



An
Coimisiún
Pleanála

Inspector's Report ABP-322435-25

Development	Construction of a house, wastewater treatment system and all associated site works.
Location	Feighcullen, Boston Common, Rathangan, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2522
Applicant(s)	Richard Ivers and Nicole North
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Richard Ivers and Nicole North
Observer(s)	None
Date of Site Inspection	31 st July 2025
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.138 hectares and is located within Feighcullen, Boston Common, Rathangan, Co. Kildare.
- 1.2. The site is located 7.3km north-east of Rathangan and 11.7km to the north-west of Newbridge.
- 1.3. The site is accessed off a private cul-de-sac, extending from the L7004 Drumsu (local road) to the north. The initial section of this route is single track only, includes an incline, is lined with trees, and finished with loose stone and grass. The alignment of the route includes a bend at the southern end, after which the road is flat and sufficiently wide to allow two cars pass.
- 1.4. The site abuts 2 no. residences to the east and a gated open access to the west. There are a further 2 no. single storey bungalows dwellings within separate sites to the north of the site, with access off this cul-de-sac. Site boundaries include mature planting to the west and north, blockwork wall to the north and partially collapsed post fence to the east.
- 1.5. The subject site originally formed part a landbank sites and is stated to have been sold by Leo Price.

2.0 Proposed Development

- 2.1. The proposed development consists of:

(a) single storey infill house (b) single storey sensory living unit (c) installation of proprietary wastewater treatment system and percolation area (d) new vehicular entrance and access driveway and all associated site works.
- 2.2. The proposed development has a total floor area of (242m² GFA).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Council issued a decision to refuse permission on the 4th April 2025, for the following reasons:

1. Section 3.14 of the Kildare County Development Plan 2023 - 2029 seeks ensure that, notwithstanding compliance with local need and other technical criteria, the receiving rural area has capacity to accommodate additional residential development. HO P26 of the Kildare County Development Plan 2023 – 2029 also seeks to sensitively considered the capacity of the receiving environment to absorb further development. In addition, objective HO 059 seeks to carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre. Due to the level and pattern of development in the area and having regard to the foregoing, the proposed development would be contrary to Section 3.14, Policy HOP26 and Objective HO 059 of the Kildare County Development Plan 2023 – 2029 would set an undesirable precedent for similar inappropriate development and would therefore be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the County Development Plan 2023-2029 under Section 3.13.3 to focus the provision one-off housing in the rural countryside to the category of ‘local need’, subject to compliance with normal planning criteria including siting and design considerations. Based on the information submitted with the application, it is considered that the applicant has not adequately demonstrated compliance with local need criteria, as outlined in Table 3.4 of the County Development Plan 2023-2029. The proposed development would therefore be contrary to Section 3.13.3 of the Kildare County Development Plan 2023-2029, the Sustainable Rural Housing Development Guidelines for Planning Authorities (2005) and to the proper planning and sustainable development of the area.

3. It is the polity of the County Development Plan 2023-2029 under Section 3.13.3 Objective HO 047 to “Recognise that exceptional health circumstances, supported by relevant documentation from a registered medical specialist, may require a person to live in a particular environment. Housing in such circumstances will generally be encouraged in areas close to existing services and facilities and in Rural Settlements. All planning permissions for such housing granted in rural areas shall be subject to a ten-year occupancy condition. However, the proposed development by way of it’s rural location is not close to existing services and facilities. The proposed development would therefore be contrary to [to] Section 3.13.3 of the Kildare County Development Plan 2023-2029, the Sustainable Rural

Housing Development Guidelines for Planning Authorities (2005) and to the proper planning and sustainable development of the area.

4. Insufficient information has been submitted with regard to inter alia, full boundary treatment plan (the extent of the Post & Mesh” fence is unclear) cross -sectional drawings, contiguous drawings, drawings of the proposed entrance/access to the site, and detailed relating to the proposed Wastewater Treatment System to enable the Planning Authority to adequately assess the impact of the proposed development on the surrounding rural setting, the character of the area and the environment. Furthermore, from an assessment of the documentation submitted, primarily in relation to the style of fencing, which is considered industrial in nature, the proposed development would be contrary to the Appendix 4 Rural Design Guide of the Kildare County Development Plan 2023-2029 policy 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 (3rd April 2025)

- The report includes a detailed development description, planning history and planning policy review.
- The report refers to a previous decision to refuse permission on the subject site (**P.A. Reg. Ref.: 24/60044**). With respect to Objectives HO P26, HO 059 (Reason 1), the applicant has not submitted sufficient information to address this matter;.
- The density of the receiving environment would exceed 30 units per hectare and would not comply with the Development Plan.
- With respect to Local Need Criteria (section 3.13.3) the amendments do not materially alter this reason for refusal.
- Whilst additional medical information has been provided, the site is not located “close to existing services and facilities and in Rural Settlements”, as required under Objective HO O47 of the Development Plan.
- The proposal to include a sensory unit linked to the dwelling, in lieu of a garage, does not have a material impact on the reasons for refusal.

- The proposed Post & V Mesh boundary treatment is industrial and not appropriate for a rural area; and does not comply with Appendix 4 and Policy HO P12 of the Development Plan.
- No drawings have been submitted of the proposed new entrance way. The access lane is in a state of serious disrepair. Notwithstanding, the MD Engineer and Roads and Transportation Dept. note the site doesn't enter a public road and have no objection, subject to conditions.
- The Environment Section has requested FI with respect to the WWTS.
- The report concludes that the proposed development, in conjunction with existing development would exacerbate an excessive density in the area. The proposal would also exacerbate a pattern of urban sprawl, contributing to the suburbanisation and erosion of the rural character of the area.
- In addition, whilst confidential medical information has been provided, the site is not located within a Rural Settlement and has inadequate access to existing services and facilities, and would contravene Section 3.14, HO P26, HO 047 and HO 059 of the Development Plan, and permission should be refused on that basis.
- An EIA Screening has been carried out, concluding that EIA is not required.
- An AA Screening Report concludes that having regard to the nature and scale of the proposed works, it is not considered that there will be any impact on the nearest SAC (Mouds Bog).

3.2.2. Other Technical Reports

- **Environmental (Water Services):** No objection subject to condition.
- **Newbridge Municipal District Office:** No objection subject to condition.
- **Environment Section:** Requires Further Information.
- **Transportation, Mobility and Open Spaces Department:** No objection subject to condition.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

- 3.4.1. A single third party submission was received from Sean O'Fearghail T.D, supporting the application.

4.0 Planning History

4.1. Subject Site

- 4.1.1. **P.A. Ref. 01/1223:** Permission refused in August 2001 for a dormer bungalow and septic tank with effluent treatment system. The applicant was the current applicant's (Nicole North) parents. Permission was refused due to absence of housing need, prevention of overdevelopment; of random rural development; protection of views of the 1999 Kildare County Development Plan; contrary to policies directing housing to designated settlements; would give rise to additional traffic movements; and would be premature by reference to deficiencies in the road network.
- 4.1.2. **P.A. Ref. 02/1573:** Permission refused for in October 2002 for a dormer bungalow and septic tank with effluent treatment system. The applicant was the current applicant's (Nicole North) mother. The grounds of refusal were as issued under P.A. Reg. Ref.: 01/1223.
- 4.1.3. **P.A. Ref. 03/1605:** Permission refused in October 2003 for a dormer bungalow including septic tank and puraflo treatment system. The applicant was the current applicant's (Nicole North) parents. The reasons for refusal included those as issued under P.A. Reg. Ref.: 01/1223. In addition, the proposal was considered to constitute an excessive concentration of haphazard residential development in an agricultural landscape, would contravene materially objective in the Plan (Section 2.2); contravene Strategic Planning Guidelines (SPGs) relating to the location within the Strategic Green Belt; would be contrary to Sustainable Ireland a Strategy for Ireland and contravene section 2.2; and would impact on Scenic View 12 of the Plan.
- 4.1.4. **P.A. Ref. 04/597:** Retention Permission refused in April 2004 for mobile home and septic tank and associated site works, a dormer bungalow effluent treatment system. The applicant was the current applicant's (Nicole North) parents. The reasons for refusal included those as issued under P.A. Reg. Ref.: **03/1605**. In addition, the proposal was refused due to an inadequate road network serving the site.

- 4.1.5. **P.A. Ref. 05/1590:** Permission refused in March 2006 for a dormer bungalow and septic tank with effluent treatment system. The applicant was the current applicant's (Nicole North) parents. The application was refused on the grounds that the proposal would constitute random rural housing, contravene materially RH 3 and RH 4 of the 2005-2011 CDP; would not comply with Housing Need provisions of the Plan; would contravene objectives of the Regional Planning Guidelines for the Greater Dublin Area; would consolidate haphazard and incongruous suburban development, conflict with policies of the CDP on the prevention of random rural development, giving rise to an excessive density of residential development in an unserved area; would give rise to additional traffic and demand for unplanned public services and community facilities.
- 4.1.6. **P.A. Ref. 08/175:** Permission refused in July 2008 for a dormer bungalow incorporating a wastewater treatment system and all ancillary site. The applicant in this case differed from the subject application, and was considered to have met local housing need provisions of the 2005-2011 CDP. The application refused on the grounds that; there has been an excessive level of development of the original landholding through speculative sale of sites injuring rural amenity in the area; the proposal would contribute to excessive over-development, injuring the amenities of properties in the area; and an inadequate access road.
- 4.1.7. **P.A. Ref. 24/60044:** Permission refused in April 2024 for A) the erection of a single storey house, (B) garage store for domestic use, (C) the installation of a proprietary wastewater treatment system with percolation area, (D) new recessed vehicular entrance and access drive way and all associated site works. The reasons for refusal were as per Reasons 1 and 2 as issued under the subject application.

4.2. **Environs of Site**

- 4.2.1. The following pertinent planning history in the environs of the site is noted.
- 4.2.2. **North-west of Site (P.A. Ref. 00/1749):** Permission granted (contrary to Planner's Recommendation) in April 2001 for a four bed dormer, Envirocare system and associated works. The County Manager had advised that the applicant complies with the County's Rural Housing Policy; and that permission should be granted on that basis.

- 4.2.3. **Adjoining Site (P.A. Ref. 00/1789):** Permission granted by KCC for a four bed dormer, Envirocare system and associated works.

Feighcullen Sites

- 4.2.4. These cases relate to two adjoining sites to the north of the subject site.
- 4.2.5. **P.A. Reg. Ref.: 01/1420; ABP Ref.PL09.126942:** Permission granted by the Council and refused by An Bord Pleanála in May 2002, for a bungalow and bio-disc treatment unit. The Board refused permission due to an absence of housing need and considered that the proposal would constitute “random housing development in a rural area, lacking certain public services and community facilities”.
- 4.2.6. **01/1421; ABP Ref.PL09.126938:** Permission granted by the Council and refused by refused An Bord Pleanála in September 2001 for the erection of a bungalow and bio-disc treatment unit. As above, the Board refused permission due to an absence of housing need and that the proposal would constitute “random housing development in a rural area, lacking certain public services and community facilities”.
- 4.2.7. **P.A. Ref. 03/1305; ABP Ref.: PL09C.204388:** Permission granted by the Council and the Board in March 2004, for a bungalow and proprietary sewage treatment plant unit. In granting permission, the Board had regard to, inter alia, the applicant's compliance with housing need provisions of the Development Plan; and that the proposal would not interfere with any views or prospects. Condition 2 states that the site refused permission under (**P.A. Reg. Ref.:01/1420; ABP Ref.PL09.126938**), should be sterilised from further residential development.

5.0 Policy Context

5.1. Housing for All 2021

- 5.1.1. Specifies four pillars by which universal access to quality housing options is to be achieved. Of relevance to the proposed development is the achievement of Pillar 1, increasing new housing supply.

5.2. Project Ireland 2040 National Planning Framework - First Revision, 2025

- 5.2.1. **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.

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

5.3.1. The guidelines include the following relevant objective:

Regional Policy Objective (RPO) 4.8: 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.

5.4. **Sustainable Rural Housing – Guidelines for Planning Authorities, 2005**

5.4.1. The guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. The application relates to a person on the grounds of forming part of the rural community. The Guidelines state that,

Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence.

5.4.2. Circular Letter PL 2/2017 issued on 31st May 2017, refers to an infringement notice against Ireland in 2007, in relation to housing needs criteria contained in the 2005 Guidelines. This notice was subsequently deferred pending the outcome of an infringement case taken against Belgium, on which the European Court of Justice (ECJ) delivered its Judgement in 2013. Updated and revised Guidelines are proposed by the Department of Housing, Local Government and Heritage. However, there is no date at present for when these will be published.

5.4.3. Section 4.8 states the following:

In assessing the design aspects of specific rural housing proposals, planning authorities should make well balanced and informed judgements on the merits of each proposal, taking on board the degree to which a site is sensitive in visual and other terms, the character of surrounding development and the wider area and the need to encourage innovation in design and construction techniques, while avoiding an overly prescriptive approach, such as an outright ban on particular materials e.g. brick, across all proposals in a given area in relation to the designs and finishes chosen.

5.5. Quality Housing for Sustainable Communities, Best Practice Guidelines 2007

5.5.1. These Guidelines set out national planning policy and guidance in relation to housing design.

5.5.2. The guidelines include the following relevant target for a single storey 3B/6P dwelling; target floor area (90m²); minimum main living room (15 m²) aggregate living area (37m²); aggregate bedroom area (36m²) and storage (10m²).

5.6. Quality Housing for Sustainable Communities, Best Practice Guidelines 2024

5.6.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed.

5.6.2. Development standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16m between opposing windows serving habitable rooms above ground floor level), SPPR 2 in relation to private open space (3-bed 40 m²), SPPR 3 in relation to car parking and SPPR 4 in relation to cycle parking and storage.

5.7. Kildare County Development Plan 2023-2029

5.8. Sustainable Rural Housing (Section 3.13)

5.8.1. The Plan states the following:

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 and the provision and availability of serviced sites in these areas.

'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.'

- 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... 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.

Cluster type developments of five houses or less may be considered in rural areas on family farm holdings for applicants who are family members or adjacent to urban boundaries where no other land is available and comply with the social or economic element of the rural housing policy, where there has not been speculative sale of sites.

Table 3.4 – Schedule of Local Housing Need Criteria in accordance with NPF (NPO 19) (NPO 24, NPF, First Revision, 2025)

Category B – Social (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.

Zone 1 Areas under Strong Urban Influence

Applicants must have grown up and spent 16 years¹ living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding. Where no land is available in the family ownership, a site within 5km of the applicant's family home may be considered.

5.8.2. It is the policy of the Council to:

HO P11 Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy

¹ Documentary evidence will be required. Examples of appropriate documentary evidence include, but are not limited to, copies of original birth certificates, bank statements, utility bills and copies of official school record.

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.

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.

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.

HO 047 Recognise that exceptional health circumstances, supported by relevant documentation from a registered medical specialist, may require a person to live in a particular environment. Housing in such circumstances will generally be encouraged in areas close to existing services and facilities and in Rural Settlements. All planning permissions for such housing granted in rural areas shall be subject to a ten-year occupancy condition.

Siting and Design Objectives

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.

HO P13 Restrict further development which would exacerbate or extend an existing pattern of ribbon development, defined as 5 or more houses along 250 metres on one side of any road.

HO 050 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.

HO 051 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.

HO 052 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.

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 effects² 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.

HO 059 Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre³, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.

² Negative environmental effects may include, inter alia, impacts on; groundwater quality, landscape character, protected habitats and designated sites. Impacts will be site specific and therefore differ from site to site and have regard to Appendix B of the 'SEA Guidelines for Regional Assemblies and Planning Authorities'.

³ The sq. km. shall, in all instances, be measured from the centre point of the application site.

Rural density limits set out in Objective HO O59 will not apply to applicants restoring or refurbishing existing farm structures or non-habitable dwellings who comply with the local need criteria.

Policy **HO P27** Require all applications to demonstrate, to the satisfaction of the Planning Authority that the proposed development site can accommodate an on-site wastewater treatment system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2021), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period.

5.9. Climate Action Plans 2024 and 2025

- 5.9.1. The Acts, to be read in conjunction outline measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. They include budgets appropriate across a range of sectors. Of relevance to residential development is the built environment sector. The Commission must be consistent with the Plan in its decision making.

5.10. National Biodiversity Action Plan (NBAP) 2023-2030

- 5.10.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.
- 5.10.2. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.11. Natural Heritage Designations

- 5.11.1. There are no European sites within the subject site.

5.11.2. The closest European site to the subject site is the Mouds Bog SAC (Site Code: 002331), located c.5.2km to the south-east of the site.

5.11.3. The closest designated site is the Grand Canal pNHA (Site Code: 002104), located 1.2km to the north of the site.

5.12. Water Framework Directive Assessment

5.12.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

5.13. EIA Screening

5.13.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal may be summarised as follows:

- The site formed part of a meat processing business, part of which was sold off as individual plots. The former landowner was involved in High Court proceedings relating to the sale of land and removal of an access road.
- The applicant's (Nicole North) parents have been unsuccessful in achieving planning permission for a dwelling on this site since 2001.
- The Council have shown bias and would refuse any application within this bank of sites previously in the ownership of Leo Price.

- The site is an infill residential site, with industrial lands to the south. The site was rural in 1970, prior to Boston Meat Factory being established and has grown substantially since then.
- The continued refusal on the subject site may represent an inconsistency in application of planning policy by the Council, or discrimination under social and equality legislation.
- With respect to Obj. HO O26, the subject site constitutes an infill site within a residential settlement (the single remaining plot), which can absorb the proposed development.
- With respect to HO 047, the appellant refers to the commentary of the Council, that by reason of it's rural location, the site is not close to existing services. The site is centrally located between the applicant' s daughter's special needs school (in Milltown), medical practitioner (Rathangan) and the applicant's (Nicole North) mother in Kilmeague.
- The proposed fencing is light and transparent and necessary as a health and safety measure for the Applicant's daughter. It is the intention to include planting to fully screen the site and rear garden in particular.
- The application does not include a traditional septic tank system.
- The Council is responsible for the creation of Boston Common/Feighcullen as a rural settlement, and yet object to the addition of the subject additional dwelling.
- The Council has not given due regard to the documentation with respect to local need, submitted with the application.
- The site is in close proximity to established services and facilities.

6.1.2. The appeal is accompanied by a supporting letter from the applicants, the relevant provisions of which state the following:

- The subject site is in close proximity to the applicant's daughter's educational and healthcare needs, provided within a secure rural environment.
- The proposal has been designed to provide a secure, sensory friendly home tailored to the specific healthcare needs of the applicant's daughter.

- As parents, the applicants consider the subject site to be in their daughters' best interests.
- The applicant (Richard Ivers) is fifth generation from the local area, with family residing within 3km of the site.
- Nicole North's parents have owned the subject site for over 20 years and also live locally.
- The proposal aligns with Development Plan rural housing needs/exceptional health care circumstances, and the right of those with strong familial connection to build within their local area.
- Exceptional circumstances should apply in this case.

6.2. **Planning Authority Response**

- The planning authority reviewed the content of the first party appeal and has no further comment or observation to make.

6.3. **Observations**

6.3.1. None received.

6.4. **Further Responses**

6.4.1. None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the main issues in this appeal relates are as follows:

- Principle of Development
- Design
- Site Services

- Access and Transportation

7.2. Principle of Development

- 7.2.1. The proposed development relates to the provision of a new single storey dwelling, single storey sensory unit, installation of a proprietary wastewater treatment system and percolation area, with new vehicular entrance and access driveway and all associated site works.
- 7.2.2. The applicant is seeking to provide a rural dwelling to cater for specific health considerations of one of the applicant's children. Further to review of the file, the acceptability of the subject proposal, is in my opinion, subject to assessment under the following considerations:
- **Local Need**
- 7.2.3. The application relates to the provision of a rural dwelling, located within Zone 1 (Areas under Strong Urban Influence) of the Development Plan, under Category B – Social Housing need.
- 7.2.4. From a review of the documentation, the applicants both currently reside in Kilmeague, at a distance of 6.8km from the subject site.
- 7.2.5. The applicant's (Nicole North) grandparents reside in Feighcullen, a distance of 1.6km from the subject site. The application includes a letter of support from Nicole's grandparents, stating that Nicole has resided at this address for a period from 1998-2017 (19 years) and attended school in Rathangan from this address. I note the applicant's school records relate to the years of 1999 to 2008 for primary school and 2006-2012 secondary school. There is therefore an overlap and inconsistency in these dates. The application separately states that both applicants have resided in the area for 16 years.
- 7.2.6. Notwithstanding, I am satisfied, on the basis of the letter from Nicole's grandparents, that the applicant has resided within 1.6km of the subject site for the period of at least 16 years, meeting the local housing need criteria of the Plan.
- 7.2.7. From a review of the documentation, the applicant (Richard Ivers) states that he is "fifth generation" with local family living within 5km of the subject site. However, the addresses provided relate to an address in Kilmeague (6.8 km from the subject site).

The application form includes a further address for a family home in Newtown, Co. Kildare, 30km from the subject site, which may have been a typographical error.

7.2.8. As such, I consider that there is insufficient information to demonstrate compliance with Housing Need Criteria for Richard Ivers. Notwithstanding, as noted above, I am satisfied that the applicants otherwise meet the Housing Need Criteria of the Development Plan (Section 3.13.3), on the basis of the supporting letter from Nicole North's grandparents.

7.2.9. I note the planning authority do not consider the applicant to have met housing need criteria, without providing a significant explanation. It is possible that the planning authority were not satisfied on the grounds of above referenced inconsistencies, which, in my opinion, is not unreasonable.

Exceptional Health Circumstances

7.2.10. The subject application relates to the provision of dwelling on the grounds of exceptional health considerations (Policy Objective HO 047 of the Development Plan refers) of one of the applicant's daughters. I note that relevant design components include the provision of a dedicated sensory room, separate to the main dwelling, which forms part of the subject plan.

7.2.11. The applicant notes that the subject site would provide an improved/more centralised base with respect to proximity to the applicant's daughters needs and services. In this context, I note that the applicants and maternal grandparents all currently reside in Milltown (6.8km from the subject site); the same location of the applicant's daughter's school and occupational therapist, whilst the medical centre is in Rathangan. As such, it is not clear that the principle of relocating from Milltown to this site would reduce commuting times, notwithstanding school/private bus services in this area.

7.2.12. The medical information notes the importance of living in a rural area, at a distance from excessive noise and traffic. Whilst this might be achieved at the subject site, I note the unfinished road surface and unlit cul-de-sac as potential safety risks for the prospective residents.

7.2.13. Notwithstanding, taking account of, inter alia, the case as presented by the applicant, relating to the appropriateness of this site for cater for their daughter's medical needs, established bungalows to the east, I consider that exceptional health

circumstances should apply in this case, as provided under HO 047 of the Development Plan, subject to assessment under planning considerations.

7.2.14. In this context, the subject site is located within a rural area, and not within a Rural Settlement or in close proximity to existing services and facilities. Notwithstanding, I consider that the wording of Policy Objective HO 047 includes sufficient flexibility to support the provision of a dwelling at the subject site, subject to all other healthcare and planning considerations.

- **Density and Pattern of Development**

7.2.15. HO P26 of the Development Plan seeks to assess that the capacity of the receiving environment to absorb further development, through the Council's density toolkit, and that the density of one-off housing does not exceed 30 units per sq.km (HO O59 of the Kildare County Development Plan 2023 – 2029 refers).

7.2.16. The planning authority considers that due to the level and pattern of development in the area, the proposed development would be contrary to Policy HOP26 and Objective HO 059. I note that the planning authority have not provided an estimation of this density figure. From a review of online mapping sources, I estimate the density within the site to be c.40 units within the km² inclusive of the subject proposal, exceeding the rural density guidance figure.

7.2.17. The site located within a rural area served from an extended access road from the L7004. I note that ribbon development is not a factor at this site.

7.2.18. The subject site presents as a vacant site, with bungalows to the east and north of the cul-e-sac. The scale and nature of the proposal would integrate with the established pattern of development in the immediate area.

7.2.19. Having reviewed the relevant documentation, I consider that no significant environmental effects will occur, noting that the site does not affect Views scheduled for protection under the Development Plan and is removed from any designated sites. On this basis, in this instance, I consider the density of development to be acceptable.

7.2.20. Overall, therefore I consider proposed development to be acceptable in principle, subject to assessment with respect to, access, design and site services.

7.3. Access and Transportation

- 7.3.1. The proposed development would be accessed from a cul-de-sac in private ownership, outside the ownership of the applicant.
- 7.3.2. As noted above, the route extends from the L7004 Feighcullen Road with a total length of c. 250m. The alignment includes a sharp right-hand turn, at the southern end. The initial section is bound by established trees/hedgerow planting; is finished with stone and centre line of grass, is not wide enough for two cars to pass. The southern section of the route is generally flat, and wide enough to allow a car to pull in. Potholes have been filled in along the full length, improving the structure of the road. Visibility improves at the southern end, with open views to the north.
- 7.3.3. With respect to sightlines, visibility from the proposed dwelling to this cul-de-sac would be adequate, subject to site clearance to the east and west. In addition, on egress to the L7004, whilst sightlines to the east would be acceptable; there is a kink in the road, potentially affecting sightlines to the west. However, I do not consider this to be a reason for refusal.
- 7.3.4. The application was not accompanied by entrance or boundary details.
- 7.3.5. The Transportation, Mobility and Open Spaces Department have no objection subject to condition, noting that the road would not be taken in charge. The Department recommend the provision of a recessed entrance, with piers set back a distance of 2.4m from the road edge, and I concur with this recommendation.
- 7.3.6. Conditions of the Roads Department relate to surface water run off, drainage, EV charger points, damage to public roads during the construction phase. Again, I concur with these recommendations.
- 7.3.7. I note the valid concerns of the planning authority with respect to the inadequacy of the route, with respect to width, length and structure; and the fact that the road is outside the ownership of the applicant, and therefore, reliant on third party consent with respect to any upgrade works outside of the red line boundary.
- 7.3.8. Notwithstanding, further to a site visit, I consider, whilst the width is not ideal for the initial section; the surface of the structure has improved throughout. In addition, visibility is acceptable at the southern end from which the proposed dwelling would be accessed, having regard to the drop in levels and views to the north.

7.3.9. As such, having regard to compliance of the applicant with the Local Housing Need Criteria (Table 3.4) and Exceptional Health Circumstances (Policy HO O59) of the Development Plan; the scale and nature of the proposal, and established pattern of development in this area; I consider that, subject to condition, vehicular access to this property can be provided without significant adverse environmental impacts arising.

7.3.10. I therefore consider that traffic and transportation, do not constitute grounds for refusal and recommend that permission should be granted on that basis.

7.4. Design

7.4.1. The subject application proposes a single storey 3 bed dwelling with a linked sensory room.

7.4.2. The proposed dwelling, excluding the sensory room, meets the relevant standards as set out in the Sustainable Housing Guidelines 2024 and the Quality Housing for Sustainable Communities 2007.

7.4.3. The sensory room (55m²) is attached to the main house by a covered link. The sensory unit is extremely close to the property to the east. In this context, I recommend that the link be reduced in length by 2m to reduce overbearance and perceived overlooking of the adjoining dwelling to the east.

7.4.4. The dwelling and sensory room both overlook a patio, serving as private open space. I note that this area may be affected by the proposed reduction in length of the link.

7.4.5. The application proposes post and mesh fencing 1.8m high, however it is not clear whether it is intended that this would apply to all site boundaries. The local authority considers this component to be industrial [in appearance] and contrary to the Appendix 4 Rural Design Guidelines, seriously injuring the visual and rural amenities of the area. The applicants argue that the fencing is light in weight and necessary on medical safety grounds.

7.4.6. I note that on the day of site visit, the eastern hedgerow and been removed and fence had collapsed.

7.4.7. Having regard to the provisions of the Plan and design requirements of the applicant, I recommend the inclusion of this proposed fencing, but to a height of 1.2m on the eastern and northern boundaries. The fence should be placed inside a line of

replacement wooden fencing to the east and stone wall to the north (front), in the interests of residential and visual amenity. Hedgerows should be integrated on the eastern, southern and northern boundaries where appropriate, to enhance visual assimilation of the scheme at this site.

- 7.4.8. In this context, I consider, subject to condition, the scale and design of dwelling to be acceptable, and do not consider that permission should be refused on this basis.

7.5. Site Services

Water Supply

- 7.5.1. It is proposed to connect via a new connection to Uisce Éireann infrastructure for water supply. A submission or observation has not been received from Uisce Éireann on the application and appeal.
- 7.5.2. Notwithstanding, I note that Uisce Éireann had no objection to the previous application on the subject site (P.A. Reg. Ref.: 24/60044), for largely the same scope of works.
- 7.5.3. As such, I am satisfied that the proposed development can be serviced. In the event the Commission decide to grant permission, I recommend the inclusion of a condition; that the applicant enter into a Connection Agreement with Uisce Éireann, to provide for any service connection to public water supply, and adhere to the standards and conditions in that agreement.

Surface Water Drainage

- 7.5.4. As discussed below, surface water will be directed to percolation areas.

Effluent Treatment System

- 7.5.5. It is proposed to install an on-site effluent treatment system with a percolation area to serve the proposed development.
- 7.5.6. From a review of the documentation, it is noted that the Applicant's Site Characteristics Form confirms that the site is located in an area with a locally important highly vulnerable aquifer; bordering an area to the south where vulnerability is extreme due to bedrock near the surface.
- 7.5.7. The trial hole depth was 0.8m and the soil types are noted to consist of Clayey Loam within the surface with clay intermixed with Gravelly silt with angular cobble within

the subsurface and limestone bedrock at the base. Groundwater/winter groundwater was not encountered in the trial hole. The form indicates the site to have a sub-surface value of 21.72mm and surface value-rating of 19.78min/25m, noting good percolation characteristics of both.

- 7.5.8. The applicant proposes to install a primary and secondary wastewater treatment system followed by a soil polishing filter, discharging to groundwater. Discharge from the primary system located to the south of dwelling would be pumped to a percolation area, located in close proximity to the site entrance.
- 7.5.9. The form notes that separation distances are met, however, as noted by the local authority, these dimensions have not been provided on the Site Layout Plan submitted with the application. Notwithstanding, from a review of the drawings, I am satisfied that the distances to existing septic tanks accord with the EPA Code of Practice Domestic Waste Water Treatment Systems, 2021.
- 7.5.10. I note the local authority state the Characterisation Form contains errors. Further to my review, I note, the site is referred to as “good dry agricultural land” within the Comments section which may be the relevant mistake. I note that the form, otherwise, is consistent throughout, I am satisfied that this is not a material error.
- 7.5.11. In this context, I refer the Commission to the responses from the Water Services and Environment sections of the previous application (P.A.: 24/60044), relating to largely the same form of development and Site Characterisation Form. In this case, both departments had no objection to the proposed development, subject to condition.
- 7.5.12. Based on the information as submitted, and in the event that the Commission decide to grant permission for the proposed development, I am satisfied that the site can accommodate waste water on site, and that the proposed development would not be prejudicial to public health.

8.0 AA Screening

- 8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).

- 8.2. I have considered the construction of a dwelling, a new vehicular access and driveway, wastewater treatment plant and all associated works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.3. The closest European site to the subject site is the Mouds Bog SAC (Site Code: 002331), located c.5.2km to the south-east of the site.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. 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.
- 8.6. The reason for this conclusion is as follows:
- The distance from nearest European site.
 - The small scale and nature of the subject proposal.
- 8.7. 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.
- 8.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission is granted, subject to condition, for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development in Feighcullen /Boston common rural area, the pattern of development in the immediate vicinity of the site, the applicants compliance Local Housing Need Criteria (Table 3.4) and Exceptional Health Circumstances (Policy HO O59) of the Kildare County

Development Plan 2023-2029, it is considered that subject to compliance with the conditions below, the proposed development would not adversely impact on the residential and visual amenities of neighbouring dwellings, would be acceptable with respect to services and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application by the planning authority on 10th February 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 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted.

- 3 The applicant shall get approval from the landowner / management company prior to the commencement of development. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and orderly development.

- 4 The proposed development shall be amended as follows:
- (a) The proposed link shall be reduced by 2m, increasing the distance between the sensory room and dwelling to the east.
 - (b) Outer piers to be fully 2.4 metres back from the road edge.
 - (c) A recessed entrance shall be provided to site and shall be constructed generally in accordance generally in accordance with Drawing E/3639-1, as submitted with the application.

Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and traffic safety.

- 5 The existing front entrance shall be kept free from obstruction and shall be maintained by the occupant so as not to impede lines of sight at the entrance as provided in accordance with TII Document (DN-GEO-03060).

Reason: In the interest of traffic safety.

- 6 The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

- 7 The site shall be landscaped, using only indigenous deciduous trees 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. This scheme shall include the following:

(a) the provision of post and mesh fence to a height of 1.2m, sitting inside a wooden fence line to the east.

(b) The inclusion of local hedgerow on the southern boundary.

Reason: In order to screen the development, in the interest of visual amenity and to promote biodiversity.

- 8 The front boundary shall consist of post and mesh boundary fence with local stone. The location of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 9 The applicant shall ensure that all damage to the public road network associated with the construction phase of this development shall be repaired to the satisfaction of Kildare Newbridge Municipal District staff.

Reason: In the interest of traffic safety.

- 10 The applicant shall ensure that electrical charge points are provided at the driveway of the new dwelling to allow for the night-time charging of Electric Vehicles (EVs), linked to the individual domestic electricity meter. The EV Charger should be compatible with the Sustainable Energy Authority of Ireland's Triple E Register.

Reason: To promote the use of night-time renewable energy.

- 11 a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from

roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

- 12 (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 10th February 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

- 13 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 14 Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

Reason: In the interest of public health and to ensure adequate water supply to the site.

- 15 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 Coimisiún 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.

Aoife McCarthy
Planning Inspector

12th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322435-25
Proposed Development Summary	Construction of a house, wastewater treatment system and all associated site works.
Development Address	Feighcullen, Boston Common, Rathangan, Co. Kildare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322435-25
Proposed Development Summary	Construction of a house, wastewater treatment system and all associated site works.
Development Address	Feighcullen, Boston Common, Rathangan, Co. Kildare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This application relates to the construction of a detached two-storey dwelling and all ancillary works. The operational development will be served by a wastewater treatment system, soakpits and connection to public water supply. The operational phase will also be served by a new vehicular access off a private access road. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is located within a Category 1 Rural Area under the County Development Plan. The closest settlement is Rathangan, located 7.2km from the subject site. The development is removed from sensitive natural habitats, designated sites, protected views, protected structures as designated within the Development Plan. The subject site is not located within or adjacent to any Natura 2000 sites. Mounds Bog Special Area of Conservation is situated c5.2km to the south-east of the site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale and nature of works, distance of the site from sensitive habitats, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	322435-25	Townland, address	Feighcullen, Boston Common, Rathangan, Kildare. Townlands of Feighcullen and Bostoncommon
Description of project		Construction of a house, wastewater treatment system, site entrance, driveway and all ancillary works.	
Brief site description, relevant to WFD Screening,		Limestone bedrock at 0.8m OD below ground level. Site within a locally important highly vulnerable aquifer.	
Proposed surface water details		Surface water to be catered by proposed percolation area.	
Proposed water supply source & available capacity		Supply to connect to public mains under management of Uisce Eireann. No response from UE however unlikely to be an issue, having regard to single dwelling, part of this application.	
Proposed wastewater treatment system & available capacity, other issues		On site primary tank, piping treated water to secondary system comprising percolation area and soil polishing filter (total filter depth 0.6m), base at +0.2m OD above ground level. System to discharge to groundwater.	

Others?			No.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Grand Canal Barrow Line (Barrow)	1261	IE_14_AWB_GCBL	Good	Subject to review.	None	WWTS discharge to groundwater during operational phase.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_14_AWB_GCBL	hydrocarbon spillage to groundwater.	hydrocarbon spillages	Standard Constructio n Measures / Conditions	No	Screened out.
2.	Ground	IE_14_AWB_GCBL	hydrocarbon spillage to groundwater.	hydrocarbon spillages		No	Screened out.
OPERATIONAL PHASE							
3.	Surface	IE_14_AWB_GCBL		None		No	Screened out.
4.	Ground	IE_14_AWB_GCBL		WWTS discharge to groundwater	Standard constructio n and operational conditions in accordance	No	Screened out.

					with EPA Guidance.		
DECOMMISSIONING PHASE							
5.	N/A						

