



An
Coimisiún
Pleanála

Inspector's Report ACP-323026-25

Development	3 bedroom single storey dwelling, an adjoining domestic carport, a bored well, secondary treatment system & soil polishing filter, a new entrance, connection to services and all associated works.
Location	Russellstown Palatine, Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	2560105
Applicant(s)	Nigel Kinsella
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Nigel Kinsella
Observer(s)	None
Date of Site Inspection	16 th September 2025.

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The site is located in the rural area of Russellstown, Palatine Co. Carlow and is approximately 6.6km from Castledermot to the north and a similar distance from Carlow town centre to the west. The site lies east of the M9 motorway.
- 1.2. The surrounding area is rural in character with a number of detached residential units on large plots lying in proximity to the site. The historic Ducketts Grove estate, a Protected Structure (RPS CW73) is situated to the northeast of the site and an ornate gateway and a gate lodge associated with the complex, also protected structures, (RPS CW75) are located a short distance to the east.
- 1.3. The appeal site, extending to a stated area of 0.440Ha and is broadly rectangular in shape and is bounded to its southern boundary by the L-1009 carriageway. The site itself is heavily overgrown with scrub and trees, with ground levels rising gently from the roadside edge to the north.
- 1.4. The applicant is not the owner of the site but has an option to purchase the plot subject to planning permission.

2.0 Proposed Development

- 2.1. The development relates to the construction of a 3no. bedroom single storey dwelling with a mono-pitched roof. A fully glazed front (southern) elevation extends to a height of 4.2m, with the structure tapering to a height of 2.7m. to its rear (northern) elevation. Externally, wall finishes are to comprise a smooth quadcore sandwich panel, grey in colour, with the roof finished in insulated panels.
- 2.2. The floor area of the structure is given as 193.65sq.m. while a proposed open-sided car port adjacent has a stated area of 48.0sq.m.
- 2.3. Wastewater is to be disposed of on the site via a treatment system with soil polishing filter. While a bored well is proposed in the application, the appeal documents indicate that a connection to mains water will be provided where possible.
- 2.4. The proposed dwelling set back c. 56.8m from the roadside boundary. Ground levels at the entrance are to be raised and a splayed entrance provided.
- 2.5. The application was accompanied by a number of documents and reports including:

- Forestry Report - Emerald Forestry Consulting Ltd.
- Biodiversity Report -Gerry Tobin
- Appropriate Assessment Screening – Gerry Tobin
- Plans, drawings and particulars.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 16th June 2025, Carlow County Council Refused Permission for the proposed development. The reasons for refusal were as follows:

1. *Policy RH. P6 in the Carlow County Development Plan 2022-2028 (CDP) seeks to ensure that the siting, layout and design of a new rural house shall appropriately integrate with the physical surroundings and taking account of the Rural Design Guidelines in Chapter 13 of the CDP and the capacity of an area to absorb further development. Policy RD. P1 seeks to ensure that a new rural house is appropriately located in the landscape and informed by best practice principles for siting and layout. The proposed development, by reason of a combination of (a) the degree of existing housing in the surrounding rural area to the application site (b) the layout and design of the proposed house, (c) the location of the application site in an established and mature woodland area, and (d) the location of the application site on an historic approach road to Duckett's Gove Gate Lodge and Duckett's Gove (Protected Structures), represents poor site selection and a house design that would not appropriately integrate with its physical surroundings, and which would constitute an excessive density of development and unsustainable haphazard rural one-off housing, which taken together with existing dwellings in the vicinity would contribute to, consolidate and exacerbate an undesirable pattern of development in this area under development pressure from Carlow Town, would militate against the preservation of the rural environment and lead to demands for uneconomic provision of public services and community facilities*

in an area where these are not proposed. The proposed development would therefore conflict with the stated policy of the Carlow County Development Plan 2022 – 2028, would set an undesirable precedent in the area for further such development, and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development requires the removal of trees and planting within an established, dense woodland. The submitted plans and particulars are considered deficient regarding the full nature and extent of tree removal required to facilitate the proposed development. The removal of trees to facilitate the proposed development is considered to materially contravene policies WT. P1 and LA. P10 of the Carlow County Development Plan 2022-2028 which seek to:

- Protect and manage existing woodlands, trees and hedgerow which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their consideration, protection and management when undertaking, approving or authorising development.*
- Ensure that features which contribute to local landscape character, including historic features and buildings, trees, hedgerows, shelter belts and stone walls are retained, protected and enhanced where appropriate, so as to preserve the appearance and local landscape character of an area, whilst supporting sustainable landscape change and development. Development proposals necessitating the removal of such features will be discouraged.*

The proposed development would, therefore, conflict with the stated policy of the Carlow County Development Plan, 2022- 2028, would set an undesirable precedent in the area for further such development, and would therefore be contrary to the proper planning and sustainable development of the area.

3. *It has not been demonstrated to the satisfaction of the Planning Authority that the layout and design of the proposed on-site wastewater treatment system and proposed surface water drainage is suitable to cater for the proposed development. In the absence of this relevant information, to permit the proposed development would be prejudicial to the public health and the protection of the environment, would present a risk of pollution to surface water and ground water, and would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

- A planning report dated 13th June 2025 is consistent with the decision of the Planning Authority and recommends refusal.
- The report examined the development against policies and objectives contained within the Carlow County Development Plan 2022-2028, including the applicant's ability to comply with the county's rural housing policy.
- The report also examined specific areas in the Assessment Section including Overdevelopment/Ribbon Development; Siting and Design; Woodland/Trees; Access and Water/Wastewater and Surface Water.
- The report recommended that permission be refused, concluding that the proposal, located within a rural area under significant development pressure would further exacerbate such pressure and the provision of unsustainable haphazard rural one-off housing in the area.

3.2.2. Other Technical Reports

Environment Department

- The Environment Section reviewed the Stage 1 Appropriate Assessment Screening report submitted, concluding that the project, alone or in combination with other projects would not adversely affect the integrity of the site concerned.

- The Environmental Department in a further report, set out conditions to be applied in the event of a grant of permission relating *inter alia* to the preparation of a Construction and Environmental Management Plan and to a Resource and Waste Management Plan. Conditions giving effect to measures outlined in supporting reports to the application were also recommended, together with measures to prevent the spread of alien invasive species and conditions to mitigate construction impacts.

Senior Engineer Environment

- Report recommended Further Information to demonstrate likely ground [water] flow direction and the location of existing wells and percolation areas within 100m of the proposed site, including separation distances therefrom.
- Note: A request for Further Information did not issue with respect to the application.

Senior Assistant Chief Fire Officer

- No objection subject to conditions requiring that access for fire brigade vehicles and water supplies for firefighting comply with the requirements of the Chief Fire Officer.

Area Engineer

- No objections subject to conditions relating to the piping of the entrance, provision of sightlines prior to commencement of construction and control of surface water discharge.

3.3. Prescribed Bodies

The Planning Report indicates that the application was referred to Uisce Éireann, the Heritage Council and to the Department of the Environment, Heritage and Local Government and that no reports were received.

3.4. Third Party Observations

None received by the Planning Authority.

4.0 Planning History

4.1. Subject Site

Reg Ref 2460421

Permission REFUSED for a single storey dwelling, domestic carport, bored well, secondary treatment system and soil polishing filter, new entrance, connection to services and all associated works.

Decision Dated: 19th February 2025

The reasons for refusal relate in summary to the following:

- Development would consolidate and exacerbate an undesirable pattern of development in an area under development pressure from Carlow town and would conflict with Policy RH.P6 and Policy RD.P1 of the Carlow County Development Plan 2022-2028.
- Deficiency of plans and particulars with respect to the full nature and extent of tree removal required to facilitate the development and would contravene Policy LA.P10 of the Development Plan.
- Failure to demonstrate that the layout and design of the on-site wastewater treatment system and proposed surface water drainage are suitable to cater for the proposed development. Development would as a consequent be prejudicial to public health and protection of the environment presenting a risk of pollution to surface water and ground water.

Reg. Ref. 2360241

Permission REFUSED for a single storey dwelling, adjoining domestic carport, a domestic shed/store, bored well, secondary treatment system and soil polishing filter, new entrance, connection to services and all associated works.

Decision Dated: 29th November 2023.

The reasons for refusal relate in summary to:

- Failure to demonstrate compliance with the Council's Rural Housing policy as set out in the Carlow County Development Plan 2022-2028.
- Proposal would constitute an excessive density of development and an undesirable pattern of development in an area under development pressure.
- Given the absence of Appropriate Assessment Screening and potential for connection to the River Barrow cSAC, the Planning Authority was not satisfied that the development would not give rise to ecological impacts and affect a Natura 2000 site.
- Deficiency of information regarding the ecological value of the site and compliance with Policy LA.P10 of the Development Plan concerning the removal of trees/features which contribute to local landscape character.

Reg. Ref. 1821

Permission REFUSED for a dormer style dwelling, new entrance, connection to mains water, wastewater treatment system and percolation area and all associated site works.

Decision Dated: 21st March 2018.

The reasons for refusal related in summary to:

- Inappropriate design resulting in the destruction of woodlands and trees of amenity value and detrimental impact on the rural character of the area causing serious injury to amenities.

- Excessive density of development exacerbating an undesirable pattern of ribbon development militating against the preservation of the rural environment and leading to demands for the uneconomic provision of public services.
- Contrary to the provisions of the Rural Housing Policy of the Carlow County Development Plan 2015-2021
- Contrary to policy within the Development Plan regarding infill sites under Policy 2.7.8 Infill Housing.

To East

Reg. Ref. 03382

Permission GRANTED for a dwelling house, garage and associated site works.

Decision Dated: 31st July 2003.

To West

Reg. Ref. 2460202

Permission REFUSED for Retention and Planning Permission REFUSED for a) Retention of garage raft foundation slab as constructed, b) Retention of mezzanine floor level in dwelling, c) Retention of exterior alterations and alterations to window & door openings in dwelling, d) Completion of partially constructed two storey part single storey dwelling and single storey garage and associated works.

Decision Dated: 4th September 2024.

To North

Reg. Ref. 23/59

Permission GRANTED for a single storey timber cabin (to be used for holiday home lettings) adjacent existing two-storey dwelling and associated works.

Decision Dated: 27th July 2023.

5.0 Policy Context

5.1. National Policy

5.2. The National Planning Framework First Revision (NPF)

- 5.2.1. The NPF recognises the continuing housing need for people to live and work in the countryside and stipulates that careful planning is required to manage demand around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities. The Framework notes the importance of differentiating between rural areas located within the commuter catchment of cities, towns, centres of employment and rural areas located outside these catchments, highlighting the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence.

5.3. Section 28 Guidelines -Sustainable Rural Housing Guidelines 2005

The Guidelines require planning authorities to tailor policies which respond to the differing housing requirements of both urban and rural communities and the varying characteristics of rural areas. The Guidelines also differentiate between rural and urban-generated housing with Section 3.2.3 referring to Rural Generated Housing with reference to persons who are an intrinsic part of the rural community and to members of an established rural community.

5.4. Carlow County Development Plan 2022-2028

- 5.4.1. The Carlow County Development Plan 2022-2028 is the relevant and operable Development Plan for the area. The following provisions are considered relevant:
- 5.4.2. Table 3.4 identifies two Rural Housing Policy Zones within the county; Zone 1: *Rural Areas Under Urban Influence* and Zone 2: *Other Rural Areas*. Both zones are identified on Map 3.2- *Rural Housing Policy Zones*.

- 5.4.3. The appeal site is located within Rural Housing Policy Zone 1- Rural Areas under Urban Influence.
- 5.4.4. Section 3.16.2 states in relation to Rural Housing Policy Zone 1 that, the Council shall consider a single house in the countryside for the permanent occupation of an applicant in Rural Areas Under Urban Influence where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5. *Rural Housing Policy Zone 1 Categories and Criteria*. The Plan specifies that compliance with only one of the Categories must be demonstrated.
- 5.4.5. Table 3.5 requires under Category 1 that an applicant demonstrate with relevant documentary proof a functional economic requirement or under Category 2, demonstrate a functional social requirement, to live in the rural area. This includes persons who can demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 consecutive years at any stage prior to the making of the planning application, including returning migrants seeking a permanent home in their local rural area. For the purposes of this policy, the '*local rural area*' is defined as a site within an 8km radius of where the applicant is living or has lived.
- 5.4.6. Irrespective of whether the application is based on Category 1 or Category 2, the applicant is also required to demonstrate (a) compliance with all normal siting and design considerations – Policy RH. P6 and (b) that they do not own or have not been previously granted permission for a single house in the countryside in the county and have not sold this house to an unrelated third party, save in exceptional circumstances. Policy RH. P4 sets out instances where local exceptional circumstances may be considered.
- 5.4.7. Section 3.16.5 relates to Siting and Design Policies where Policy RH. P6 requires *inter alia* that applicants demonstrate compliance with all normal siting and design requirements and that a new rural house shall appropriately integrate with its physical surroundings, including natural and built heritage of the area taking account of the following requirements (summarised):
- (i) Rural housing design guidelines
 - (ii) Character, sensitivity and capacity of the landscape

- (iii) Capacity to absorb further development
- (iv) Protection and preservation of landscape features which assist in visually absorbing rural housing.
- (v) Ability to provide a safe vehicular entrance
- (vi) Ability of the site to accommodate an on-site wastewater treatment system.
- (vii) Ability to address surface water.
- (viii) Flood Risk Management
- (ix) Spatial Planning and National Roads Guidelines

5.4.8. Chapter 6 relates to Infrastructure and Environmental Management. Policy WW. P1 requires that *'private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021) Serving Single Houses (population equivalent less than or equal to 10) or any updated version during the period of this Plan, the Water Framework Directive, the National River Basin Management Plan 2018-2021 (as maybe updated) and the Habitats Directive'*.

WQ. P3 seeks to *'ensure that the Water Framework Directive, the River Basin Management Plan and any subsequent Water Management Plans or statutory guidance are fully considered throughout the planning process'*.

5.4.9. Chapter 9 Landscape and Green Infrastructure Policies includes policy LA. P10 which seeks to *'ensure that features which contribute to local landscape character, including historic features and buildings, trees, hedgerows, shelter belts and stone walls, are retained, protected, and enhanced where appropriate, so as to preserve the appearance and local landscape character of an area, whilst supporting sustainable landscape change and development. Development proposals necessitating the removal of such features will be discouraged'*.

5.4.10. Chapter 10 Natural and Built Heritage contains policy with respect to Woodlands, Trees and Hedgerows including WT. P1 which seeks to *'protect and manage existing woodlands, trees and hedgerow which are of amenity or biodiversity value and/or*

contribute to landscape character and ensure that proper provision is made for their consideration, protection and management when undertaking, approving or authorising development’.

5.5. Record of Protected Structures (RPS)

RPS CW75 Duckett’s Grove Gate Lodge

The feature is located c.330m to the east of the site on the L-1009. The entry on the RPS reads *‘double entrance arches and lodges were designed in a gothic-revival style by J. McDuff Derick about 1840. This structure is difficult to describe but is a mixture of walls, buttresses, towers and crennelations with lancet windows and heavily mullioned windows. This is possibly the most elaborate entrance to any estate in Ireland and is of considerable architectural importance’.*

The structures have a regional classification on the National Inventory of Architectural Heritage (NIAH).

5.6. Natural Heritage Designations

The Slaney Valley SAC (Site Code 000781) is approximately 4.3km east of the site.

The River Barrow and River Nore SAC (Site Code 002162) is approximately 7.0km to the west.

Oakpark pNHA lies approximately 5.2km to the northwest.

5.7. 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

6.1. The decision of the Planning Authority is the subject of a First Party appeal. A letter is provided by the First Party Appellant Mr. Nigel Kinsella and a cover letter provided by the Appellant's agent. Documentation is also provided from the Appellant's Site Assessor (waste water treatment) and from a Forestry Consultant. The matters raised may be summarised as follows:

- Reference is made to previous planning applications made by the Appellant on the appeal site and to the reasons for refusal/concerns raised by the Planning Authority.
- Reference to an administrative error in communicating the decision of the Planning Authority.
- The Carlow County Development Plan does not contain specific policy as to the acceptable density of dwellings per sq. km. Examples are provided of locations within the county where a higher density of development prevails relative to the subject locality. Applying the density range applicable to Co. Kildare results in a numerical value below the threshold.
- The house design is site-appropriate and is of a sustainable A-rated format encouraged by the Development Plan and Project Ireland 2040 National Planning Framework. A variety of house designs exist locally, and the dwelling will be screened from the public road and from neighbouring properties by existing trees. Reference is made to the inclusion of cast iron gates and railings to the roadside.
- The Appellant should have been afforded an opportunity to address issues of concern through a request for Further Information.
- If permitted, the dwelling house would be the furthest house on this road from Duckett's Grove Gate Lodge. Reference is made to permissions granted

elsewhere in the county in proximity to protected structures and other designations. Reference is also made to a Gate Lodge to the eastern side of Duckett's Grove which was demolished in the 1980's.

- The report findings of Emerald Forestry Consulting Ltd. have been ignored by the Planning Authority without contradictory evidence. A Letter from Emerald Forestry Consulting Ltd. dated April 4th 2025, provides an update to the earlier report undertaken by the consultancy as part of the planning application. The letter:
 - re-confirms that the site is a former wooded area which has been cleared for many years leaving diseased, and storm-damaged Ash regrowth, along with the remnants of boundary trees, many with dead and decaying tops which require attention on health and safety grounds.
 - indicates that roadside hedging includes a selection of old Beech and Chestnut trees which have declined since the previous report, suffering wind abrasion damage and which are beginning to pose a risk to safety, with attention required under the Road Traffic Act.
 - indicates that cleaning the site of dead and decaying trees will provide sufficient open space for the dwelling and its associated services.
 - states that the previously proposed landscaping plan will enhance the area and screen the dwelling with new native woodland.
- Trees for removal were marked/identified on site and do not constitute mature specimens. Contention that the site is covered with scrub and immature trees.
- Reference made to permission for a commercial holiday home on an adjoining site and to perceived conflicts of interest.
- Reference to whether the Planning Authority conducted a site inspection.
- Supplementary information is provided from the site assessor Mr. Alan Meredith [Architectural Services & EPA compliant Site Characterisation Assessor (Percolation testing)] The submission is in response to matters raised by the Planning Authority regarding wastewater disposal and refers to the following:
 - Site Characterisation Assessment was carried out in full compliance with EPA Code of Practice, 2021.

- All separation distances are shown on Drawing Ref 01-12-NK-24 lodged with the application. This includes location of wells, treatment systems, and boundaries which are in compliance with the EPA Code of Practice.
- Groundwater flow direction was indicated under Section 3.0 of the Site Characterisation Assessment and indicated an East Direction.
- Confirmation that no wells are located within 250m of the site. One well is sited at a distance of 1km.
- All matters raised by the Planning Authority were addressed in the Site Characterisation Assessment lodged.
- The assessment resulted in a pass result; the layout and design of the treatment system is suitable for the site, and all criteria is compliant with the EPA Code of Practice, 2021.
- It is the site assessor's professional opinion that the proposal does not present risk to public health; to ground water or to surface water, and the system will be installed as per the Site Characterisation Assessment carried out and to EPA Code of Practice 2021 requirements.
- The Appellant is amenable to providing a connection to mains water rather than in providing a private bored well.

6.2. Request for Oral Hearing

The Appellant requested an Oral Hearing under Section 134(2)(a) of the Planning and Development Act 2000 (as amended). An Coimisiún Pleanála determined on the 21st August 2025 that there was sufficient written evidence on file to enable an assessment of the issues raised and that an Oral Hearing would not be held.

6.3. Planning Authority Response

The Planning Authority has no further comment in relation to the appeal and refers the Commission to the report of the planning officer dated 13th June 2025.

6.4. Observations

None

7.0 Assessment

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

- Compliance with Rural Housing Policy.
- Impact on Trees and Woodland
- Material Contravention
- Waste Water Disposal
- Siting and Design
- Other Matters

7.2. Compliance with Rural Housing Policy

7.2.1. The Commission is advised that the Planning Authority in assessing the applicant's compliance with the Rural Housing Policy appears to have relied on details forming part of a pre-planning meeting with the Appellant held on the 25th June 2024 and to documentation dated 19th December 2024 forming part of Reg. Ref. 2460421- a previous application for a dwelling house on this site.

7.2.2. Notwithstanding, the Commission will note that the issue of compliance with Carlow County Council's Rural Housing Policy is not raised as part of the First Party appeal and the Planning Authority accepted the applicant's compliance with the stated policy in this regard.

- 7.2.3. The appeal site relates to lands located within Rural Housing Policy Zone 1 of Map 3.2- *Rural Housing Policy Zones*. Zone 1 relates to Rural Area Under Urban Influence. The Appellant seeks permission for a dwelling house under Category 2- Functional Social Requirement, and as required under Section 3.16.2 of the Development Plan, the Council shall consider housing in such areas where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5. Compliance with only one of the categories must be demonstrated
- 7.2.4. Table 3.5 requires under Category 2 that an applicant demonstrate with relevant documentary proof a functional social requirement to live in the rural area in question and must demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 no. consecutive years at any stage prior to the making of the planning application. The local rural area is defined as a site within an 8km radius of where the applicant is living or has lived.
- 7.2.5. I note in this regard bank records (2015 to 2022 inclusive) in the applicant's name at an address in a rural area less than 8km from the site, as well as gas and electricity bills dated 2023 relating to the same property. Details of a planning application determined in 2008 and in the applicant's name, also refers to the property in question.
- 7.2.6. I am satisfied that the applicant demonstrates continuing social ties to the area including proximity to immediate family members which go towards the demonstration of a functional social need to reside in the location. While Table 3.5 requires with respect to both Categories 1 and 2 that an applicant demonstrate they do not own or have not been previously granted permission for a single house and have not sold this house to an unrelated third party, save in exceptional circumstances; based on the documentation available to me, I am satisfied that the Appellant has satisfactorily demonstrated compliance with the foregoing and I am satisfied that the requirements of the Rural Housing Policy have been complied with.

7.3. **Impact on Trees and Woodland**

- 7.3.1. The Appellant indicates that due regard has not been taken of the findings of the report prepared by Emerald Forestry Consulting Ltd. in its assessment. I note that a report

forming part of the planning application and prepared by the consultancy indicates that the site is a former forestry which was clear felled pre-2001 and was not re-planted. The report recommends that the site should be cleared of wind-blown and compromised trees, with remaining Willow retained and Alder, Holly and Hazel replanted. The report provided states that the roadside hedgerow has been retained and contains a selection of mature trees. Existing mature Chestnut and Beech in good condition should be retained subject to regular safety inspections. The hedge at this location is to be reinforced with the overall site reverting to native wild woodland by removing windblown trees and reducing scrub Willow to a safe height. The resulting open space is to be planted with native species, with open space retained adjacent the entrance roadway to provide surface water abatement and to aid air circulation.

- 7.3.2. A letter dated 4th April 2025, updating the initial report prepared by Emerald Forestry Consulting Ltd. reiterates that the site is a former wooded area which has been cleared for many years leaving diseased Ash regrowth, scrub Willow regrowth and the remnants of boundary trees, many with dead and decaying tops. The updated report refers to a deterioration in the condition of the roadside hedgerow and trees (Beech and Chestnut) which have declined since the previous report, suffering wind abrasion damage in winter storms. The report recommends remedial action on safety grounds.
- 7.3.3. While the description of the site as contained in the report(s) is useful, commentary therein is considered to be largely general in nature with accompanying non-location specific photographs included. It does not appear that an overall tree condition survey has been conducted with regard to any quality specimen trees remaining on site. I note also that Drawing No. 01-12-NK-24 -Site Layout is not cross-referenced with the findings of the report and includes the annotation '*existing trees to remain on site as shown*'. While the Appellant indicates that trees/vegetation for removal have been physically identified, a detailed landscape plan cross-referencing this information, the recommendations of the forestry report and the findings of a detailed tree condition survey, would provide clarity as to the clearance works necessary.
- 7.3.4. I note that the updated report from Emerald Forestry Consulting Ltd. refers to a deterioration in the condition of the roadside trees and that remedial action may be required. There is a lack of clarity in relation to the extent of this remedial action and

whether or not such works would comprise pruning or full removal of the trees in question. While it is stated that quality trees forming part of the roadside boundary are to be retained, the information provided as part of the appeal would suggest that this may not be entirely possible. In this regard, a tree condition survey would provide further clarity on this matter.

- 7.3.5. I note that annotated text on Drawing Ref 01-12-NK-24 Site Layout states that sight visibility splays in excess of 120m are available to the east and west of the intended entrance. Sightlines to the west run adjacent the roadside boundary and it is somewhat difficult to conclude based on the layout plan, if works to achieve such visibility splays will impact the boundary and/or require tree removal. A detailed tree survey, accurately plotting the position of trees to be retained would assist in providing clarity.
- 7.3.6. I note also that a Biodiversity Report was lodged with the planning application. The report indicates that non-native invasive species were not detected on site and that desktop and fieldwork scoping studies indicate no significant adverse effects from the development in relation to disturbance, displacement or mortality of faunal species. I note also the finding that *'the removal of trees to facilitate development is a contravention of Carlow Co. Co.'s Development Plan 2022-2028 but because of soil conditions on site and wind throw there is an ongoing loss of trees on site with replacement by scrub flora on-going'*. The dates of the fieldwork scoping studies underpinning the report are unclear, however it should be noted that the site walkover for the purposes of Appropriate Assessment Screening conducted by the same consultant, was undertaken on the 21st of February 2024.
- 7.3.7. The Commission should note that the wider area, particularly to the north and west of the site, contains large tracts of trees and woodland. I am of the opinion that the subject site, notwithstanding assertions as to the quality of the trees and vegetation thereon, contributes in a meaningful way to the overall landscape character of the area. In this regard, I would agree with the concerns raised by the Planning Authority as to the deficiency in detail provided regarding the required extent of tree/vegetative removal to facilitate the development, which a detailed landscaping plan with full planting schedule might provide. In this regard, I am of the opinion that the scheme as

presented would have a significant negative impact on existing woodland, trees and hedgerows which contribute to the landscape character of the area and the development would be contrary to Policy WT. P1 of the Carlow County Development Plan. I also conclude that the development would be contrary to Policy LA. P10 of the Plan which seeks to discourage development proposals necessitating the removal of features which contribute to the local landscape character of an area, and which include such features as trees and hedgerows.

7.4. Material Contravention

Reason No. 2 of the Planning Authority's decision determined that the development is considered to materially contravene policies WT.P1 and LA.P10 of the Carlow County Development Plan 2022-2028.

Firstly, taking Policy WT.P1, the content of which reads as follows:

'Protect and manage existing woodlands, trees and hedgerow which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their consideration, protection and management when undertaking, approving or authorising development'. [Planning Inspector's own underlining/emphasis].

In this regard, while the merits of the policy in seeking to protect and manage existing landscape features is no doubt reasonable and warranted, I note the action required in securing the policy relies on proper provision being made for the consideration, protection and management of features such as existing woodlands, trees and hedgerows of amenity or biodiversity value which contribute to the landscape character when undertaking, approving or authorising development. While I am of the view as set out above, that existing on site planting/vegetation does contribute to the overall landscape character of the area, I am nonetheless cognisant of efforts made by the Appellant in seeking to demonstrate appropriate levels of *consideration, protection and management* of such features in seeking to develop the site. As noted, the Biodiversity report indicates no significant adverse effects from the development in relation to disturbance, displacement or mortality of faunal species arises and no significant impacts on ecology have been identified in the documents provided.

I am also of the opinion that the stated Development Plan policy is not specifically prohibitive of development in all instances and does not of itself arrive at a conclusion that no works whatsoever may be undertaken as inferred by the use of 'management' in the language of the policy. I note in this regard, the Planning Authority does not indicate that the site is afforded a specific protective status and I am not aware in the documentation before me, that trees on site are protected under a Tree Preservation Order (TPO).

Policy WT.P1 instead seeks to provide direction that in undertaking, approving or authorising development, proper provision is made for the consideration, protection and management of the features. While I agree with the contention of the Planning Authority that the plans and particulars submitted with the application are deficient in demonstrating the full nature and extent of tree removal/re-planting required to facilitate development; and that the proposal as it stands would contravene Policy WT.P1, I am not of the view that such contravention is material in nature.

Secondly, Policy LA. P10 states as follows:

'Ensure that features which contribute to local landscape character, including historic features and buildings, trees, hedgerows, shelter belts and stone walls are retained, protected and enhanced where appropriate, so as to preserve the appearance and local landscape character of an area, whilst supporting sustainable landscape change and development. Development proposals necessitating the removal of such features will be discouraged.' [Planning Inspector's own underlining/emphasis].

In relation to Policy LA.P10 of the Development Plan, the merits in seeking to retain, protect and enhance features so as to preserve local landscape character are self-evident and reasonable. I note that in application however, the text of Policy LA. P10 is not specifically prohibitive in its consideration of new development and in this regard, appears to balance the requirements of retention, protection and enhancement while supporting sustainable landscape change and development. I note also that the policy seeks to discourage rather than prohibit development which necessitates the removal of specified features contributing to landscape character. I refer again to the concerns raised in preceding sections of this report and to the insufficient demonstration in the plans and particulars provided of all impacts of the development on the receiving

environment and would agree with the Planning Authority that the proposed scheme does not demonstrate compliance with Policy LA.P10. While it is my opinion that the proposed development would be contrary to the stated provisions of the policy, I do not agree that the contravention is material in nature.

7.5. Waste Water Disposal

- 7.5.1. The appeal site is overgrown with scrub and thick overgrowth between existing trees and is largely impenetrable. I note commentary in the Emerald Forestry Consulting Ltd. report which states that the site *'has impeded drainage from decades of decaying foliage and surface silting. Surface water lies on site however percolation on site is effective in the trial soak pits clearly indicating surface water retention as outlined'*
- 7.5.2. The Commission is advised that percolation testing was conducted in August 2023.
- 7.5.3. The Site Characterisation Form provided indicates the trial hole was excavated to a depth of 2.1m with the water table encountered at 1.4m with a seasonal water table at 600mm below ground level. I note also that the reported soil type encountered was Granite Till and that Clay was encountered from 200mm to 1400mm and is indicated to be brown and grey in colour. The photographs of the trial hole suggest evidence of mottling encountered just below the surface, and at a higher level than the seasonal water table at 600mm recorded in the trial hole log. I also note that in some instances, Granite Till can present grey in colour. The photographs provided also appear to indicate mottling in the test hole, which again indicates possible grey, seasonally saturated soils just below ground level.
- 7.5.4. I note the Site Characterisation Form records a Groundwater Protection Response of R1 and a Locally Important Aquifer of High Vulnerability. A subsurface percolation value of 39.86 min/25mm and a surface percolation value of 39.72 min/25mm were achieved.
- 7.5.5. It is intended to provide a secondary waste water treatment system and soil polishing filter to serve the development. I note in this regard that Drawing Section A-A through

the polishing filter indicates a minimum of 900mm unsaturated soil (soil polishing filter) between the seasonal water table and the invert level.

- 7.5.6. The photographic record would, however, appear to be at variance with the results of the Site Characterisation Form and in this regard, I note that while the seasonal water table was encountered at 600mm, mottled conditions appear to exist at approximately 300mm below ground level as per the photographs and staff gauge. It is unclear to me that the requirement for 900mm unsaturated soil between the seasonal water table and the invert level as indicated in the Sectional Drawing can be achieved. A depth of 900mm would be required.
- 7.5.7. I note the comments of the site assessor in the appeal documentation confirming that separation distances are as shown on the proposed Site Layout Plan Drawing No. 01-12-NK-24. The only bored well is the appellants which will not now be provided in preference to a connection to the public mains. The site layout drawing does not indicate the percolation area serving the dwelling to the north of the site.
- 7.5.8. Having regard to the documentation available to me, including the Site Characterisation Form, Drawings and Photographic Record, it has not been adequately demonstrated that wastewater generated by the proposed development may be appropriately disposed of on this site and I cannot conclude on the basis of the information before me that the development may be provided without risk to public health or to the environment.

7.6. Siting and Design

- 7.6.1. The site comprises a stated area of 0.440Ha. The proposed dwelling as per Drawing No. 01-12-NK-24 is positioned almost 57.0m from the roadside boundary and is sited towards the rear of the site. Ground levels shown on the same drawing are relatively constant throughout the plot, with a marginal increase from the south-western corner to the north of the site. The structure is of a contemporary design providing for a mono-pitched roof of principal height 4.2m to the front/southern elevation reducing to 2.7m to the rear/northern elevation. The front elevation comprises double height glazing with the remaining external walls comprising smooth insulated panels. The car port is open-

sided with roof finishes similar to those of the dwelling. The overall floor area extends to a stated 241.65 sq.m.

- 7.6.2. I note that the eastern site boundary is defined by well-established planting with roadside trees currently in situ to the south. Surrounding development is generally residential in nature with single units on large, landscaped plots, generally set back and screened from the public road. No single architectural design/form is prevalent in the area, and a wide variety exists in terms of design, finishing materials and house style.
- 7.6.3. While the development does not constitute ribbon development as defined by the Rural Planning Guidelines, the area appears to be experiencing development pressure as evidenced by the number of dwelling units established either side of the local roadway adjacent the site and a similar pattern of development forming along the roadway to the north. This is reflective of the site's classification within Rural Housing Policy Zone 1: Rural Areas Under Urban Influence. The Appellant has provided calculations to demonstrate the density of housing per square kilometre for both the Russellstown area and for other locations within Co. Carlow. For comparison, reference is also made to Development Plan policy relating to Co. Kildare where a prescribed density of one-off housing per square kilometre, save in certain circumstances is applicable. While I note the calculations provided, the operative Development Plan for the area does not contain a comparable policy. Furthermore, the exercise lacks subtlety in application and is not in isolation appropriate as a tool in assessing an area's ability to assimilate new development.
- 7.6.4. While I am of the view that the contemporary design and low-profile form of the dwelling itself would not be particularly obtrusive given its set back from the road edge, I am concerned however, that the works required to facilitate the build would have a significant visual impact on the receiving environment. I note, as examined under Section 7.3 of this report, the lack of clarity surrounding the removal of trees and vegetation and the resulting impact on landscape character. While I note the contention of the Appellant as to the overall quality of trees on site, I am of the view that the site nonetheless contributes to the character of the area, forming part of a wider planted belt extending to the north and west. The removal of this woodland

planting, in the absence of clarity, including a tree condition survey, the lack of certainty surrounding the preservation of roadside trees, and the failure to clearly articulate a site-specific landscaping plan, would negatively impact the character and visual amenities of the area.

7.6.5. I note also commentary in the appeal documentation regarding the location of the site relative to protected structures comprising a former entrance and gate lodge to the Duckett's Grove estate. The appeal site is accessed by one of the approach roads leading to the gate lodge/entrance and the features are just visible from the roadside frontage of the site. I note also the Appellant's intention to utilise cast iron gates and railings to the roadside boundary. While the development would not directly impact the setting of the protected structures, I am of the view that the lack of clarity surrounding site works required to accommodate the development, particularly tree/vegetative removal, would erode the character of the area, particularly this important approach road to the historic demesne.

7.6.6. Taking the foregoing into consideration, in addition to concerns raised in Section 7.5 as to the suitability of the site to cater for the disposal of wastewater arising from the development, I am of the opinion that the proposal would fail to comply with Policy RH. P6 of the Carlow County Development Plan 2022-2028 requiring that the siting, layout and design of a new rural house appropriately integrate with its physical surroundings, including the natural and built heritage of the area and having particular regard to the capacity of the area to absorb further development; the impact on the protection and preservation of features in the landscape and the ability of the site to cater for on site waste water disposal.

7.7. Other Matters

7.7.1. The appeal documents refer to communication between the Planning Authority and the Appellant's agent initially communicating a decision to grant permission which was later amended to a decision to refuse permission. I note that the decision of the Planning Authority to refuse permission with respect to Reg. Ref. 25/60105 was made under Order dated 16th June 2025 and is now the subject of this appeal before the

Commission. I am not in a position to comment upon concerns raised in relation to perceived administrative anomalies in communicating the decision of the Planning Authority and confine myself to the decision made under Order dated 16th June 2025.

- 7.7.2. The Appellant raises concerns in relation to decisions of the Planning Authority to permit residential development on other sites within the county, including in proximity to the appeal site. The subject of this appeal is however, confined solely to the decision of the Planning Authority under Reg. Ref. 2560105 and to the appeal site. Somewhat similarly, the Appellant refers to previous applications made by him on this site which were refused permission by the Planning Authority for stated reasons. I note that no previous appeals were made to An Coimisiún Pleanála in relation to these previous determinations and to a degree, these applications are relevant only as background / planning history.
- 7.7.3. The Appellant is of the view that an opportunity to address concerns identified by the Planning Authority should have been afforded by way of a request for Further Information. While I note the provisions of the Planning and Development Regulations 2001 (as amended) where it is open to a Planning Authority to request Further Information, this is not a requisite step in the assessment process and would not in any case, provide a resolution where matters of fundamental concern are identified.

8.0 Appropriate Assessment

- 8.1.1. An Appropriate Assessment Screening Report has been undertaken and submitted with the application. The Assessment refers to the site's proximity to a stream tributary (River Lerr) of the Barrow River SAC.
- 8.1.2. I note that that the Palatine Stream (EPA Code IE_SE_14P040200) flows in close proximity to the south-west corner of the site (c.20m) and provides a hydrological link to the River Barrow. The river Barrow is c.10.0km west of the site (hydrological link)

Having regard to the foregoing, I have conducted an AA Screening which is included in Appendix 2 to this report.

- 8.2. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 (as amended).

The proposed development comprises a single storey dwelling house and associated works. No nature conservation concerns were raised in the planning appeal.

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:

- Nature of the works e.g. small scale and nature of the development.
- Distance from nearest European site and distance between the Palatine stream and European sites.
- Taking into account Appropriate Assessment 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 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.

9.0 Water Framework Directive

- 9.1. The subject site is located in the rural area of Russellstown Co. Carlow and lies in close proximity to the Palatine Stream Code IE_SE_14P040200 which flows to the southwest of the site. The development comprises a single storey, 3 no. bedroom dwelling house, car port, on site wastewater treatment system and associated works.
- 9.2. No flood risk was raised during the planning appeal.

- 9.3. I have assessed the 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 waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 9.4. I have considered the nature, scale and location of the project. In particular, I note the location of the site and the limited scale of the development, comprising a single storey dwelling house and associated works. While the Palatine Stream is located to the south of the site, no direct or indirect discharge to the watercourse is proposed, including surface run-off, groundwater run-off or drainage. I note in this regard proposals to provide soak pits and a proprietary wastewater treatment system to serve the dwelling. Provision of an on-site wastewater treatment system with soil polishing filter designed to the requirements of the Code of Practice for Domestic Wastewater Treatment Systems 2021 would provide appropriate mitigation.
- 9.5. I am satisfied therefore, that the development 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 concerning the construction of a single storey dwelling house and associated works.
 - Location-distance from nearest water bodies and/or lack of hydrological connections and subject to compliance with the EPA Code of Practice for Domestic Waste Water Treatment Systems Serving Single Houses 2021.
 - 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.

10.0 Recommendation

I recommend that permission is refused for this development.

11.0 Reasons and Considerations

1. The proposed development is located within Zone 1 *Rural Areas Under Urban Influence* as set out in the Carlow County Development Plan 2022-2028. Based on the information submitted with the application, the Commission is not satisfied that the development would appropriately integrate with its physical surroundings, including the natural and built heritage of the area, without detriment to the receiving environment. The development would as a consequence, contravene Policy RH. P6 of the Development Plan with particular regard to; the capacity of the area to absorb further development; the protection and preservation of features in the landscape which contribute to local distinctiveness and the ability of the site to accommodate on-site wastewater treatment. The development would exacerbate an undesirable pattern of development in an area under development pressure, militating against the preservation of the rural environment and the efficient provision of public services and infrastructure. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.
2. Having regard to soil conditions and the high-water table evident during percolation testing on this site, the Commission is not satisfied based on the information provided, that wastewater arising from this development may be appropriately disposed of on site without risk to groundwaters or to public health. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
3. The development proposed would necessitate the removal of trees and planting within an established woodland which is considered to contribute to the local landscape character. In the absence of satisfactory information, including a tree condition survey to establish the full extent and impact of the development on the receiving environment, the development as proposed would contravene stated policies of the Carlow County Development Plan 2022-2028, in particular

Policy WT. P1 and Policy LA. P10. The development would accordingly fail to support sustainable landscape change and would be 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.

Patricia Byrne
Planning Inspector

18th November 2025

Form 1 - EIA Pre-Screening

Case Reference	
Proposed Development Summary	3 bedroom single storey dwelling, an adjoining domestic carport, a bored well, secondary treatment system & soil polishing filter, a new entrance, connection to services and all associated works.
Development Address	Russellstown Palatine Co. Carlow
	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 checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b) Part 2 Schedule 5 Construction of more than 500 dwelling units
<input 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 checked="" 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)	1 no. dwelling on a stated site area of 0.440Ha
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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: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323026
Proposed Development Summary	Single storey dwelling, car port, on site wastewater treatment system and associated works.
Development Address	Russellstown Palatine Co. Carlow
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).	<p>The proposal concerns the construction of a single dwelling house in a rural location on a site extending to 0.440Ha and extends to a stated floor area of 193.65sq.m. and car port extending to 48.0sq.m.</p> <p>The development does not require any demolition works and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
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).	<p>The development is located within a rural area east of Carlow town centre. The site does not impact on protected views.</p> <p>The Slaney Valley SAC (Site Code 000781) is approximately 4.3km east of the site. The River Barrow and River Nore SAC (Site Code 002162) is approximately 7.0km to the west. Oakpark pNHA lies approximately 5.2km to the northwest.</p> <p>Proximity to Palatine Stream (EPA Code IE_SE_14P040200) is noted, however the likelihood of impacts arising is low and not significant.</p>
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).	<p>Having regard to the nature of the proposed development- a single storey dwelling unit and car port; its location, removed from sensitive habitats/features; likely limited magnitude and spatial extent of effects; and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	
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 2: Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment Test for likely significant effects Case File ACP-323026-25

Step 1: Description of the project and local site characteristics

Brief description of project	<p>The development comprises a 3no. bedroom single storey dwelling with a mono-pitched roof. The floor area of the structure is stated as 193.65sq.m. while a proposed open-sided car port has a stated area of 48.0sq.m.</p> <p>Wastewater is to be disposed of via an on-site treatment system with soil polishing filter. A bored well is proposed in the application, however the appeal documents indicate that a connection to mains water will be provided where possible.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The site is located in the rural area of Russellstown, Palatine Co. Carlow and is approximately 6.6km from Castledermot to the north and a similar distance from Carlow town centre to the west. The site lies east of the M9 motorway.</p> <p>The Slaney Valley SAC (Site Code 000781) is approximately 4.3km to the east.</p> <p>The River Barrow and River Nore SAC (Site Code 002162) lies to the west.</p> <p>Oakpark pNHA lies approximately 5.2km to the northwest.</p>
Screening report	<p>Yes</p>
Natura Impact Statement	<p>No</p>
Relevant submissions	<p>The Planning Authority undertook an Appropriate Assessment Screening identifying the Slaney River Valley SAC (Site Code 000781) as the closest European Site. The closest watercourse is the Palatine Stream to the southwest which is hydrologically linked to the River Barrow and River Nore SAC. The report states it is reasonable to conclude on the basis of the information available that the development on its own or in combination with other plans or projects would not be likely to result in any potential significant effects on the European Site.</p> <p>An Appropriate Assessment Screening was undertaken by Gerard Tobin BSc. MA Ecological Consultant and submitted as part of the planning application. The Screening identified the River Barrow and River Nore SAC (Site Code 002162) as being within the possible impact zone of the site and identifies a stream tributary (River Lerr) in proximity to the plot. The Screening found that <i>'based on the available information and data there is no potential for negative impact from the proposed development on the SAC's or SPA's located within 15 km of the project site. It is, however, of such a scale that it will cause neither change nor have any significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites within the threshold distance with the implementation of best practice measures at the design stage. More specifically, there will be no reduction in habitat area; no disturbance of key species, habitat or species fragmentation; no reduction in species density; no changes in key indicators of conservation value, no change in water quality and</i></p>

no climate change brought about to the SAC and SPA sites within the 15 kms zone with the implementation of these best practice measures'

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

In my opinion, there is only one European site within a potential zone of influence of the development and to which a hydrological link exists. The Palatine Stream (EPA Code IE_SE_14P040200) flows in close proximity to the south-west corner of the site (c.20m) and provides a hydrological link to the River Barrow c.10.0km to the west of the site. [The River Barrow and River Nore SAC (Site Code 002162)]

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Barrow and River Nore Special Area of Conservation (Site Code 002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p>	c. 10.0km	<p>Yes</p> <p>Appropriate Assessment Screening undertaken by the Planning Authority records a hydrological link between the Palatine stream to the south west of the site and the River Barrow [The River Barrow and River Nore SAC (Site Code 002162)]</p>	Yes

	<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (Whiteclawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>River Barrow and River Nore Special Area of Conservation (Site Code 002162)</p> <p>Qualifying Interests</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the</p>	<p>Direct: Potential impacts arise during operation having regard to the proposal to provide on site waste water treatment.</p> <p>Indirect: Negative impact (temporary) on surface water/water quality due to construction related emissions including construction related pollution.</p>	<p>Negative impact on habitat quality/function undermining conservation objectives relating to water quality especially for fresh water QI's sensitive to siltation.</p> <p>The site is located c.10km via watercourses to the River Barrow.</p>

<p>Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (Whiteclawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. No	
	Impacts	Effects
<p>* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.</p>		

Further Commentary/Discussion

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

The proposed development comprises a single storey dwelling house and associated works.

No nature conservation concerns were raised in the planning appeal. While the site is hydrologically linked to the River Barrow (forming part of the River Barrow and River Nore SAC -Site Code 002162), the hydrological link is approximately 10km from the site and as such does not give rise to a likely significant effect on the European site, either alone or in combination.

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:

- Nature of the works e.g. small scale and nature of the development.
- Distance from nearest European site and distance between the Palatine stream and European sites.
- Taking into account Appropriate Assessment 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 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.

No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and River Nore Special Area of Conservation (Site Code 002162) or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- Nature of the works e.g. small scale and nature of the development.
- Distance from nearest European site and distance between the Palatine stream and European sites.
- Taking into account Appropriate Assessment Screening Determination of the Planning Authority

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Bord Pleanála ref. no.	323026-25	Townland, address	Russellstown Co. Carlow
Description of project		Construction of a single storey 3-bedroom dwelling house and car port, wastewater treatment system and associated works.	
Brief site description, relevant to WFD Screening,		<p>The appeal site, extending to an area of 0.440Ha. is broadly rectangular in shape and bounded to its southern boundary by the L-1009 carriageway. The site is heavily overgrown with scrub and trees, with ground levels rising gently from the roadside edge to the north.</p> <p>The Palatine Stream (EPA Code IE_SE_14P040200) flows in close proximity to the south-west corner of the site (c. 20m) and provides a hydrological link to the River Barrow, a Natura 2000 site- (River Barrow and River Nore SAC -Site Code 002162). The site is located c.10km via watercourses to the River Barrow.</p>	
Proposed surface water details		On site disposal to soakpits	
Proposed water supply source & available capacity		Private borewell proposed in application lodged with the Planning Authority Appeal documents indicate a connection to public water mains.	

Proposed wastewater treatment system & available capacity, other issues			Proposed secondary treatment system and soil polishing filter.			
Others?			Not applicable			
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)
Palatine Stream	c. 20m	EPA Code IE_SE_14P040200	At Risk		Hydromorphology, Agriculture	The proposed development will provide an on-site wastewater treatment system with soil polishing filter designed to

						<p>EPA Code of Practice standards.</p> <p>The presence of the Palatine Stream (EPA Code IE_SE_14P040200) to the south of the site is noted. No direct or indirect discharge to the stream is identified.</p>
Groundwater waterbody	Underlying site	New Ross IE_SE_G_152	Not at Risk	Good	No pressures	<p>The proposed development will provide for an on-site wastewater treatment system with soil polishing filter designed to EPA Code of Practice standards.</p>

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Stream	Palatine stream	c.20m from site. Hydrological connection to River Barrow SAC – (c.10km)	Silt/Hydrocarbons /Cement products spillages discharging	None – Standard Construction Practice CEMP	No	Screened out
2.	Ground	New Ross IE_SE_G_152	Drainage into groundwater	Hydrocarbons /Cement products spillages discharging to groundwaters	None Standard Construction Practice CEMP	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Palatine Stream	c. 20m from site – Hydrological	Provision of an on-site wastewater treatment system with soil		Yes	

			connection to River Barrow SAC (c.10km)	polishing filter when designed to the requirements of the Code of Practice for Domestic Waste Water Treatment Systems 2021, would provide appropriate mitigation			
4.	Ground	New Ross IE_SE_G_152	Underlying	Provision of an on-site wastewater treatment system with soil polishing filter when designed to the requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021, would provide appropriate mitigation.		Yes	
DECOMMISSIONING PHASE							
5.	NA						