

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

## **8.0 Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below.

## **9.0 Reasons and Considerations**

9.1. Having regard to the location of the subject site within a rural area, to the provisions of the Kildare County Development Plan, 2023 – 2029, to the nature, scale and form of the proposed development, and to the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would be justified in terms of demolition and replacement and acceptable in terms of siting, design and wastewater treatment, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, and would constitute an appropriate development in this rural location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of January, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - a) The 2 No. entrances / access points along the southern site boundary which open directly onto the public road shall be closed off in their entirety prior to the first occupation of the proposed dwelling house.
  - b) Vehicular access to the fully sunken basement area independent of the proposed dwelling house shall be through the site via the existing access arrangement leading from the private service road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

3. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

- 5.

- a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

- 6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management

Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

7. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Robert Speer  
Senior Planning Inspector

3<sup>rd</sup> June, 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321947-25		
<b>Proposed Development Summary</b>	The proposed development will consist of (i) demolition of existing detached two storey five bedroom dwelling on site; (ii) construction of a replacement two storey over basement (with swimming pool and cinema) six bedroom detached dwelling, with part mezzanine level over first floor; (iii) proposed dwelling to include; pitched roof with parapets, balconies, bay windows, covered terraces, porches and roof lights; (iv) construction of a fully sunken basement independent of the proposed dwelling to include; car-parking, games areas, bar, ancillary rooms, ramped driveway (accessed from existing vehicular access off public road) and staircase to ground level, and 3 no. above ground roof-lights; (iv) external swimming pool to the rear of new proposed dwelling; (v) other works to include: landscaping, drainage, boundary treatments, access roads within site, driveway amendments within site, and all necessary ancillary works to facilitate the development.		
<b>Development Address</b>	The Paddocks and No. 5, Castledillon Lower, 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>	✓
		<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>			
Yes			EIA Mandatory EIAR required
No	✓		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>			
	Threshold	Comment (if relevant)	Conclusion

<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(i): Threshold: 500 No. dwelling units Proposal: 1 No. dwelling house		Proceed to Q.4

4. Has Schedule 7A information been submitted?				
<b>No</b>	✓		<b>Preliminary Examination required</b>	
<b>Yes</b>			<b>Screening Determination required</b>	

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



## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-321947-25
<b>Proposed Development Summary</b>	The proposed development will consist of (i) demolition of existing detached two storey five bedroom dwelling on site; (ii) construction of a replacement two storey over basement (with swimming pool and cinema) six bedroom detached dwelling, with part mezzanine level over first floor; (iii) proposed dwelling to include; pitched roof with parapets, balconies, bay windows, covered terraces, porches and roof lights; (iv) construction of a fully sunken basement independent of the proposed dwelling to include; car-parking, games areas, bar, ancillary rooms, ramped driveway (accessed from existing vehicular access off public road) and staircase to ground level, and 3 no. above ground roof-lights; (iv) external swimming pool to the rear of new proposed dwelling; (v) other works to include: landscaping, drainage, boundary treatments, access roads within site, driveway amendments within site, and all necessary ancillary works to facilitate the development.
<b>Development Address</b>	The Paddocks and No. 5, Castledillon Lower, Straffan, Co. Kildare.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>1. 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).	The proposed development involves the demolition of an existing dwelling house (floor area: 605.2m <sup>2</sup> ) and its replacement through the construction of a large, two-storey over basement dwelling with a stated floor area of 2,290.7m <sup>2</sup> . It also provides for the construction of a fully sunken basement (floor area: 746.6m <sup>2</sup> ) independent of the proposed dwelling house. Associated works include the installation of an on-site wastewater treatment system with discharge to a soil polishing filter, the provision of an external swimming pool, landscaping, drainage, and other ancillary site development works.

	<p>Although the proposed replacement dwelling and associated works are considerable, the proposal is not considered exceptional in the context of the receiving environment.</p> <p>Wastewater treatment will be required to adhere to the Environmental Protection Agency's 'Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent <math>\leq 10</math>)'.</p> <p>It is considered that there are no environmental implications with regard to the size, design, cumulation with existing / proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.</p>
<p><b>2. 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 natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development site is located in a rural area where it forms part of a 'cluster' / cul-de-sac of dwelling houses set on substantial individual sites and served by a private access road. The wider area is broadly characterised by a gently undulating rural countryside interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings while the immediate site surrounds include an existing dwelling house to the southeast, further housing to the west, and the River Liffey which passes directly alongside the northern site boundary.</p> <p>Most of the proposed development site lies within the 'River Liffey' Landscape Character Area although its south-eastern extent falls within the 'Northern Lowlands' Landscape Character Area (The River LCA is considered to be of 'Special Sensitivity' whereas the Northern Lowlands LCA is of 'Low Sensitivity'). Mature boundaries define the full extent of the site perimeter (albeit to a lesser extent adjacent to the River Liffey) while a tree-lined</p>

	<p>avenue and other well-established landscaping contribute to the overall setting and screening of the site. The design &amp; visual impact of the proposal are considered further in the planning assessment of the Inspector's Report.</p> <p>Concerns as regards the protection of ground and surface waters (including the River Liffey) can be satisfactorily mitigated through the implementation of suitable measures / controls.</p> <p>Screening for the purposes of appropriate assessment has concluded that the proposed development would not be likely to have a significant effect on any European site.</p> <p>There are no further environmental sensitivities in terms 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. wetlands, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance.</p>
<p><b>3. Types and characteristics of potential impacts</b></p> <p>Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the scale of the proposed development (i.e. a replacement dwelling house served by an on-site wastewater treatment system) and the nature of the demolition and construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment factors listed in Section 171A of the Act.</p>
<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.
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