



An
Coimisiún
Pleanála

Inspector's Report

ABP-322675-25

Development	House, effluent treatment system, polishing filter, recessed entrance and all associated site works.
Location	Tanderagee, Broadford, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2461115
Applicant	David Bergin
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Moyvalley Meats Unlimited Company
Observer(s)	None
Date of Site Inspection	5 th September 2025
Inspector	John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: Preliminary Examination

Appendix 3 – Form 3: WFD Impact Assessment Stage 1 Screening

1.0 Site Location and Description

- 1.1. The proposed development site (0.4684 ha) is located at Tanderagee, Broadford, Co. Kildare, approximately 3km west of Cadamstown, and 1.6km south of the development boundary of Broadford. The subject site is situated on the eastern side of the L1002 road, which links north of Broadford to the R148, which in turn converges with the M4 Motorway. The appeal site comprises part of a field under grass and bounded by hedgerow. The site slopes gently towards the rear. A 400 KV line traverses lands to the north adjoining the subject site. There is a drainage ditch running along the front of the site. Development in the area is characterised by rural housing, and agricultural structures. Moyvalley meat processing facility is located on lands east of the subject site, while Good Concrete (Kilglass) operate from lands opposite the site.

2.0 Proposed Development

- 2.1. This is an application for permission consisting of:
- Construction of a one and a half storey house with four bedrooms.
 - Installation of an effluent treatment system and polishing filter.
 - Provision of a recessed entrance to the site and all associated site works.
- 2.2. The subject site has a stated area of 0.4684 ha. The proposed dwelling to be centrally positioned on the site has a gross floor area of 224 sqm and a maximum roof ridge height of c 8.5m. A private well is proposed while a soakaway is also proposed for surface water disposal.
- 2.3. In addition to standard drawings and plans, the application was accompanied by, inter alia, consent letter from landowner (the applicant's father), a Site Characterisation Form, technical details relating to proposed Domestic Waste Water Treatment System (DWWTS), and the applicant's supporting documentation relating to rural housing need.
- 2.4. In response to a Further Information (FI) request the applicant provided, inter alia, revised drawings and plans, a revised Site Characterisation Form, a Geophysical Report, and an Archaeological Report

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of FI, the planning authority granted permission on 8th May 2025 subject to 24 conditions. Conditions of note are summarised as follows:

C4 – Occupancy condition (10 years).

C9, C10, C11 and C13 – Relate, inter alia, to the appropriate installation and maintenance of the DWWTS and polishing filter.

C12 – Preparation of a Construction and Demolition Resource Waste Management Plan prior to commencement.

C15 – Archaeological Monitoring condition.

C19 – Prior to commencement applicant to submit details for agreement for a culvert between the front of the site and the boundary of the public road.

C24 – Development Contribution condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **first report** dated 12th December 2024 notes the site is located within Zone 1 of Map V1 – 3.1 and considers the applicant complies with Criteria B of the Rural Housing Requirements, having established a social need to live in the area through submitted information. This first report raises a number of matters which resulted in a FI request to the applicant dated 17th December 2024, which is summarised as follows:

(i) Reconsider the design of the proposed dwelling and submit revised plans and particulars to reduce its scale and bulk to provide for a more simplified design.

(ii) The proposed development is in the vicinity of Monument no. KD003-034--- a previously unknown medieval graveyard. The National Monuments Service of the Department of Housing, Local Government and Heritage requests that an Archaeological Impact Assessment be submitted in relation to the proposed development.

(iii) (a) The Site Characterisation Form stated that the water table was 1.5m bgl however, at time of inspection the water table was 1.1m bgl. The EPA 'Code of Practice Domestic Waste Water Treatments 2021' states that all polishing filters with a GWPR of R1 and R2' should have a minimum depth of 0.9m of free draining unsaturated soil or sand between the point of infiltration of effluent and the water table and bedrock. The installation of the waste water treatment system will need to be revised to take account of this. A cross-sectional drawing of the site and the proposed layout of the waste water treatment system should be submitted.

(b) An existing drainage ditch runs along the front boundary of the site. The EPA Code of Practice Domestic Waste Water Treatment Systems 2021 states that the minimum separation distance from a percolation area to a drainage ditch is 10m. Therefore, the location of the wastewater treatment system will need to be revised to take account of this.

(iv) A third-party submission has been received raising concerns about the proximity of the proposed development to the existing meat processing facility c. 280m east of the application site. The applicant is requested to comment on this.

The **second report** dated 8th May 2025 reflects the decision to grant permission. It provides an assessment of the FI provided by the applicant on 13th April 2025, which is summarised as follows:

(i) Revised drawings indicate a revised design which has visually reduced the scale and bulk of the dwelling and it will blend in with the rural environment and it complies with the Kildare County Development Plan 2023-2029 and the Rural House Design Guide (Appendix 4).

(ii) An archaeological report and a geophysical report is provided and notes no archaeological features or deposits were identified within excavated areas. The Department of Housing, Local Government and Heritage recommend conditions be attached.

(iii) The applicant has submitted a revised site characterisation test report including a cross section drawing and revised site layout plan. The revised report has been reviewed by the Environment Department who have recommended permission subject to conditions.

(iv) The applicant considers the proposal will have no negative impact on Moyvalley Meats and notes that the company state they address issues raised relating to odour and noise from their premises in a timely manner. The applicant foresees no issue with compatibility. The planning authority raise no further queries in this regard.

3.2.2. Other Technical Reports

Water Services: Conditions provided.

EHO: The first report recommends FI is sought in connection with the Site Characterisation Form and separation distance from the percolation area to the drainage ditch along the public road at the front of the site.

Environment Section (Planning Inspection Report): Considers the site appears suitable for the proposed DWWTS and polishing filter.

Environment Section (Planning Report) – No objection subject to conditions.

Maynooth Municipal District Planning Report: No objection subject to conditions.

Transportation, Mobility and Open Spaces Department: No objection subject to conditions.

3.3. Prescribed Bodies

The planning authority circulated details of the application to Fáilte Ireland, the Department of Housing, Local Government and Heritage (DHLGH), An Chomhairle Ealaíon, Uisce Éireann, The Heritage Council, and An Taisce. No subsequent submissions were received other than from DHLGH.

Two submissions were received from DHLGH. The first, dated 18th November 2024, noted the proposed development is in the vicinity of Monument no. KD003-034 which refers to a previously unknown medieval graveyard. The submission considers that groundworks in such close proximity to the medieval graveyard may have a negative impact on subsurface archaeological including human remains. As such, it is recommended that an Archaeological Impact Assessment (AIA) should be requested in the context of a FI request.

The second submission from DHLGH received following the FI provided by the applicant and dated 23rd April 2025, notes the contents of the submitted geophysical

and archaeological reports and that nothing of archaeological interest was discovered during the course of archaeological testing. Notwithstanding, having regard to the proximity of the proposal to the Monument, the report recommends that all groundworks associated with the development should be archaeologically monitored, and that a condition in this regard be included in a grant of permission.

3.4. Third Party Observations

One submission received from Moyvalley Meats Unlimited Company, which operates a meat processing to the east of the subject site, was received in connection with the planning application. The submission notes that a large number of complaints, primarily relating to noise and odour issues from its operations are recorded on the EPA Licence and Enforcement Access Portal (LEAP). It is requested that careful consideration be given to the compatibility of the proposed development with the existing established industrial use which provides significant local employment.

4.0 Planning History

Subject site

There is no planning history associated with the subject site.

Family Landholding

P.A. Ref. 211 refers to an April 2021 decision to grant permission for a house, access, wastewater treatment system, closure of existing agricultural access and all site works at Calfstown, Co. Kildare to Shane Bergin (stated to be the applicant's brother).

P.A. Ref. 171110 refers to a June 2018 decision to grant permission for a house, new access, wastewater treatment system and all associated works at Tanderagee, Broadford, Co. Kildare to Michelle Bergin (stated to be the applicant's sister).

Lands to the east – Moyvalley Meats

P.A. Ref. 2461342 refers to a current application relating to the following:

Permission is sought for an extension (c 342 sqm) to the western elevation of existing building for pallet storage, 22 no. car parking spaces, lighting and ancillary works.

Retention permission is sought for the following: (i) An additional 505 sqm added to main building (this includes a canteen, workshop area, process area and loading bay, (ii) Alterations to elevations of main building, (iii) Relocation of truck-wash facility, (iv) Reconfiguration of layout of seven tank wastewater treatment plant, (v) change of use of dwellinghouse to office accommodation, (vi) installation of prefabricated unit for office accommodation, (vii) install loading bay, a container to contain a backup generator, a stormwater tank and an electric gate, at Moyvalley Meats, Tanderagee, Broadford, Co. Kildare.

This application is presently the subject of a Further Information request.

5.0 Policy Context

5.1. National Guidance

5.1.1 Revised National Planning Framework (NPF)

The First Revision of the NPF was approved by the Houses of the Oireachtas following the decision of Government on 8th April 2025 to approve the Final Revised NPF.

National Policy Objective 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 28: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Section 28 Ministerial Guidelines

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Section 3.2.3 sets out general criteria for considering whether a person is an intrinsic part of the rural community:

‘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. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should also be accommodated.’

Circular Letter SP 5/08 was issued after the publication of the guidelines. It emphasises that ‘all planning applications for houses in rural areas, regardless of where the applicant comes from or whether they qualify under specific criteria, must continue to be determined on the basis of the proper planning and sustainable development of the area, in accordance with development plan policies regarding over-arching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety etc.’

5.3. Development Plan

- 5.3.1 Kildare County Development Plan 2023-2029 is the operative plan. Policies and objectives relevant to the proposal include the following:

Chapter 3 – Housing

Section 3.13 Sustainable Rural Housing – Acknowledges the potential for rural settlements but also a continuing need for housing for people who live and work in the countryside.

Section 3.13.2 An Evidence-based Approach: The appeal site is located within an ‘Area under Strong Urban Influence’ (Zone 1) – Map Ref: 3.1.

Rural dwellings will be facilitated in Zone 1 subject to a demonstrable economic or social need to live in the rural area and to compliance with siting, environmental and design criteria for rural housing.

Section 3.13.3 Compliance with the Rural Housing Requirements

Table 3.4: Schedule of Local Need Criteria in accordance with the NPF (NPO18): This outlines the approach applied to the Zones identified on Map 3.1 under two categories; Category A Economic or Category B Social.

Zone 1 – ‘Areas under Strong Urban Influence’ it is 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’.

Category A Economic: (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 15 ha.

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.

Policy HO P11: Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new housing in the Open Countryside in conjunction with the rural housing policy zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the objectives set out below. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.

Policy HO P15: Preserve and protect the open character of transitional lands particularly the approach roads to towns and villages and areas immediately outside of settlement boundaries in order to prevent linear sprawl near houses, villages and settlements and to maintain a clear demarcation and distinction between urban areas and the countryside and to protect the integrity of agricultural uses in these areas.

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 (Appendix 11) and facilitate where possible those with the 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 environmental effects will occur as a result of the development. 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 development.

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.

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* (the sq. km. shall be measured from the centre point of the application site), unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their land holding.

5.3.2 Chapter 6 – Infrastructure and Environmental Services

Policy IN P2: Ensure the protection and enhancement of water quality throughout Kildare in accordance with the EU WFD and facilitate the implementation of the associated programme of measures in the River Basin Management Plan 2018-2021 (and subsequent updates).

Objective IN O5: Manage, protect, and enhance surface water and groundwater quality to meet the requirements of the EU Water Framework Directive.

5.3.3 Chapter 13 – Landscape, Recreation and Amenity

Section 13.3 relates to Landscape Character Assessment and Map Ref. V1-13.1 depicts Landscape Character Areas across the County.

Section 13.5 relates to Scenic Routes and Protected Views and Map Ref. V1-13.3 depicts Scenic Routes and Viewpoints across the County.

5.3.4 Chapter 15 – Development Management Standards

Section 15.7.7 Building Lines: Provides policy on minimum setback distances for permitted developments in rural areas along national, regional and county roads as set out in Table 15.7. For county roads, the minimum setback distance is 18.5 metres.

5.3.5 **Appendix 4 – Rural House Design Guide**

Appendix 10 – Rural Housing Policy Report – All Ireland Research Observatory

Appendix 11 – Single Rural Dwelling Density Toolkit

- Generally, Rural Residential Density (RRD) of less than 15 units per sq. km will be acceptable.
- In very enclosed landscapes with well-defined hedgerows and / or mature trees, which would partially screen or enclose one-off houses, or RRDs of circa 30 per sq. km maybe open for consideration.
- Where the RRD exceeds 30 per sq. km there will be a presumption against further one-off houses, however in certain circumstances the above limits on RRD may be exceeded subject to the exceptions outlined in section 3.14 of Chapter 3 of Volume 1 of the County Development Plan.

5.4. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site. The nearest European Sites are the River Boyne and River Blackwater SAC (Site Code:002299) and the River Boyne and River Blackwater SPA (Site Code:004232) located approximately 6.1km to the north.

The Royal Canal, a proposed Natural Heritage Area is situated approximately 4.5km north-west of the appeal site.

5.5 EIA Screening

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

This is a third party appeal against the planning authority's decision to grant permission submitted by McCutcheon Halley Chartered Planning Consultants on behalf of Moyvalley Meats Unlimited Company.

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows under the headings below.

Rural Housing Requirements

- It is unclear how the planning authority verified the applicant's compliance with Rural Housing Requirements as there is a complete absence of any supporting material on the public file and no reference is made to the specific nature of the evidence / material provided. This raises concerns about the transparency of the assessment process.
- While acknowledging the importance of protection personal data under GDPR provisions, it is considered that redacted versions of supporting documentation could be made available for public inspection.

Incompatibility of residential development with established industrial use

- The appellant operates a meat processing plant c 280m east of the site. A significant number of complaints predominantly relating to noise and odour impacts

from the plant are raised. The number and frequency of complaints highlight the on-going local sensitivity of the land-use context.

- Between mid-December 2024 and mid-April 2025 the EPA Portal shows six complaints were made relating to noise and odour impacts by members of the applicant's family.
- There is potential for on-going land-use conflict should additional residential development be permitted proximate to the plant. The proposed development would potentially undermine the viability of the operation / industry by exposing it to an increased risk of complaints.
- The introduction of a new sensitive receptor in the context of this proposal, so close to an industrial operation with a history of complaints may create on-going amenity conflicts and future pressure on the continued operation of the plant which is a local employer (155 jobs) and a long established indigenous industry supporting rural and farming communities.
- The planning authority did not engage with this issue in the assessment of the proposed development.
- Complaints are dealt with promptly with proactive measures used to address same in accordance with the EPA licence relating to the industrial operation.

Site selection

- The proposal fails to comply with best practice guidance for rural house siting, which emphasises sensitive integration with rural landscape and the surrounding built environment (Appendix 4 of County Development Plan).
- The proposed development is 135m from the nearest dwelling and it is not clustered with any of the properties belonging to the applicant's family (Figure 3 of the appeal submission plots the family houses on a map).
- The proposed site is isolated and is not clustered with the ribbon of dwellings on the local road and does not benefit from natural enclosure. No justification for site choice is given or assessment of alternative locations.
- It is likely the proposed development would be visually prominent and poorly integrated which is inconsistent with local and national guidance.

Water Framework Directive (WFD)

- No evidence that the planning authority considered the implications of locating a new dwelling adjacent to a waterbody currently classified as being at risk under WFD.
- The Site Characterisation Form indicates there is high permeable material underneath the site that will receive the treated foul water, which could be connected to the River Glash downstream
- The proposal may exacerbate existing pressures on the River Glash which is classified as having 'Poor' status and which is at risk of not achieving good status by 2027.
- Proposed development may be contrary to Policy IN P2 and Objective IN 05 relating, inter alia, to water quality and WFD requirements.
- Granting permission without a detailed impact assessment would be inconsistent with the proper planning and sustainable development of the area.

6.2. Applicant Response

The applicant's response to the appeal is set out in a submission from Farry Town Planning Limited, received on 20th June 2025. The first part of the submission describes the application site and sets out national and local policy provisions. The appeal response may be summarised under the following headings:

Planning Authority Assessment

- The planning authority endorsed the design, layout and finishes of the proposed development in its second report which assessed the FI response from the applicant.
- The planning authority is satisfied the proposed development would not impact significantly on residential amenities, and complies with Objective H0 059 relating to Rural Residential Density, and that the proposal would not exacerbate or extend an existing pattern of residential development. Further, no objection was raised regarding entrance arrangements. Noted that EIA is not required and that the proposal was screened in terms of Appropriate Assessment (AA).

Section 138(1) of 2000 Act

- The Commission is invited to consider whether the appeal should be dismissed in accordance with section 138(1) of the Act having regard to the content of the initial objection relating to complaints made regarding the operations of the nearby meat processing plant and the grounds of appeal which differs from the original objection. It is considered the appellant's motive for challenging the decision to grant permission falls outside the ambit of planning law and the appeal should be dismissed.

Compliance with Rural Housing Policy

- This ground of appeal relates to administrative practices of the planning authority in relation to GDPR.
- The planner's report has assessed the applicant's eligibility for a house on the lands and has concluded compliance with the policy is achieved.

Relationship with the commercial operation

- The appellant's concerns relate to the impact the meat processing factory may have on residential amenity, rather than the effects of the proposed development.
- The impact of the plant on the proposed house would not be materially different to the relationship between the facility and other houses in the area.
- Noted that the Bergin homestead is very close to the facility and shares a boundary with it.
- Physical separation distance to the factory from the proposed house is c 410m and not 280m.
- Noted the appellant did not make an objection to Reg. Ref.17110 which related to a new dwelling 364m from the factory.
- There is no inherent conflict between the operations of the factory and residential uses in circumstances where the plant operator adheres to the conditions of its EPA Licence. Noted that meat processing activities take place internally within the factory.

- Noted that the factory operations are governed and restricted under EPA Licence P0192. Reference is made to prior legal proceedings taken against the operation by the EPA for purported breaches.

Subject site / physical arrangements

- Relocating the proposed house to nearer to Bergin family homestead would result in a reduced separation distance to the meat processing plant.
- Relocation of the dwelling can increase rural residential density and give rise to ribbon development.
- The assertion that the proposed dwelling does not benefit from natural enclosure is contrary to the planner's report which notes that the application site has the benefit of existing boundaries with trees and hedgerow. The report finds the dwelling will blend in with the rural surroundings and meets the criteria of the County Development Plan and Appendix 4.
- The appellant does not explain how the factory / operation would be affected by proposed development on the subject site.

Wastewater Treatment

- Noted the appeal does not question the findings of the Site Characterisation Form or the suitability of the proposed DWWTS. Requirements with the Code of Practice are met and this establishes a presumption in favour of the proposal.
- The objection is based on the assumption that the treated effluent from the proposed single dwelling would cause the condition of the River Glash to deteriorate further. However no arguments or evidence are advanced to show this will occur. It is considered that the risk of pollution to the watercourse is very low.
- It is noted that the wastewater from the appellant's factory is directed into the River Glash from November to February each year. The appellant sought to vary the licence of its operation to allow for year round discharges into the waterbody and the appellant's request to the EPA in this regard (as set out in Appendix A of the appeal) noted the river had capacity to accommodate a greater volume of treated effluent.

- It is considered that the subject appeal is seeking to minimise the volume of complaints which may be lodged in relation to the management of the meat processing operation.

Appendix A to the appeal refers to a copy of a letter dated 14th December 2010 from Moyvalley Meats to the EPA, the subject of which is given as 'Technical Amendment Request.'

6.3. Planning Authority Response

The planning authority confirms its decision to grant permission and requests that regard is had to the planner's reports, and all other reports prepared in relation to the assessment of the planning application.

6.4. Observations

None.

7.0 Assessment

7.1. 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 and national policies and guidance, I consider the substantive issues in this appeal to be considered are as follows:

- Land-uses and nature of the proposed development
- Compliance with Rural Housing Policy
- Site selection / Rural House Design Guide
- Wastewater Treatment
- Water Framework Directive (WFD) – Screening
- Other issues
- Matter Arising
- Appropriate Assessment

7.2 Land-uses and nature of the proposed development

- 7.2.1 The appeal site is located in the open countryside, to the south of Broadford village in Co. Kildare. Map Ref. V1-3.1 'Rural Housing Policy Zones' of the Kildare County Development Plan 2023 - 2029 (Chapter 3) denotes that the subject site is located within Zone 1 which relates to 'Areas under Strong Urban Influence,' and where it is an objective of the Council to facilitate the provision of housing in the countryside based on (i) compliance with rural housing requirements and (ii) siting, environmental and design criteria for rural housing in statutory guidelines and plans having regard to the viability of smaller towns and rural settlements and the provision and availability of serviced sites in these areas.
- 7.2.2 The appellant considers that the development of a rural house to be located on lands to the west of its meat processing plant (Moyvalley Meats) is potentially incompatible with the established industrial use of its lands and that the introduction of this new sensitive receptor may create amenity conflicts and future pressure on the operation of the long established plant by exposing it to an increased risk of complaints. In response, the first party notes that meat processing activities occur within the factory and that there is no inherent conflict between those operations and residential uses provided the conditions of the operator's EPA licence are adhered to.
- 7.2.3 The Moyvalley meat processing factory is situated to the south-east of the proposed new dwelling. I note there are several dwelling units located nearer the existing factory than the proposed unit, including the appellant's family home located immediately proximate to the entrance to the factory. Should permission be granted for the proposed rural house, I calculate the separation distance between it and the factory building would be approximately 330m. In my view this distance would be sufficient to mitigate potential impacts from the facility, such that the residential amenity of the proposed new unit would not be unduly affected.
- 7.2.4 I further note that the facility operates under an Industrial Emissions Licence (P0192-02) from the EPA and in this regard, I am cognisant of the appellant's submission that any complaints received are promptly dealt with and proactively managed in accordance with the EPA licence relating to the industrial operation.
- 7.2.5 To conclude, I concur with the first party's contention that there is no inherent conflict between the operations of the factory and residential uses. In this context it is noteworthy that the factory is licensed by the EPA subject to operating conditions

relating to, inter alia, noise and odour emissions. Provided those conditions are adhered to, no undue impacts on the residential amenity of the proposed residential unit are foreseen.

7.3 Compliance with Rural Housing Policy

- 7.3.1 While acknowledging constraints relating to GDPR, concern is raised by the appellant regarding compliance with Rural Housing Requirements on the basis that there is, inter alia, no reference to the specific nature of evidence provided by the applicant and, as such, the transparency of the assessment process is questioned.
- 7.3.2 The appeal site is located within an 'Area under Strong Urban Influence' (Zone 1). To qualify for consideration for a dwelling in this rural area, the applicant must demonstrate an 'economic' or 'social' need. The Kildare County Development Plan 2023-2029 in Table 3.4 sets out two categories under which a rural housing need is required to be assessed, namely 'Category A – Economic' and 'Category B – Social.' I note from the completed Rural Housing Application Form that the applicant sought to demonstrate a local housing need with reference to 'Category B – Social.'
- 7.3.3 On the basis of the information submitted by the applicant to support his local housing need, the planning authority considered compliance with the rural housing policy as set out in Table 3.4 to have been met. The submitted documentation includes the applicant's Birth Certificate, a map detailing the family landholding in the area, Land Registry Information and other documentary evidence. Having reviewed the submitted documentary evidence, it has been demonstrated that the applicant has resided in the family homestead at Tanderagee for a significant period, in excess of 16 years and continues to do so. I am satisfied the applicant provided the requisite supporting documentation to substantiate his intrinsic links to the area and his local housing need, and I concur with the planning authority's assessment that the applicant has demonstrated a rural housing need which accords with Table 3.4 'Category B – Social' of the current Kildare County Development Plan.

7.4 Site selection / Rural House Design Guide

- 7.4.1 The appellant considers that the proposed siting of the house is inappropriate, that it is not clustered with existing dwellings in the area, and that it would be visually prominent. As such, the appellant contends that the proposed location of the dwelling is not consistent with Appendix 4 (Rural House Design Guide) of the Kildare

County Development Plan. In response, the applicant's agent refutes the appellant's assertions in this regard and refers to the planning authority's report which finds that the dwelling will blend in with the rural surroundings and that the criteria of Appendix 4 are met.

- 7.4.2 At the outset, I note that the subject site is located within the North Western Lowlands on the Landscape Character Areas Sensitivity Map in the County Development Plan (Map Ref. V1-13.1 refers). Table 13.1 *Landscape Sensitivity Classification to Landscape Character Areas* designates the North Western Lowlands as having Class 1 Low Sensitivity, with Table 13.2 describing such areas as those 'with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.'
- 7.4.3 Section 2 of the Rural House Design Guide relates to site selection. Clustering a new house with existing dwellings, farm buildings and other structures is considered good practice on the basis its visual impact would be reduced due to existing screening being in-situ. In this case, I note the appellant's homestead is situated in very close proximity to the Moyvalley meat processing plant, and in that context the construction of a new house at that location would not be optimal in my view.
- 7.4.4 In relation to 'greenfield' sites the Design Guide notes it is preferable to choose a site with, inter alia, existing mature boundaries, established trees and hedgerows and other natural features which give new structures a sense of place. In my opinion, noting the Class 1 Low Sensitivity of the area and that the subject site offers the aforementioned attributes and physical features which would assist in the assimilation of the new dwelling into the rural landscape, the proposed house would not unduly impact on the visual amenities of the area. In this context I also note from the Scenic Routes and Viewpoints Map (Map Ref. V1-13.3 in Chapter 13) that there are no designated scenic routes and viewpoints in the vicinity of the proposed development.
- 7.4.5 The site layout plan shows that the majority of the existing front hedgerow is to be retained. The submitted Landscape Plan details native hawthorn boundary hedging and supplementary native tree planting including alder, birch and mountain ash, species as recommended in Section 7 ('Elements of the Landscape') of Appendix 4.
- 7.4.6 In accordance with the guidance in Appendix 4, the proposed dwelling is positioned further back within the depth of the site and at an angle to the road, which has

benefits in terms of improved orientation for solar gain and facilitating a more interesting approach to the proposed rural house. I note also that the construction of a house on the subject site would not contribute to ribbon development at this location.

- 7.4.7 On balance, and having regard to the foregoing, I concur with the planning authority's view that in this instance the siting of the proposed house on the subject site would be acceptable. I also consider that the siting of the proposed development accords with the Rural House Design Guide (Appendix 4 of the Kildare County Development Plan 2023-2029).

7.5 Wastewater Treatment

- 7.5.1 On foot of Item 3 of the FI request the applicant provided a revised Site Characterisation Form which identifies the appeal site as located in an area with a Locally Important Aquifer where the bedrock vulnerability is High. A groundwater protection response of R1 for the site is noted. I note the suitability of the site for a treatment system subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with the EPA Code of Practice (CoP): Domestic Waste Water Treatment Systems 2021).
- 7.5.2 The trial hole depth referenced in the Site Characterisation Form was 2.1m. No bedrock was encountered at the excavated depth of 2.1m. The depth of ground surface to the water table was 0.95m. The depth of water ingress is given as 1.5m. The soil conditions found in the trial hole is described as comprising clayey / silty sandy gravel (no mottling present). Percolation test holes were dug and pre-soaked. A T value/sub-surface value of 12 was recorded. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a number of treatment system types, namely a septic tank and percolation area, a secondary treatment system and soil polishing filter, or a tertiary treatment system and infiltration area. I did not observe the trial holes at the time of my site inspection.
- 7.5.3 The Site Characterisation Forms submitted with the appeal conclude that the site is suitable for the treatment of wastewater. I am satisfied that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021. It is proposed to install a secondary wastewater treatment system (6PE capacity) to discharge to a polishing filter. The polishing filter is to have a minimum thickness of

900mm of free draining unsaturated soil between the point of infiltration of the effluent and the water table or bedrock. Based on the information submitted, it is considered that soil conditions are favourable for the treatment of wastewater as proposed.

7.6 Water Framework Directive (WFD) – Screening

- 7.6.1 The appeal submitted on behalf of Moyvalley Meats notes there is no evidence that the planning authority considered the implications of locating the proposed development proximate to a waterbody classified as being ‘at risk’ under the WFD. It is contended that this may exacerbate pressures on the River Glash which is classified as having ‘Poor’ status.
- 7.6.2 The subject lands comprise agricultural lands (0.4684 ha) in a rural area, located approximately 1.6km south of the development boundary of Broadford, Co. Kildare. The proposed development relates to the construction of a four bedroom house and installation of a secondary wastewater treatment system (6PE capacity) to discharge to a polishing filter, and provision of a recessed site entrance. A private well is proposed. Surface water disposal is to be achieved by way of a soakaway.
- 7.6.3 I have prepared a WFD Screening, and it is set out in Appendix 4 of this report.
- 7.6.4 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water bodies 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 groundwater water bodies either qualitatively or quantitatively. The reasons for this are as follows:
- The nature of the works comprising a small scale of development.
 - The lack of direct hydrological connections from the site to any surface and transitional water bodies.
 - The proposal to incorporate a soakaway as part of the proposed development.
 - Standard pollution controls that would be implemented.

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. Therefore, I do not consider the proposal to be contrary to Policy IN P2 and Objective IN 05 of the County Development Plan relating, inter alia, to water quality and WFD requirements.

7.7 Other issues

7.7.1 Validity of appeal

The response to the appeal made by the applicant's agent suggests that appellant's motive for challenging the decision to grant permission falls outside of planning law and, as such, suggests that the appeal be dismissed. Upon examination of the appeal decision, I am satisfied that it is valid and complies with the provisions of section 127 of the Planning and Development Act 2000, as amended and all other relevant provisions therein.

7.7.2 Flood Risk

7.7.3 The area planner's first report states that fluvial flooding is indicated at the application site. I note that the Water Services Section raised no objection to the proposal, subject to conditions. Having examined the Strategic Flood Risk Assessment (SFRA) prepared in support of the Kildare County Development Plan 2023-2029 it is apparent that that the subject site, located approximately 1.6km south of the Broadford development boundary, is not included in the SFRA. The study area for the SFRA relates to the areas identified in Table 2-1 of the SFRA which is confined to Town Environs, Towns, Villages and Settlements, as identified in Table 2-1. (Larger towns within the County are subject to their own Local Area Plans (LAPs) and SFRAs).

7.7.4 Having examined the flood mapping on floodinfo.ie, some flooding is depicted along the western boundary and extremity of the site, however, no information on flooding is available online for this location / layer. I note from the site inspection that a drainage ditch adjoins the site to the west at the roadside and also that the River Glash flows beyond the opposite side of the L1002. In this context it is likely that fluvial flooding is indicated at the application site, although there is a lack of information provided in this regard.

7.7.5 Notwithstanding, I note the River Glash is located approximately 20m west of the appeal site. The ground level of the local road adjoining the site is given as +79.600 on the Site Layout Plan. The rural dwelling is proposed to be set back approximately 47m from the western edge of the site. The ground level of the adjoining local road is given as +79.600, while the finished floor level of the proposed house is given as +84.500, 4.9m above the level of the public road. Having regard to the foregoing, I am satisfied that there is no flood risk to the proposed dwelling.

7.7.6 Traffic and Sightlines

With effect from 7th February 2025 the default speed limit on rural local roads reduced from 80km/h to 60km/h. I note Table 9.3 'Design Speed Related Parameters' of TII publication DN-GEO-03031 (May 2023) for Regional and Local Road Design Speed indicates a stopping sight distance of 90 m in a 60 km / hr speed zone. The submitted site layout plan demonstrates the availability of unobstructed 120m sightlines in both directions from the proposed vehicular entrance. The plan indicates existing hedging will be maintained / trimmed back to aid lines of sight. Having regard to the foregoing, I conclude that appropriate sightlines are available from the proposed new entrance and that the proposed development would not constitute a traffic hazard.

7.8 **Matter Arising**

7.8.1 Planning Authority conditions

The majority of the conditions reflected in the planning authority's grant of permission are of a standard nature and they are appropriate to the proposed development. There is scope for Conditions 9,10,11 and 13 relating to the DWWTS and polishing filter to be rationalised and / or amalgamated. I also recommend inclusion of the archaeological monitoring condition as recommended by DEHLG should the Commission decide to grant planning permission.

8.0 **AA Screening**

8.1. I have considered the proposed development comprising the construction of a house, installation of a DWWTS and polishing filter, vehicular entrance and all associated works in the light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000, as amended.

8.2. The proposed development is not located within or immediately adjacent to any European Site. The nearest European Sites are the River Boyne and River Blackwater SAC (Site Code:002299) and the River Boyne and River Blackwater SPA (Site Code:004232) located approximately 6.1km to the north.

Having considered the nature, scale and location of the project, I am satisfied 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:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European Site and lack of connections.
- Absence of any meaningful direct and indirect pathways to any European Site.
- Taking into account the screening determination of the 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 wither alone or in combination with any other plans or projects.

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

9.0 Recommendation

9.1. I recommend that permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the location and character of the site and its surroundings in a rural area together with the provisions of the Kildare County Development Plan 2023-2029, it is considered that the applicant has demonstrated compliance with the Rural Housing Requirements as set out under Section 3.13.3 of the County Development Plan, that the proposed development complies with the Rural House Design Guide (Appendix 4 of the County Development Plan) and, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, would not conflict or be incompatible with the operations of the nearby Moyvalley meat

processing facility, would not result in a risk of deterioration of any water body or jeopardise any water body in reaching its WFD objectives, would not be contrary to Development Plan Policy IN P2 and Objective IN O5 and would comprise an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th of April 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(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. 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.</p> <p>(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.</p> <p>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.</p>

	<p>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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>(a) The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with the Landscape Plan provided with the application on the 24th of October 2024.</p> <p>(b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.</p>
4.	<p>The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>(a) The entrance gates to the proposed development shall be set back not less than 2.4 metres from the edge of the public road. Wing timber post and rail fencing forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1.1 metres in height.</p> <p>(b) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.</p> <p>Reason: In the interest of road safety.</p>
6.	<p>(a) 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.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p>

	<p>(c) Stone cladding shall comprise natural local stone.</p> <p>(d) Window frames shall be finished in a neutral colour and comprise either powder coated aluminium, timber frame or non-white uPVC, unless otherwise agreed in writing with the planning authority prior to the commencement of development.</p> <p>(e) The external front door shall be of timber construction unless otherwise agreed in writing with the planning authority prior to the commencement of development.</p> <p>(f) All rainwater goods and soffit/fascia shall be dark in colour.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>(a) The applicant is required to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development.</p> <p>(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, and/or excavation). The applicant shall facilitate the archaeologist in recording any material found.</p> <p>(c) The National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
8.	<p>(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.</p>

	<p>(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.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
9.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 13th of April 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.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a 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.</p> <p>(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 wastewater treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 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.</p>

	Reason: In order to safeguard the amenities of property in the vicinity.
11.	<p>All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
12.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

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.

John Duffy
Planning Inspector

11th September 2025

Appendix 1: Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ABP-322675-25
Proposed Development Summary	Permission for a house, effluent treatment system, polishing filter, entrance and all associated site works.
Development Address	Tanderagee, Broadford, 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.	State the Class here
<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 development under Article 8	

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

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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2 : Form 2 - EIA Preliminary Examination

Case Reference	ABP-322675-25
Proposed Development Summary	Permission for a house, effluent treatment system, polishing filter, entrance and all associated site works.
Development Address	Tanderagee, Broadford, 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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development would not result in the production of significant waste, emissions, or pollutants. No significant risks of accidents or to human health. No demolition works proposed.
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).	Briefly comment on the location of the development, having regard to the criteria listed The size of the site at 0.4684 ha is not exceptional. The River Glash flows to the west of the subject site on the other side of the L1002. There is no direct hydrological connection present which would give rise to significant impact on water courses in the wider area (whether linked to any European site or other sensitive receptors). The site is not located within or near any European Sites. The site is in the vicinity of Monument no. KD003-034 which refers to a previously unknown medieval graveyard. During the course of the planning application the applicant submitted geophysical and archaeological reports which confirm nothing of archaeological interest was discovered during the period of archaeological testing. Should permission be granted it is recommended that a condition be attached requiring all groundworks associated with the development to be archaeologically monitored.

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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. There are no other locally sensitive environmental sensitivities in the vicinity of relevance. There would be no significant cumulative considerations.
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.	Schedule 7A Information required to enable a Screening Determination to be carried out. Not applicable to this appeal case.
There is a real likelihood of significant effects on the environment.	EIAR required. Not applicable to this appeal case.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322675-25	Townland, address	Tanderagee, Broadford, Co. Kildare.
Description of project		House, effluent treatment system, polishing filter, recessed entrance and all associated site works.	
Brief site description, relevant to WFD Screening,		The site is located in a rural area, approximately 1.6km south of the development boundary of Broadford, Co. Kildare and on the eastern side of the L1002. There are no watercourses traversing the site. The River Glash flows proximate to the appeal site, on the western side of the L1002	
Proposed surface water details		Soakaway proposed to manage stormwater and surface water run-off.	
Proposed water supply source & available capacity		Installation of a private well.	
Proposed wastewater treatment system & available capacity, other issues		It is proposed to install a secondary wastewater treatment system (6PE capacity) to discharge to a polishing filter. The polishing filter is to have a minimum thickness of 900mm of free draining unsaturated soil between the point of infiltration of the effluent and the water table or bedrock. Based on the information submitted in the Site Characterisation Report, it is noted that soil conditions are favourable for the treatment of wastewater as proposed.	

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)
Surface water body - River	c 20 m (from the eastern site boundary)	Glash_10 (Identifier is IE_EA_07G020 400)	Poor	At risk	Peat pressures, Organic pollution	Surface water run-off, drainage
Groundwater body	Underlying site	Trim IE_EA_G_002	Good	At risk	Agriculture, DWTS, Unknown Chemical Quality diminution for SW, Nutrients	DWWTS is designed to discharge treated wastewater into the subsoil and from there into the groundwater.

Step 3: 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.	Site clearance & Construction	Glash_10	Indirect impact via Potential hydrological pathway	Surface water pollution / Hydrocarbon spillages	Standard Construction Practice	No	Screened out
2.	Site clearance & Construction	IE_EA_G_002	Pathway exists	Hydrocarbon spillages	Standard Construction Practice	No	Screened out

OPERATIONAL PHASE

1.	Surface Water Run-off	Glash_10	Indirect impact via Potential hydrological pathway	Surface water	Small scale of development Dilution effect Distance to river	No	Screened out
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2.	Wastewater	Glash_10	Indirect impact via potential hydrological pathway	Treated wastewater	<p>Site Characterisation Report notes favourable ground conditions for treatment of wastewater.</p> <p>DWWTS has appropriate design capacity (6PE) for 4 bedroom house.</p> <p>Periodic maintenance of DWWTS proposed.</p> <p>Standard construction and operational conditions in accordance with EPA CoP 2021.</p>	No	Screened out
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3.	Wastewater	IE_EA_G_00 2	Pathway exists	DWWTS to discharge to groundwater	<p>Site Characterisation Report notes favourable ground conditions for treatment of wastewater.</p> <p>DWWTS has appropriate design capacity (6PE) for 4 bedroom house.</p> <p>Periodic maintenance of DWWTS proposed.</p> <p>Standard construction and operational conditions in accordance with EPA CoP 2021.</p>	No	Screened out
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DECOMMISSIONING PHASE							
1.	NA						