



**To:** The Commission  
**From:** Jim Egan, Planning Inspector  
**Date:** 21<sup>st</sup> January 2026  
**Re:** ABP-322256-25

Permission for (A) Raising of low lying farmland by 1 meter over circa 3.2 hectares using inert subsoil and topsoil to be grass seeded on completion. (B) Temporary site entrance & access to allow for landfilling as above (item A)

Dereens, Caragh, Naas, Co. Kildare

On 9<sup>th</sup> April 2025, a first party appeal was received on behalf of the applicant, Nicholas Walsh, against a decision by Kildare County Council to refuse permission for (A) Raising of low-lying farmland by 1 meter over circa 3.2 hectares using inert subsoil and topsoil to be grass seeded on completion and (B) Temporary site entrance and access to allow for the landfilling.

Following a review of the appeal and application documentation, a notice under Section 132 of the Planning and Development Act 2000, as amended, was issued to the applicant on the 12<sup>th</sup> June 2025.

The notice advised the applicant of the following:

- That the proposed development involves the reclamation of low lying, wetlands and as such would trigger an EIAR under Part 2 of Schedule 1 of the Planning and Development Regulations 2001, as amended, under Class 1 (c) – development for carrying out reclamation of wetlands where more than 2 hectares of wetlands would be affected.

- That the planning authority, in making a screening determination that Appropriate Assessment due to the uncertain nature of impacts on Mouds Bogs SAC (2331), considered that an NIS was required.
- That in accordance with section 132 of the Planning and Development Act, 2000, (as amended), the applicant is required to submit, on or before 11th December 2025, an Environmental Impact Assessment Report (EIAR) under Article 109 (1) of Planning and Development Regulations, 2001 (as amended) and a Natura Impact Statement (NIS), under Section 177T (5) of the Planning and Development Act, 2000 (as amended).

The last date for receipt of a response from the applicant was the 11<sup>th</sup> December 2025. No response was received before or on that date. A copy of the Section 132 notice was also issued to the planning authority and an observer to the appeal. No response was received by either party.

On the basis of the foregoing, it is my recommendation that the subject appeal should be dismissed under Section 133 of the Planning and Development Act, 2000, as amended, for the reasons and considerations set out below, and the applicant informed accordingly.

#### **Reasons and Considerations:**

Having regard to the notice issued under Section 132 of the Planning and Development Act, 2000 (as amended), which required the submission of an Environmental Impact Assessment Report (EIAR) under Article 109(1) of Planning and Development Regulations, 2001 (as amended) and a Natura Impact Statement (NIS) under Section 177T(5) of the Planning and Development Act, 2000 (as amended), and in the absence of a response within the period specified in the Section 132 notice, the Commission has decided to dismiss the appeal.

Signed: \_\_\_\_\_

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