



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322610-25**

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<b>Development</b>	Construction of bungalow with associated works.
<b>Location</b>	Derryvarrogue, Donadea, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2560207
<b>Applicant(s)</b>	Declan Flaherty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Declan Flaherty
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> August 2025
<b>Inspector</b>	Emer Doyle

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.975 hectares and is located in the rural townland of Derryvarroge Donadea, c. 3km east of Donadea Forest Park and 5km north of Staplestown, Co. Kildare.
- 1.2. The subject site forms part of a larger field of 7.55 hectares which is accessed by an existing agricultural gate. There is an agricultural shed and cattle crush in the western corner of the landholding. It would appear from the maps submitted that a site was previously sold from the landholding in the eastern corner of the field prior to the current ownership. This site currently accommodates a dormer bungalow.
- 1.3. The area is under immense development pressure and there is a proliferation of one off housing on both sides of the road at this location. The Grill Shack Restaurant is located on lands opposite the site.

### **Proposed Development**

- 1.4. Permission is sought for a bungalow and garage, effluent treatment system, the upgrading of an existing agricultural entrance to a recessed entrance, and all associated works.

## **2.0 Planning Authority Decision**

### **2.1. Decision**

- 2.1.1. Permission refused for 3 no. reasons, as follows:

1. Policy HO P11 of the Kildare County Development Plan 2023-2029 seeks to facilitate proposals for dwellings in the countryside outside of settlements in accordance with the National Planning Framework Policy NPO 19 in conjunction with the rural housing policy zone map and accompanying Schedule of Category of Applicant and Local Need Criteria. In order to establish genuine local need, the Applicant was assessed against Category A and Category B (i) of Zone 1 as set out in Table 3.4 of the Kildare County Development Plan 2023-2029. Based on the information submitted with the application, it is considered that the Applicant has not sufficiently demonstrated they have an economic or social need to reside in a rural

area defined as in an area under Strong Urban Influence as identified in the Kildare County Development Plan 2023- 2029. The proposed development is therefore contrary to policy HO P11 of the Kildare County Development Plan 2023-2029 and to the proper planning and sustainable development of the area.

2. Policy HO P26 of the Kildare County Development Plan 2023-2029 seeks to sensitively consider the capacity of the receiving environment to absorb further development. It is considered that the proposed development, in conjunction with the level of existing and permitted development in the vicinity would further exacerbate an excessive density of development in this rural area and would contribute to the increasing suburbanisation of the area. In addition, objective HO O59 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. Having regard to the foregoing, the proposed development would materially contravene policy HO P26 and objective HO O59 of the Kildare County Development Plan 2023-2029 and would therefore be contrary to proper planning and sustainable development of the area.

3. Due to the lack of sufficient information contained in the submitted Site Characterisation Form for the proposed wastewater treatment system, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not lead to conditions which would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.

## **2.2. Planning Authority Reports**

### **2.2.1. Planning Report**

- The planner's report considered that the applicant did not comply with the social or economic need policy of the development plan in relation to rural housing. It considered that there is a history of refusals on the site and the reasons for refusal have not been overcome. The area is heavily characterised by one off housing with a high density of development and the proposal is contrary to Policy HO P26 and HO 059 of the development plan.

#### 2.2.2. Other Technical Reports

- **Area Engineer:** No objection, subject to conditions.
- **Environment:** Recommends requesting further information.
- **Roads:** No objection, subject to conditions.
- **Area Engineer:** No objection subject to conditions.
- **Water Services:** No objection, subject to conditions.

#### 2.3. Prescribed Bodies

2.3.1. No reports were received from prescribed bodies.

#### 2.4. Third Party Observations

2.4.1. No Third-Party observations were received by the Planning Authority.

#### 3.0 Planning History

3.1. Relevant Planning history for the site:

##### **PA Reg. Ref. 22/1454**

Permission refused to current applicant for dormer type dwelling, domestic garage, effluent treatment system for one reason in relation to Policy RH9 of the 2017-2013 Development Plan due to the limited capacity of the area to absorb further development.

##### **PA Reg. Ref. 22/24**

Permission refused to current applicant for dwelling, treatment system, and access for two reasons relating to Policy RH9 and RH2 of the 2017-2013 Development Plan due to the limited capacity of the area to absorb further development and the rural housing policy in relation to local need.

**PA Reg. Ref. 20/633**

Permission refused to current applicant for dwelling, treatment system, and access for two reasons relating to Policy RH9 and RH2 of the 2017-2013 Development Plan due to the limited capacity of the area to absorb further development and the rural housing policy in relation to local need.

**PA Reg. Ref. 19/68**

Permission refused to current applicant for dwelling, treatment system, and access for two reasons relating to Policy RH9 and RH2 of the 2017-2013 Development Plan due to the limited capacity of the area to absorb further development and the rural housing policy in relation to local need.

Adjoining the site to the south:

**PA Reg. Ref. 24/60656**

Permission refused to the current applicant for two reasons relating to design and siting and absence of site suitability report. This site was located in the same landholding but the site location was towards the rear of the field and was served by a long access road.

## **4.0 Policy Context**

### **4.1. National Policy**

- Project Ireland 2040 – National Planning Framework (2025) – NPO28: siting and design criteria for rural housing.
- Climate Action Plans (2024 & 2025) and Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030
- Our Rural Future: Rural Development Policy 2021-2025
- Design Manual for Urban Roads and Streets (DoHLGH, 2019)
- EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)
- Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)
- Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005).

### **4.2. Regional Policy**

- Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – Rural Areas: RPO 4.81 siting and design criteria for rural housing.

### **4.3. Kildare County Development Plan 2023-2029**

- 4.3.1. The site is located on unzoned land. The Council’s overall goal for rural housing is contained within Chapter 3 of the Plan.
- 4.3.2. The site is located on lands identified as western boglands which have a landscape sensitivity level of 3. Table 13.3 identifies that rural housing has medium compatibility with development on land located in western boglands.

4.3.3. Table 3.4 – Schedule of Local Need Criteria in Accordance with the NPF

<b>Applicant Category</b>	<b>Rural Housing Need Assessment Criteria</b>	
<b>Category A – Economic</b>	<b>Zone 1</b>  <b>Areas under Strong Urban Influence</b>	<b>Zone 2</b>  <b>Stronger Rural Areas</b>
i) A farmer 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 (ii) An owner and operator of a farming/ horticultural/ forestry/ bloodstock/ animal husbandry business 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.	Applicants must have grown up and spent 16 years 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	Applicants must have grown up and spent 16 years 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.	applicant's family home may be considered.
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- 4.3.4. 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”.*
- 4.3.5. Policy 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.”*
- 4.3.6. Section 3.14 relates to Rural Residential Density. It states that the Single Rural Dwelling Density (SRDD) *“is not intended to be a rigid tool and there may be instances where the existing pattern of development may facilitate some consolidation of one-off housing due to the prevailing pattern in the area, local topographical conditions or in very enclosed country (defined by mature trees and hedgerows). In these instances, the planning authority may deem a site to have the capacity to absorb additional residential unit/s without any significant adverse visual/physical/environmental impact on the countryside. Generally, such one-off housing would be facilitated only in very exceptional circumstances, where there is a significant need demonstrated, for example, those actively engaged in agricultural or in an occupation heavily dependent on the land.”*
- 4.3.7. 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.”*



- 4.3.8. Objective 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.”*
- 4.3.9. Objective 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.”*
- 4.3.10. Objective HO O43: *“Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare.”*
- 4.3.11. Objective HO O44: *“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.”*
- 4.3.12. Objective HO O45: *“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.”*
- 4.3.13. Objective HO O46: *“Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.”*
- 4.3.14. Objective HO O51: *“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.”*
- 4.3.15. Objective HO O52: *“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.”*

4.3.16. Objective HO O53: *“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”*

4.3.17. 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.”*

4.3.18. Appendix 4 contains the Rural House Design Guide. Sections 3 and 4 outline key considerations in relation to site analysis and layout and house design respectively.

#### Landscape

4.3.19. 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.”*

#### Transport

4.3.20. Objective TM O102: *“Minimise the extent of hedgerow removal in order to achieve adequate sightlines. However, where it has been satisfactorily demonstrated that there is no other suitable development site (for planning reasons) any removed hedgerow shall be replaced with native hedgerow species. Opportunities should be sought to translocate existing species rich hedgerows, where possible, and subject to proper biosecurity protocols.”*

## Biodiversity

- 4.3.21. Objective BI O26: *“Prevent, in the first instance, the removal of hedgerows to facilitate development. Where their removal is unavoidable, same must be clearly and satisfactorily demonstrated to the Planning Authority. In any event, removal shall be kept to an absolute minimum and there shall be a requirement for mitigation planting comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking to existing adjacent hedges. Ideally, native plants of a local provenance and origin should be used for any such planting. Removal of hedgerows and trees prior to submitting a planning application will be viewed negatively by the planning authority and may result in an outright refusal.”*

## Development Management

- 4.3.22. Section 15.4 in chapter 15 contains the development management standards for residential development.

### **4.4. Natural Heritage Designations**

- 4.4.1. No natural heritage designations apply to the subject site.
- The closest European Site is Ballynafagh Lake SAC (Site Code: 001387), which is approximately 5km to the south. This site is also designated as a pNHA (Site Code: 001387).
  - The Ballynafagh Bog SAC (Site Code: 000391) is approximately 5.7km to the south.
  - The Donadea Wood pNHA (Site Code: 001391) is roughly 3km to the east.

### **4.5. EIA Screening**

- 4.5.1. 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.

## **5.0 The Appeal**

### **5.1. Grounds of Appeal**

5.1.1. A First-Party appeal has been lodged in this instance. The grounds of the appeal can be summarised as follows:

- The applicant fully complies with the local needs policy in relation to social and economic need.
- He is not involved in hobby farming. I refer the Board to the attachments to the appeal in this regard including photographs of machinery and farm buildings, vet expenses, agricultural expenses, details of land owned and land rented etc.
- Whilst the Rural Density Toolkit (photo included in appeal documentation) indicates that there are 39 dwellings within the 1km radius, the site is an infill site and the applicant is actively engaged in farming.
- A letter is attached to the appeal in relation to site tests which confirms that site tests were conducted in 2018. EPA regulations in relation to wastewater have been updated in the meantime and the percolation area needs to be changed which can easily be accommodated in the site.

### **5.2. Planning Authority Response**

5.2.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:

- The Planning Authority confirms its decision and asks that the Board refer to the Planner's Report, internal department reports and prescribed body reports.

### 5.3. Observations

5.3.1. None.

## 6.0 Assessment

6.1. Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Need
- Rural Housing Density
- Site Services

### 6.2. Rural Housing Need

6.2.1. In accordance with the Rural Housing Policy Zones Map in the *Kildare CDP*, the site is located in zone 1 as set out under Map V1-3.1 of the Kildare County Development Plan 2023-2029, which encompasses areas under strong urban influence. I note the 2 no. applicant categories and the rural housing need assessment criteria set out in table 3.4 of the *Kildare CDP*.

6.2.2. I have reviewed the supporting documentation submitted by the applicant to identify how he complies with the rural housing need criteria. It is submitted in the appeal response that he complies with both Category A and Category B.

6.2.3. Category A (i) refers to farming 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.

6.2.4. Category B refers to social reasons. Table 3.4 in the *Kildare CDP* states that a person can apply under category B when they have resided in the rural area of a

substantial period of their lives within an appropriate distance of the site where they intend to build on the family landholding. Table 3.4 further states that in zone 1, applicants must have grown up and spent 16 years living in the rural area of Kildare.

- 6.2.5. The applicant has submitted a significant amount of documentation including details of his family home 3.7km from the site, details of schools attended in the local area, utility bills and bank statements, and details of other relatives in the area. He has lived in the area for over 25 years. He has also supplied details and folio numbers of lands he farms in the area including the 7.55ha holding at this location. He has supplied a herd number, green certificate, vet bills, and invoice details from an agricultural supplier. Photographs are included of machinery kept on his family farm.
- 6.2.6. I have calculated the lands in family ownership to be below the 15 hectare threshold set out in Category A(i). For the purposes of calculation, I have excluded Folio 8224 as these lands were purchased in June 2019 which is less than the 7 year period preceeding the date of the application for planning permission required by the policy. A number of lease agreements have been submitted. The policy permits the leasing of agricultural land to supplement lands within an applicant's ownership for farming, to be considered for the purposes of calculating the minimum land area of 15ha. The applicant is required to 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. None of the leasing agreements submitted comply with this 10 year requirement from the date of the application.
- 6.3. I note that the planner's report considers that the applicant has not overcome the reasons for refusal in previous applications and does not comply with the social and economic need categories.
- 6.4. In terms of the information presented in the application and appeal, I am satisfied that the application complies with the requirements set out in the Development Plan for 'social need'. I do not consider that the applicant has submitted sufficient information to adequately demonstrate the farming of the land is a significant part of his livelihood such that daily activities would need to be carried out on the lands. There is no specific information in relation to numbers of animals etc. and no evidence of animals or crops on the lands on the day of inspection. I note that there is an agricultural shed and cattle crush on the lands. I consider that the appeal

response has provided additional information including vet bills and details from an agricultural supplier. I note that the information submitted indicates that the applicant is a part time farmer and part time electrician, based in Kill, 15km from the site. The requirements of the policy are that the applicant must comply with either 'social' or 'economic' need. As such, the applicant does in my view, comply with the policy as sufficient information has been submitted to demonstrate compliance with 'social need'. I do not consider that the applicant has submitted a specific need to reside on this site or that agricultural activities are carried out to a significant degree on this landholding or that the applicant is involved in farming activity on a daily basis. Should the Board be minded to grant permission for the proposed development I recommend that an occupancy condition is attached.

- 6.4.1. Notwithstanding the fact that the appellant meets the rural housing need criteria in terms of social need, the application must identify how the development does not prejudice the environment and rural character of the area. This is examined in further detail in the following sections of this report.

## **6.5. Rural Housing Density**

- 6.5.1. The area in the vicinity of the subject site accommodates a significant number of rural dwellings. The Planning Authority note that the level of dwellings within a 1 km radius of the site is approximately 39 units using the residential density toolkit in Appendix 11 of the Development Plan. I note that information submitted in the appeal response confirms this.
- 6.5.2. Objective HO O59 is as follows: 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.
- 6.5.3. As set out in Section 7.2, I do not consider that the applicant complies with the economic need policy. I do not consider that the applicant is actively engaged in agriculture on a daily basis or that there was evidence of significant agricultural activities on the site in question that would require him to live at this location in particular.

6.5.4. During my physical inspection of the site, I observed there to be what only could be described as a proliferation of one-off housing along the surrounding road network. It is evident to me that development pressure in this area has become acute and due to the prevalence of one-off housing in the vicinity, there is now a proliferation of ad-hoc rural housing development occurring and the rural density limit for the area has been exceeded. This has led to the intensity of one-off houses becoming overly concentrated, within which is a small rural townland, and its rural character gradually being eroded and transformed into a peri-rural area. For this reason, the proposed development is considered to be contrary to Objective HO 059 of the County Development Plan and should therefore be refused planning permission.

## **6.6. Site Services**

- 6.6.1. The applicant proposes to install a waste water treatment system to treat effluent discharged from the dwelling.
- 6.6.2. The Environment Section Report considered that there is a lack of sufficient information and requires Further Information in relation to a site characterisation form and a polishing filter in accordance with the requirements of the EPA 2021 Code of Practice for Domestic Waste Water Treatment Systems.
- 6.6.3. I have examined the site tests submitted with the application and note that they have been carried out in December 2018. Since the previous tests were carried out, the EPA regulations have changed and all tests should be carried out in accordance with the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (pe≤10), (2021). Objective IN 018 of the Development Plan is as follows:

Discourage the provision of single house septic tanks and treatment plants in the plan area to minimise the risk of groundwater pollution. Where such facilities are permitted, full compliance with the prevailing regulations and standards, including the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (pe≤10), (2021) as may be amended, will be required.

Objective HO P27 requires 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.

- 6.6.4. The response to the appeal includes an attachment from an engineering company detailing the results of the tests carried out and outlining that it is proposed to increase the raised bed tertiary filter area to 22.5m<sup>2</sup> to address the requirements of the EPA 2021 Code of Practice. The 2018 tests outline an area of 17.5m<sup>2</sup>.
- 6.6.5. In the absence of the submission of a properly constituted site suitability assessment carried out by a qualified assessor in accordance with the EPA's Code of Practice 2021, it is my opinion that the Board cannot be satisfied from tests carried out in 2018 that the site is capable of the effective and safe treatment and disposal of effluent arising from the proposed dwelling at this location.

## **7.0 AA Screening**

I have considered the proposed dwelling and secondary sewage treatment system in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 7.1.1. The subject site is located approximately 5km from the Ballynafagh Lake SAC (Site Code: 001387).

The proposed development comprises a dwelling, garage, a secondary sewage treatment system, upgrading of an existing agricultural entrance and associated site works.

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.

The reason for this conclusion is as follows:

- The site is located approximately 5km from the Ballynafagh Lake SAC and there is a lack of connections.

- Taking into account the determination by Planning Authority.

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.

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

## **8.0 Water Framework Directive**

- 8.1. 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.
- 8.2. I refer the Board to Appendix 2 for my screening assessment.

## **9.0 Recommendation**

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

1. Taken in conjunction with existing development in the vicinity, it is considered that the proposed development contributes to the excessive density of development and overdevelopment of a rural area and would, therefore, contravene Objective HO O59 of the Kildare County Development Plan 2023-2029 in relation to single rural dwelling densities. Furthermore, the development, when taken into account the existing development in the vicinity of the site, would contribute to the sprawl of low-density un-serviced development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The development would therefore contribute to the erosion of the

rural character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Objective IN 018 and Policy HO P27 of the Kildare County Development Plan 2023-2029, to the submissions made in connection with the application and the appeal, and the absence of a detailed up to date appraisal of the site including site specific ground investigations to determine the suitability of the site for the safe disposal and treatment of effluent from the development, the Board is not satisfied that effluent generated by the development can be satisfactorily treated and disposed of on-site without risk to groundwater. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Emer Doyle

Planning Inspector

1<sup>st</sup> September 2025

## 11.0 Appendix 1 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP 322610-25
<b>Proposed Development Summary</b>	Construction of bungalow with associated works.
<b>Development Address</b>	Derryvarrogue, Donadea, Co. Kildare.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>	The class is 10(b)(i) Construction of more than 500 dwelling units. The development is for the construction of 1 no. dwelling and therefore is sub-threshold.

<p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
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<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## 12.0 Appendix 2 Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Construction of a bungalow and associated works.
<b>Development Address</b>	Derryvarrogue, Donadea, 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>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development involves the construction of 1 no. house on a 0.975 ha site. The site is located in a rural area.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the	<p>The site is not located in or immediately adjacent to any European site.</p>

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 closest Natura 2000 site is Ballynafagh Lake Special Area of Conservation which approximately 5km to the south.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Localised construction impacts will be temporary.  The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.
<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.



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)

### **Appendix 3**

#### **Screening the need for Water Framework Directive Assessment Determination**

The subject site is located in Derryvarrogue, Donadea, Co. Kildare. The nearest water body is the River Blackwater (Longwood)\_010 IE\_EA\_07B020060 (poor ecological status), located c. 200m to the north of the site. The groundwater body is Trim IE\_EA\_G\_002(good water body status). The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal.

I have assessed the development proposed of one dwelling at the site in Derryvarrogue and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest water bodies and/or lack of hydrological connections

#### **Conclusion**

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.