



An
Coimisiún
Pleanála

Inspector's Report ACP-323033-25

Development	2 houses and 20 horse stables with ancillary structures and facilities and associated site development works. Retention for horse exercise gallop and service road.
Location	Baronstown East, Milltown, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	24/60449
Applicant(s)	John Kirkland
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Myles O'Reilly and Patricja Urbaniak
Observer(s)	None

Date of Site Inspection

21st January 2026

Inspector

Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located in the town land of Barronstown East, c. 1km north of the village of Milltown. It is irregular in shape and has a stated area of 1.42 ha which forms part of a larger landholding (c. 55.44 ha) within the applicant's ownership. The surrounding area is rural in nature, and the site is generally bound by open fields to the north, east and west. To the south the site is partially bound by the L-70062, which provides vehicular access to the site. There are a number of detached dwellings located along the L70062. To the northeast the site is bound by Dunbryn Equestrian Centre.
- 1.2. The site generally comprises the 3 no. rectangular parcels of land, 2 no. of which are located at the site's southern boundary and a central parcel of land. The appeal site includes linear strips of land which connect the rectangular parcels of land to each other and to the public road and linear strip which comprises the sites western boundary, which currently accommodates a gravel road and horse gallop.
- 1.3. The appeal site is gently undulating The site generally slopes down in a southeast direction towards the site's boundary with the L-7062. The site boundaries comprising mature hedgerows and trees.
- 1.4. Moulds Bog SAC (002331) is located c. 90m east of the appeal site and the Hill of Allen is located c. 500m northwest of the appeal site, on the opposite side of the R415.

2.0 Proposed Development

- 2.1. The proposed development comprises permission for the following:
 - The construction of a single storey house with a proprietary wastewater treatment plant with polishing filter percolation area.
 - The construction of a one and a half storey house for stud grooms' accommodation with a proprietary wastewater treatment plant with polishing filter percolation area.
 - Construction of a stable building comprising 20 no. horse stables, tack room, dry feed store, office, meeting room and staff amenities with a proprietary wastewater treatment plant with polishing filter percolation area.

- A hay storage shed.
 - A covered dungstead.
 - Construction of 2 no. horse exercise walkers.
 - Exercise sand arena.
 - Upgrading of existing farm entrance to a vehicular recessed entrance.
- 2.2. The development also includes retention permission of a horse exercise gallop and service road.
- 2.3. Following receipt of further information, the site boundary was altered, and a proposed road to be retained was omitted.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 29 no. conditions. Conditions of note are outlined below.

Condition 2 is an occupancy condition which requires that the single storey dwelling be first occupied by the applicant or a member of the applicants immediate family for a period of 10 years.

Condition 3 is an occupancy condition which requires the one and a half storey staff house be solely used for accommodation for people directly employed in the Equine Facility.

Condition 4 requires that the stable buildings, tack rooms, feed stores, office, staff amenities shall be used for the equine / bloodstock facility and shall not be used for any other commercial purpose.

Conditions 8 requires archaeological testing prior to commencement of development.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The initial Planners report dated 15th July 2024 raised a number of concerns regarding the proposed development and requested that 7 no. items of further information be sought. These are summarised below:

1. Demonstrate compliance of a local housing need in accordance with Policy HOP11 of the Development Plan.
2. Submit revised siting and design proposals for the 2 no. houses. Revised design proposals are also required for the stable block. A detailed landscaping plan should also be submitted to minimise any visual impact at this location.
3. Submit revised drawings indicating the location of the service road and horse gallop to be retained.
4. Submit design drawings of the proposed seepage tank for the stables and mark the position of this tank clearly on the layout plan.
5. Submit a revised Site Layout indicating the following:
 - a. A swept path analysis for a fire tender and a 3 axle refuse collection vehicle. Bin store locations are to be indicated on this drawing.
 - b. Details of the proposed recessed entrance on the L-70062 local road.
 - c. The manner in which surface water runoff is collected, disposed of within the application site and not discharged onto the L-70062 local road.
6. Submit a Lighting Report and a Site Lighting Layout drawing demonstrating the development will not be a source of light pollution to adjacent lands, property and the public road network.
7. Address concerns raised by third parties.

The further information received on the 23rd April 2025 was considered to be significant and revised public notices were published. The significant change to the development included proposed alterations to the site boundary and the omission of the service road to be retained.

The Planners report dated 24th June 2025 considered that the response to the further information request adequately addressed the issues raised and that the overall principle of the equine development was acceptable at the appeal site and generally complied with the provisions of the Kildare County Development Plan 2023-2029 and recommended that permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Environment Section: Report dated 27th June 2024 recommended that further information be sought regarding the proposed seepage tank for the stables. Following receipt of further information, the report dated 12th May 2025 raised no objection subject to conditions.

Planning Inspection Report dated 26th June 2024 notes that the site appears suitable for a treatment system and polishing filter, as proposed.

Roads, Transportation and Public Safety Department: Report dated 17th Jun 2024 recommended that 2 no. items of further information be sought, in this regard (1) a site layout plan indicating EV charging points, swept path analysis, entrance on the L-70062 and surface water details and (2) a Lighting Report. Following receipt of further information, the report dated 8th May 2025 raised no objection subject to conditions.

Municipal District Engineer: Report dated 21st June 2024 raised no objection subject to conditions.

Chief Fire Officer: Report dated 24th June 2024 raised no objection.

Building and Development Control: Report dated 25th June 2024 required that the development be compliant with the Building Control Act and Regulations.

Water Services Department: Report dated 10th July 2024 raised no objection subject to conditions.

3.3. **Prescribed Bodies**

An Taisce: Report dated 27th July 2024 raised concerns regarding unauthorised works carried out on the site in close proximity to Moulds Bog SAC.

DAU, Department of Housing Local Government and Heritage: Report dated 5th July 2024 notes the proximity of the development to Recorded Monument (KD018-018002) and recommends that an Archaeological Impact Assessment be carried out.

3.4. **Third Party Observations**

The Planning Authority received 17 no. observations to the initial application and 2 no. additional submissions following the re-advertisement of the proposed development. The concerns raised relate to traffic, ecology, scale of the development, unauthorised development, flooding, residential amenity, housing need of the applicant and concerns regarding the accuracy of the information and drawings submitted.

4.0 **Planning History**

Reg. Ref. 22/412: Permission was granted in 2022 for modifications to an existing residential / farm entrance to form 2 no. separate entrances.

Enforcement: Ref. No. UD8397: A warning letter was issued on the 5th March 2024 relating to unauthorised perimeter roads and gallops in close proximity to Moulds Bog SAC and in close proximity to known monuments (Ref. KD018-018001 Burial Ground) and provision of double gate entrance of c. 8.4m wide, which has not been constructed in accordance with the entrance permitted (Reg. Ref. 22/412).

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2023 - 2029**

The appeal site is located in the open countryside and is not zoned.

Section 3.13 of the Development Plan acknowledges the potential for rural settlements and recognises that there is a continuing need for housing provision for people who live and work in the countryside.

The site is located within an 'Area under Strong Urban Influence' (Zone 1) where 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 to live in a rural area and build their home, and
- siting, environmental and design criteria for rural housing in statutory guidelines and plans

having regard to the viability of smaller towns and rural settlements and the provision and availability of serviced sites in these areas.

A definition of Economic and Social Need is set out in Table 3.4. Of note is category A – Economic (ii) An owner and operator of a farming / horticultural / forestry / bloodstock / animal husbandry business on an area less than 15ha.

A farmer (for this purpose) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission.

The owner / operator [as referred to in Category A (ii)] must be engaged in that farming activity on a daily basis, as their main employment. Same must be demonstrated through the submission of documentary evidence to include confirmation that the farming / agricultural activity forms a significant part of the applicant's livelihood, including but not limited to intensive farming.

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.

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

Policy HO P12 Ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment.

Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.

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

Policy HO P26 Sensitively consider the capacity of the receiving environment to absorb further development of the nature proposed through the application of Kildare County Councils 'Single Rural Dwelling Density' Toolkit (see Appendix 11) and facilitate where possible those with a demonstrable social or economic need to reside in the area. Applicants will be required to demonstrate, to the satisfaction of the planning authority that no significant negative environmental effects will occur as a result of the development. In this regard, the Council will:

- examine and consider the extent and density of existing development in the area,
- the degree and pattern of ribbon development in the proximity of the proposed site.

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

Objective HO O59: Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.

Appendix 4: Rural House Design Guide.

Appendix 11: Single Rural Dwelling Density Toolkit.

Section 9.5 of the Development Plan notes that the equine industry is hugely important to Kildare's economy, generating significant foreign direct investment and attracting

large numbers of tourists each year and recognises the importance of the bloodstock industry, both in land-use and in terms of direct and indirect employment generated by it.

Policy RD P3: Support equine related activities of an appropriate size at suitable locations in the county.

Policy RD P4: Support and encourage the continued development of a distinguished bloodstock and equine industry in the County, including breeding and training, and seek to ensure appropriate environmental conditions for equine operations, insofar as is practicable.

Objective RD O15: Encourage the expansion of the bloodstock industry by appropriately protecting the environment and amenity value of rural areas from encroachment by urban sprawl and incompatible development.

Objective RD O16: Ensure that equine based developments are located on suitable and viable landholdings and are subject to normal planning, siting and design considerations.

5.2. National Planning Framework – First Revision 2025

The NPF is the long-term strategy for planning and sustainable development of urban and rural areas, with the core objectives of securing balanced regional development and a sustainable ‘compact growth’ approach.

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.

National Policy Objective 32: Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

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

Regional Policy Objective (RPO) 4.8: Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

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

The guidelines state that development plans should facilitate the housing need of the rural community while directing urban generated housing to settlements. They require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.5. **EPA Code of Practice Domestic Wastewater Treatment Systems, 2021**

This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

5.6. **Natural Heritage Designations**

The appeal site is not located within or immediately adjacent to a designed area. The nearest sites are as follows:

- Moulds Bog SAC (002331) located c. 90m east of the appeal site
- Moulds Bog pNHA (000395) located c. 90m east of the appeal site
- Grand Canal pNHA (002104) located c. 700m west of the appeal site.
- Pollardstown Fen SAC (000396) located c. 1.9km southwest of the appeal site.
- Pollardstown Fen pNHA (000396) located c. 1.9km southwest of the appeal site.

5.7. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal are summarised below.

Traffic

- The proposed development is likely to result in significant increase in traffic movements of large vehicles on a narrow road, over and above what would occur on farm land.
- Insufficient information has been submitted to fully assess the impact that the proposed development would have on traffic safety. The application does not include a Traffic Impact Assessment, or any information on sightlines and the capacity, width alignment or condition of the road network.

- The development would generate more than 5% - 10% of the traffic flow on the local road, therefore, a Traffic Impact Assessment is required in accordance with Section 15.7.4 of the Development Plan.
- The local road network does not have the capacity to accommodate the proposed development. The development would endanger public safety as it would generate additional vehicular movements on a narrow and substandard road with a number of existing entrances.
- The applicant did not provide any information on access for emergency and service vehicles.
- The Commission and the Planning Authority have previously refused permission for equine industry developments on traffic grounds, in this regard Reg. Ref. 22/114, ACP PL09.313335 and Reg. Ref. 17/1440, ACP PL09.301140.

Design Considerations

- The proposed development would consolidate and advance undesirable ribbon development and linear sprawl in the rural area and would be contrary to Policy HO P13 and HO P15 of the Development Plan.
- The Planning Authority has repeatedly refused permission for new houses on the grounds of ribbon development and linear sprawl, including Reg. Ref. 07/2707, Reg. Ref. 09/80, Reg. Ref. 09/81 and Reg. Ref. 10/1282. There has been no material change to planning policy since these decisions.
- There is significant development of suburban character sprawling several kilometres from Newbridge. The R416 is particularly heavily developed. There is no clear demarcation between rural lands and the suburbs of Newbridge. The proposed development would compound this undesirable pattern.
- It is unclear the basis for the Planning Authority's assessment that the application site is not located on transitional lands.
- Information on the Planning Authority's website indicates that there are 17no. dwellings within a square kilometre of the appeal site. Appendix 11 states that densities of between 15-30 uph are only acceptable in 'very enclosed

landscapes'. Having regard to the character of the landscape it is unclear why these lands are considered suitable for increased residential density above the 15 uph threshold set in the Development Plan.

- Given the size of the overall landholding no reason is provided for locating a house at the edge of the road.

Visual Impact

- The site is located in an area classified as having a high sensitivity and special sensitivity. Insufficient information has been submitted to allow for a robust assessment of the likely significant impact on the landscape and visual amenity of the area.
- Objective LR 02 requires that a landscape / visual impact assessment (LVIA) accompany proposals likely to significantly affect landscape sensitivity factors or a Class 4 or 5 Sensitivity Landscape (within 500m).
- The LVIA submitted in response to the FI request does not include verified photomontages from the surrounding public realm including from Scenic Route 17.
- The LVIA does not assess the potential landscape and visual impact of the development as a whole.

Residential Amenity

- The proposed development would negatively impact on existing residential amenity due to loss of privacy, noise, traffic hazard and loss of visual amenity.

Appropriate Assessment

- The applicants AA Screening report takes into account mitigation measures. A Natura Impact Statement should have been prepared.
- The applicant must apply for substitute consent for the works to be retained and the application must be refused.

Flooding

- The surrounding area is subject to flooding. The proposed development could exacerbate existing patterns of flooding. This has not been addressed in the documentation submitted.

Other issues

- The address is incorrectly recorded on the planning register. The site is located at Baronstown West, not Baronstown East.

6.2. Applicant Response

The applicants response to the third party appeal is summarised below.

Traffic

- The proposed development does not meet the criteria set out in Table 15.6 of the Development Plan and the Planning Authority did not request a Traffic Impact Assessment in this instance. This is consistent with other planning applications in relation to equestrian complexes in the county.
- Given the moderate levels of traffic anticipated a TIA is not required.
- The L70062 is a cul-de-sac, therefore, it carried very limited traffic. The road is used by persons very familiar with the road and entrance points. Driver behaviour is adapted to driving at lower speeds in light of this context.
- The L70062 serves c. 30 dwellings including 2 no. associated with agricultural complexes including one which is equine in nature.
- The existing entrance has been modified to allow for a vehicle with a horse box to safely park off the public road while waiting to enter the site.
- Drawings submitted indicate sightlines of 90m in both directions.
- The road is designed to accommodate jeeps, horse boxes, tractors, trailers etc. therefore, by its nature it can accommodate emergency services.
- Waste would be collected from the public road, and a refuse truck would not need to access the site.

- There is no requirement to provide a swept path analysis of the public road that is already served by refuse trucks.
- The Roads, Transportation and Public Safety Department of the Planning Authority had no objection to the revised development submitted by way of further information.
- It is anticipated that the proposed development would generate 3 no. delivery trips, 10 no. on-site staff trips and 12 no. off site staff trips per day. No farm machinery trips are proposed as all machinery is stored on site. This will be spread over the day and does not constitute a significant volume of traffic.
- The previous refusals of permission referenced by the appellant have a different context to the appeal site and the reasons for refusal are not relevant in this instance. The Commission recently granted permission for a large equine centre (PL09.309415) at Park Lane, Dunlavin, Co. Kildare.

Ribbon Development

- One of the proposed dwellings is located in the centre of the site. The second is located at the southern boundary with the L70062. There is no dwelling to the west of the proposed house. There are 4 no. dwellings to the east, 3 no. of which front onto the public road. The fourth dwelling is set back considerably from the public road and is not considered to contribute to ribbon development, which is linear in nature.
- The rationale for locating the house at the L-70062 is to benefit from the existing mature trees / hedgerow which would help to assimilate the dwelling into the landscape.
- With regard to Policy HO P15 the appeal site is not located immediately outside a settlement boundary and is not located on an approach road to any settlement and would not contribute to linear sprawl.
- The planning history of the wider area is noted. However, this cannot be used as a direct comparison to an equine development which includes residential accommodation as a necessary requirement of the operation. The Development Plan supports equine development.

- The proposed development would create employment opportunities.
- Equine development by its nature has to be located in the rural area.
- The proposed development does not represent a suburban pattern of development.
- Since the current plan was adopted, the council have applied the 30 uph threshold as the relevant standard when assessing density.
- While the northern portion of the sit is more exposed than the southern portion it is no exposed in terms of visibility from any viewpoints from the surrounding road network due to the separation distances and screening from mature hedgerows.

Appropriate Assessment

- Standardised embedded mitigation that is incorporated into the design of a proposal or project which may result in a reduction of effects impacting European Sites. However, where the primary reason of the embedded mitigation is not to protect a European site, are permitted for consideration during the undertaking of AA. It is considered that this is the case in this instance in respect of both the on-site wastewater treatment system and the dung storage.
- As per the further information request the service road is not being retained. Instead, a new service road will be provided north of the dwelling in the southern portion of the site. Therefore, no retention of the road is proposed.
- No evidence has been provided that a Stage 2 AA is required for the horse exercise gallop to be retained.

Visual Amenity

- A horse gallop and service type road are typical features of a rural business operation.
- The existing gallops is predominantly screened from views along the L70062 by neighbouring dwellings and mature trees / hedgerows. A small section that is visible from the L70062, is outside the appellants property. This is not

material and is likely to be screened in future as planting to the front of the appellants property matures.

- The planting with the appellants site differs from that permitted under Reg. Ref. 17/811, including planting to the side and rear that would screen views of the appeal site.
- The service road would also be screened by the same mature trees / hedgerow.
- The appeal site is also a significant distance from the Regional Road to the west. This is illustrated in the images submitted with the appeal.

Residential Development

- The land use is typical of that found in a rural area. All agricultural lands form part of a business and an equine operation is no different.
- The appellant's property is located in a rural area, adjoining agricultural lands. Rural based activities which create some noise will take place from time to time and include vehicular movements, machinery, animals etc.
- The gallops and service road would be used in frequently.

Flooding

- There is no evidence that the appeal site is subject to flooding or that it would increase the risk of flooding. The Planning Authority raised no concerns in this regard.

6.3. Planning Authority Response

In response to the appeal the Planning Authority confirmed its decision and has no further comments to add.

6.4. Observations

None

6.5. Further Responses

None

7.0 **Assessment**

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

- Principle of Development
- Housing Need
- Design Considerations
- Landscape and Visual Amenity
- Residential Amenity
- Traffic
- Flood Risk
- Environmental Management
- Other Issues

7.2. In the interest of clarity my assessment relates to the development submitted by way of further information.

7.3. ***Principle of Development***

7.3.1. The proposed development is referred to by the applicant as the Hill of Allen Stud Farm. The business plan submitted with the application indicates that the proposed development comprises a horse breeding and pre-training centre with up to 20 no. horses on the site at any time. The equestrian facility includes 20 no. horse stables, tack room, dry feed store, office, meeting room, staff amenities and a hay storage shed, a covered dungstead, 2 no. horse exercise walkers and an exercise sand arena. To support the commercial business, it is proposed to construct a house for the owner of the site and an additional house to provide accommodation to staff. The works include upgrading an existing farm entrance to provide a new recessed vehicular entrance.

7.3.2. It is also proposed to retain an existing horse exercise gallop at the site's western boundary. The information submitted with the application states that this element of

the development was constructed as the applicant considered that it was exempted development. It is noted that the service road at the sites western boundary which was to be retained in the original application was omitted by way of further information. My assessment relates to the development submitted by way of further information and, therefore, does not include an assessment of the service road.

- 7.3.3. The appeal site has a stated area of 1.42 ha and forms part of a larger landholding (c. 55.44 ha) within the applicant's ownership. The information submitted states that crops of barley and wheat are growing on parts of the appeal site and the wider landholding and it is intended to continue to grow crops in addition to the proposed development.
- 7.3.4. The site is located in a rural area, on unzoned lands. Section 9.5 of the Development Plan notes that the equine industry is hugely important to Kildare's economy. Policy RD P3 and Policy RD P4 support and encourage the development of equine related activities at suitable locations. Objective RD O15 also encourages the bloodstock industry subject to appropriately protecting the environment and Objective RD O16 requires that equine based developments are located on suitable and viable landholdings. In addition, National Policy Objective 32 of the NPF First Revision aims to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise.
- 7.3.5. Information provided in the Business Plan submitted with the application indicates that the applicant has a long term interest in bloodstock industry and is the owner of 23 no. thoroughbred horses ranging from foals, yearlings, 2 year olds, 3 year olds and brood mares. Having regard to the equine nature of the proposed development and the information submitted in support of the application it is my opinion that the proposed development is in accordance with the provisions of the Development Plan and the NPF First Revision and is, therefore, acceptable in principle and should be assessed on its merits.

7.4. ***Housing Need***

- 7.4.1. The proposed development includes 2 no. residential dwellings. In this regard 1 no. house for the applicant, who is the owner of the proposed equine facility, and an additional house for staff relating to the equine development. Policy HO P11 of the Development Plan aims to *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.

7.4.2. The National Planning Framework (NPF) was revised in 2025. The relevant policy is now considered to be National Policy Objective (NPO) 28, which aims to ensure that a distinction is made between areas under urban influence and elsewhere. In rural areas 'elsewhere', the provision of single housing in the countryside is based on siting and design criteria for rural housing in statutory guidelines and plans. Siting and design considerations are addressed in Section 7.5.

7.4.3. Rural housing policy zone map 3.1 of the Development Plan indicates that the site is located within an 'Area under Strong Urban Influence' (Zone 1) where it is an objective of the Council to facilitate the provision of single housing in the countryside based on the core considerations of demonstratable economic or social need and siting and environmental and design criteria. Siting and design considerations are assessed in Section 7.5. Environmental considerations are addressed in Section 7.9, AA Screening and EIA Screening.

7.4.4. With regard to a demonstratable economic or social need for a rural dwelling, Table 3.4 of the Development Plan sets out a schedule of local need criteria, which is in accordance with the now superseded NPO 19 of the NPF. The applicant acknowledged that the social need is not relevant in this instance. Category A – Economic (i) and (ii) are set out below.

(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.*

A farmer for this purpose is defined as a landowner with a holding of >15 ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application.

7.4.5. Comment: In response to the request for further information the applicant acknowledges that the landholding has not been within the ownership of the applicant

for the preceding seven years and provides personal information justifying the requirement for the proposed development. The Planning Authority acknowledged the applicant's strong ties to the equine industry and considered the development to be in accordance with Category A (i). Given the wording of the Development Plan which states that the land holding 'must' be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application I do not agree with the Planning Authority that the development is in compliance with Category A (i).

- (ii) *An owner and operator of a farming / horticultural / forestry / bloodstock / animal husbandry business on an area less than 15ha.*

The owner/operator [as referred to in Category A (ii)] must be engaged in that farming activity on a daily basis, as their main employment. Same must be demonstrated through the submission of documentary evidence to include confirmation that the farming / agricultural activity forms a significant part of the applicant's livelihood, including but not limited to intensive farming.

- 7.4.6. Comment: The appeal site has a stated area of stated area of 1.42 ha. It is noted that the appeal site forms part of a larger landholding (c. 55.44 ha) within the applicant's ownership. Therefore, the overall landholding is in excess of 15ha and does not comply with Category B (ii).
- 7.4.7. Notwithstanding the provisions of the 'Schedule of Category of Applicant and Local Need Criteria' set out in Table 3.4 which were based on the criteria set out in the now superseded NPO 19 of the NPF, it is my opinion that given the nature and scale of the development, the personal information provided with the application and the provisions of NPO 28 of the NPF First Revision, there is a justification for the provision of residential accommodation on the appeal site, which would be ancillary to the commercial equine facility and in my opinion are not urban generated housing.
- 7.4.8. Policy HO P11 also requires that regard be had to Objectives HO O43 – HO O49, which are set out below the policy. These objectives set out further criteria for assessing applications for dwellings in the countryside. With regard to Objective HO O43 the information submitted by the applicant indicates that he does not currently own a home in Kildare. Objective HO O44 restricts development where there is a history of speculative sale or development. No concerns are raised in this regard.

Objective HO O45 relates to an occupancy condition. Condition no. 2 of the Planning Authority's grant of permission limited the occupancy of the main dwelling house to the applicant for a period of 10 years and Condition no. 3 limited the occupancy of the additional dwelling to staff associated with the equine facility. The applicant raised no objection to these conditions. If permission is being contemplated it is recommended that similar conditions be attached. Objective O46 aims to recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area. As noted above, it is my opinion that the proposed residential dwellings are not urban generated. The impact on the landscape are addressed in Section 7.6. I am satisfied that the residential element of the proposed development is in accordance with Objectives HO43 – HO 46.

7.4.9. Objectives O47 relates to health circumstances and is not relevant in this instance. Objectives O48 and O49 relate to re-use or existing housing and completion of housing in the rural area and are not relevant in this instance.

7.4.10. In addition to the above, RPO 4.8 of the RSES considers that the provision of single house in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements. It is my opinion that applicant has adequately demonstrated an economic need to live and provide residential accommodation at the appeal site. The proposed residential element is to serve the equine facility on the site and as development would likely generate employment in the rural area it is my opinion that it would not negatively impact on the viability of smaller towns and settlements.

7.4.11. The Sustainable Rural Housing guidelines also state that development plans should facilitate the housing need of the rural community while directing urban generated housing to settlements. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include persons working full time or part time in rural areas. It is my opinion that the proposed development is in accordance with the provisions of the guidelines with regard to housing need.

7.4.12. As set out above, it is my opinion that the residential element of the proposed development does not comply with the criteria set out in Table 3.4 of the Development Plan (Category A – Economic (i) and (ii) or Category B – Social) and, therefore, does

not fully comply with Policy HO P11. However, this criteria is based on the provisions of the now superseded NPO 19 of the NPF. In my opinion, the relevant policy is NPO 28 of the NPF First Revision. Having regard to the documentary evidence submitted by the applicant it is my opinion that the proposed residential dwellings, which are not urban generated housing, would form an integral part of the commercially viable equestrian facility proposed on the site, and are supported by NPO 28 of the NPF First Revision, RPO 4.8 of the RSES, Policy RD P3 and Policy RD P4 and Objectives RD O15 and Objective RD O16 of the Development Plan and the provisions of the Sustainable Rural Housing Guidelines. Overall, it is my view that, in this instance, the housing need is justified and to grant permission for the equine facility without the residential element would likely make the facility unviable. It is noted that the third party raised no concerns regarding the housing need and compliance with Policy HO 11.

7.5. *Design Considerations*

- 7.5.1. As noted above, Section 3.13.2 of the Development Plan notes that the appeal site is located in an 'Area under Strong Urban Influence' (Zone 1) where the provision of single housing in the countryside is also based on the core considerations of siting and design criteria. National Policy Objective (NPO) 28 of the NPF First Revision also states that in rural areas 'elsewhere', the provision of single housing in the countryside is based on siting and design criteria for rural housing in statutory guidelines and plans.
- 7.5.2. Policy HO P12 of the Development Plan aims to ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment and further states that proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.
- 7.5.3. Section 2 of Appendix 4 provides guidance on site selection. The key relevant considerations are summarised as Rural Housing Policy; landscape sensitivity; density; ribbon development; relationship between the size of the site and the proposed dwelling; boundary treatments; and topography. These considerations are addressed below.

Rural Housing Policy

- 7.5.4. Rural housing policy is addressed above in Section 7.4 and I am satisfied that there is a demonstratable economic need for the proposed dwellings. The landscape sensitivity is addressed below in Section 7.6. I am satisfied that there is capacity to absorb the proposed development. The remaining considerations are assessed below.

Landscape Sensitivity

- 7.5.5. Landscaped and visual amenity are addressed below in Section 7.6.

Density

- 7.5.6. The third party raised concerns that the proposed density is above the 15 uph threshold set out in Appendix 11 of the Development Plan. In response to the appeal the applicant notes that 30 uph is the appropriate standard.
- 7.5.7. Appendix 11 sets out 'A single rural dwelling density toolkit' and states that in general, densities of less than 15 units per square kilometre will be acceptable and in very enclosed landscapes, densities of c. 30 units per square kilometre may be open for consideration. This section of the appendix also states that the guide is not intended to be a rigid tool and is subject to the area having the capacity to absorb additional development, where there is a significant need demonstrated, for example, those actively engaged in agricultural or in an occupation heavily dependent on the land.
- 7.5.8. Objective HOO59 of the Development Plan aims to *carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding*. The Development Plan notes that the square kilometre is measured from the centre point of the application site. Given the irregular shape of the site the centre point is unclear. However, from the centre point of the portion of the site what would accommodate the applicants main dwelling house there are c. 4no. existing dwellings within 1 square kilometre. Therefore, the density relating to the main house is in accordance with the provisions of the Development Plan.

7.5.9. The centre point of the portion of the site that would accommodate the ancillary staff accommodation there are c. 17 no. existing dwellings within 1 square kilometre. Therefore, the density would equate to c. 18 units per ha. Appendix 11 states that densities of c. 30 per square kilometre may be open for consideration and that the quantitative standards are not rigid and are based on the sites capacity to absorb the development. Siting and design considerations are addressed below, and I am satisfied that that the design and siting are in accordance with the provisions of the development plan and that the surrounding landscape has the capacity to absorb the proposed development. Overall, I am satisfied that the density of the proposed development is in accordance with Objective HO O59 and the provisions of Appendix 4 and Appendix 11 of the Development Plan.

Ribbon Development

7.5.10. The third party raised concerns that the proposed development would contribute to ribbon development and would consolidate and advance undesirable ribbon development and linear sprawl in the rural area and would be contrary to Policy HO P13 and HO P15 of the Development Plan.

7.5.11. Policy HOP13 of the Development Plan seeks to *restrict further development which would exacerbate or extend an existing pattern of ribbon development, defined as 5 or more houses along 250 metres on one side of any road*. The applicants main dwelling house is set back c. 500m from the public road in the centre of the overall landholding. I am satisfied that the siting of this house would not contribute to ribbon development. The proposed ancillary staff house is located at the site's southern boundary with frontage onto the L-70062. To the west there is one existing house c. within 250m of the proposed ancillary staff house. To the east there are 3 no. existing dwellings within 250m of the proposed house, one of which is significantly set back and well screened from the public road. The proposed development would result in a maximum of 4 no. houses on the northern side of the L-70062 within 500m, and, therefore, would not result in ribbon development, as defined in the Development Plan.

7.5.12. Policy HOP15 seeks to 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 towns, villages and settlements and to maintain a clear demarcation and distinction between urban areas

and the countryside and to protect the integrity of the agricultural uses in these areas. The appeal site is not located on an approach road to the rural settlement of Milltown and is not located on lands immediately outside of any settlement boundary of a town, village or settlement. Therefore, I agree with the Planning Authority that the site is not located on transitional lands and Policy HO P15 is not relevant in this instance.

Design Considerations

- 7.5.13. Section 2 of Appendix 4 sets out key design considerations these include the relationship between the size of the site and the proposed dwelling, boundary treatments and topography. In addition, Section 4 of Appendix 4 sets out Key Principles in relation to the design of the house including scale, height, form, shape and massing and proportions.
- 7.5.14. The development comprises 3 distinct elements, the main house, the staff house and the equestrian facility. Each element is located on a generally rectangular shaped portion of land, and all elements are accessed via a single vehicular access point on the L-70062 at the southern portion of the site and are connected via a proposed new gravel driveway.
- 7.5.15. Main House: The portion of the site which would accommodate the main dwelling is c. 0.7ha. This portion of the site is located c. 550m north of the L-70062. The drawings submitted by way of further information indicate that the proposed main dwelling house would have a gross floor area of c. 396sqm. The house is single storey and is generally U-shaped with a contemporary design approach. The east – west axes of the house has a gabled ended roof with a maximum height of 5.2m. There are projections on the front and rear elevation of the house that have gable ended roofs with a height of c.7.1m. The internal floor to ceiling height varies from 2.8m to 3.2m. The external material generally comprises a dry dash. The landscaping drawings submitted by way of further information indicate that a wooded area would be provided to the side and rear (northeast) of the main house to provide screening and improve biodiversity. A variety of native shrubs and planting would be provided within the overall site.

- 7.5.16. Section 15.4.6 of the Development Plan sets minimum floor space and open space requirements for house design to ensure a high standard of building design. It is noted that the proposed house reaches and exceeds these minimum standards.
- 7.5.17. The topography of the surrounding area is undulating, with the site sloping down to the southeast. The information submitted indicates that this portion of the site is elevated c. 14m above the L70062 and c.23m below the R415 to the west of the site. Given the nature and scale of the development, the significant set back from the public road and the proposed planting / screening I am satisfied that due consideration has been given to the siting of the house and that as out addressed below in section 7.6 it would not negatively impact on the visual amenities of the area. While the house is large (396sqm) and higher than a standard single storey dwelling, I am satisfied that it is proportionate to the site and can be absorbed within the wider landscape.
- 7.5.18. The revised drawings also include a walkway between the main house and the equestrian facility to the southeast. The purpose of the walkway is to provide a visual link between the two interconnected elements within the site. I have no objection to the provision of an additional walkway.
- 7.5.19. Staff House: The portion of the site that would accommodate the ancillary staff house is c. 0.3ha. It is located c. 28m from the site's southern boundary and is generally level with the public road. The existing mature hedgerow and trees would be retained and enhanced along the sites southern boundary with additional planting introduced at the western boundary of the proposed house. The house would be accessed from the shared driveway via the existing vehicular access, which is to be upgraded as part of the proposed development. Therefore, the house would be screened from the public road.
- 7.5.20. The house is a 2-storey, 4-bed house with a stated floor area of c. 181sqm. It has a contemporary design approach with a pitched roof with a maximum height of 7.1m. The external material is a rough render. It is noted that the proposed house reaches and exceeds the minimum floor space and open space requirements standards set out in Section 15.4.6 of the Development Plan. I have no objection to the siting, design, or layout of the house represents a reasonable response to its rural context.

- 7.5.21. Equestrian Facility: Appendix 4 of the Development Plan relates to rural houses and, therefore, does not apply to the proposed equestrian facility. The site of the equestrian facility has an area of c. 1.4ha and comprises stables, hay storage shed, covered dungstead. 2 no. horse exercise walkers and an exercise sand arena and is located in the southeastern portion of the site.
- 7.5.22. The stable building has an area of c. 1,019.5sqm. It comprises 20 no. horse stables, tack room, dry feed store, office, reception a canteen and toilet at ground floor level (851.6sqm) and a meeting room at first floor level (167.9sqm). The building has a traditional design approach with a gable ended pitch roof with a maximum height of 8.3m. The predominate external material would be a rough render. It is proposed to provide 12 no. car parking spaces for visitors and staff to the front of the stable building. The hay storage shed, covered dungstead. 2 no. horse exercise walkers and the exercise sand arena would be ancillary to the equestrian facility and are located to the rear (south) of the stable building. The hay shed (145sqm) has a maximum height of 7.4m. The dungstead (114sqm) has a minimum height of 6m with 1.5m high walls on 3 sides and a concrete base. It is noted that both the dungstead and the hay shed are both easily by machinery for emptying / filling. I have no objection to the proposed design and layout of the equestrian facility and consider that the structures would be appropriate to their rural context.
- 7.5.23. The horse gallop to be retained is located at the sites western boundary. It is currently accessed by the service road to be omitted. It is proposed that the gallops would be accessed via a new road way c. 40m north of the ancillary staff house, which would provide connectivity between the gallop and the equestrian facility. I have no objection to the retention of the horse gallop and the new access road.

Conclusion

- 7.5.24. Overall, I am satisfied that the siting and design of the proposed development would integrate appropriately into the rural context and is, therefore, in accordance with the provision of Policy HO P12, Section 3.13.2 and Appendix 4 of the Development Plan and NPO 28 of the NPF First Revision.

7.6. ***Landscape and Visual Amenity***

- 7.6.1. The third raised a number of concerns regarding the potential impact of the proposed development on the landscape and visual amenity of the area and considers that insufficient information has been submitted to allow for a robust assessment of the likely significant impacts. To address concerns regarding the visual impact a LVIA was submitted by way of further information.
- 7.6.2. As noted above landscape sensitivity is also listed in Section 2 of Appendix 4 of the Development Plan as a key relevant consideration in site selection for a rural dwelling.
- 7.6.3. **Landscape:** The Landscape Character Assessment as set out in Chapter 13 of the Development Plan identifies the site as being located within Western Boglands. This landscape is classified as having a high sensitivity (Class 3), which indicates it is an area with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.
- 7.6.4. Table 13.3 of the Development Plan provides guidance on the likely compatibility of a range of land uses for each of the landscape character areas. Agricultural is considered to be the 'most' compatible with the Western Boglands character area. Part 1 of the Planning and Development Act, 2000 (as amended) defines agricultural as including *inter alia* the breeding and keeping of livestock and the training of horses and the rearing of bloodstock. Therefore, the equestrian use is considered to be the most compatible with the landscape. Rural housing is considered to have a 'medium' compatibility with the Western Boglands character area.
- 7.6.5. The appeal site is located in a rural area and is characterised by flat to gently undulating landscape with medium to large geometric field boundaries comprising mature hedgerows and trees. The appeal site slopes down in a south east direction. The proposed house to serve the applicant is located in the centre of the overall landholding, c. 850m east of the R145. Due to the topography of the area the site of the main house is c. 23m lower than the R145 and c. 14m higher than the L-70062.
- 7.6.6. The ancillary house and the equestrian facility are located at the sites southern boundary with the L-70062 and have a similar floor level to the public road.

- 7.6.7. The built elements of the proposed development would result in a permanent physical change to the landscape. However, having regard to the nature and scale of the works, the sensitivity of the landscape to agricultural uses and rural dwellings and as the works would be very localised and as the proposed development is consistent with the surrounding land uses and does not form a distinct feature in the landscape it is my opinion that it would not result in a significant effect on the existing landscape.
- 7.6.8. Visual Impact: Table 13.4 of the Development Plan provides guidance on the likely compatibility between a range of land uses and proximity to Principal Landscape Sensitivity Factors. Scenic route no. 17 is located c. 850m west of the application site along the R415. Agriculture is considered 'likely to be very compatible in most circumstances' and rural housing is considered to be compatible in only certain circumstances.
- 7.6.9. The third party raised concerns that the applicant did not provide any photomontages of the proposed development. It is acknowledged that photomontages are a useful tool for visualising the proposed development. However, given the relatively limited scale of the proposed development I am satisfied that there is no requirement for photomontages in this instance to allow for a full assessment of the visual impact of the proposed development.
- 7.6.10. The applicants LVIA notes that the main house would not be visible due to its location away from public road and proposed screening. It is also stated that the equestrian facility is located within a low point within the site and would be surrounded by new native planting. Having carried out a site visit and having regard to the information submitted I am satisfied that the ancillary staff house and the equestrian facility would not be visible from the R145 to the west. Given the relatively limited height of the main house (7.1m), the level difference (23m) between the site of the main house and the R145 and the existing mature screening along the R145 I am satisfied that any element of the dwelling that may potentially be visible from the R145 would be very limited and would have a negligible impact on Scenic Route no. 17.
- 7.6.11. Table 13.6 of the Development Plan lists Hilltop Views. It is noted that Hilltop View no. 04 Allen Hill is located 600m northwest of the appeal site. Given the nature and scale of the development, which is consistent with the established pattern of development

in the wider area and to the separation distance I am satisfied that the proposed development would have a negligible impact on views from Allen Hill.

7.6.12. With regard to short distance views the closest built element of the proposed development to any existing properties is the ancillary staff house, located c. 140m east of the appellant's house and c. 130 south west of an existing house. The existing gravel road at the site's western boundary with the appellants house is to be removed and a new hedgerow provided at the southern and western boundary. Additional planting is proposed along the eastern boundary of the proposed house, adjacent to the new access road. It is acknowledged that the proposed equestrian centre and the 2 no. dwellings may be visible from surrounding existing residential properties. However, having regard to the nature and scale of the proposed development, the established pattern of development, the significant separation distances and the existing and proposed landscaping I am satisfied that the proposed development would not be visually obtrusive and would not impact on the existing visual amenities of the area.

Conclusion

7.6.13. In conclusion, while the concerns of the third party are acknowledged I am satisfied that in surrounding rural context, which includes rural dwellings and agricultural uses, the proposed development would have no significant effects on the landscape, visual amenity of the area or on any scenic route or view. I am also satisfied that the proposed development is in accordance with the provisions of Appendix 4 of the Development Plan.

7.7. Residential Amenity

7.7.1. The proposed development is located in a low density area. The proposed equestrian centre and the main dwelling house are located a minimum of 200m from an existing property. The proposed ancillary staff house which is located at the southern portion of the site is located c. 90m from the front elevation of existing dwellings on the opposite side of the L-70062 and c. 125m from the side elevation of the appellant's house to the east. It is acknowledged that the proposed development is likely to be visible from some surrounding properties. However, given the separation distances, the relatively limited height of the house and the existing and proposed planting /

screening I am satisfied that the proposed development would not negatively impact on residential amenities with regard to overlooking, overbearing or overshadowing.

- 7.7.2. The dungstead which forms part of the equestrian facility is located a minimum of 200m from the nearest residential property. Given the significant separation distance and the agricultural nature of the development I am satisfied that it would not result in an unacceptable odour.
- 7.7.3. The third party raised concerns regarding noise generated by the proposed use. It is acknowledged that there would be construction related noise. However, given the temporary and short term nature of the noise this is not considered significant.
- 7.7.4. The proposed equestrian centre is located c. 200m from the nearest residential property and c. 480m from the appellants property. The existing horse gallop to be retained is located c. 110m north of the rear elevation of the appellants property. Given the overall size of the site, the significant separation distances between the residential uses and the equestrian uses and to the nature and scale of the proposed development in a rural context I am satisfied that it would not result in undue noise disturbance.
- 7.7.5. In addition, the existing service road at the site's western boundary, which is subject to enforcement proceedings and does not form part of the proposed development, would be removed and replaced with a native hedgerow and planting which would provide additional screening between the appellants property and the proposed development.

7.8. **Traffic**

- 7.8.1. There is an existing agricultural access to the site from the L-70062 at the site's southern boundary. Within the site there is an existing vehicular track along the site's southern boundary with the L-70062 and partially along the site's western boundary and partially within the centre of the site. It is proposed to upgrade the existing agricultural access to a c. 6m wide gated access set back c. 15m from the public road. The information submitted indicates that the access has sightline of 90m in both directions.

- 7.8.2. The information submitted by way of further information indicates that the existing gravel road within the site would be removed and a new gravel driveway would be provided in a similar location, to facilitate access to the 2 no. houses and the equestrian facility. I have no objection to the proposed access arrangements and the internal layout of the driveway and walkways.
- 7.8.3. Concerns are raised in the appeal that the surrounding road network does not have the capacity to accommodate the proposed development and that insufficient information has been provided to allow for a full assessment of the impact on the road network. In response to the appeal the applicant states that it is anticipated that the proposed development would generate 3 no. delivery trips and 12 no. off-site staff trips per day with 10 no. additional staff related vehicular trips within the site. The proposed development would not generate any farm machinery trips on the public road, as all machinery would be stored on site.
- 7.8.4. The access to the appeal site is located c. 800m east of the junction of the L-70062 and the R415. The L70062 is a narrow rural road with no footpaths. It is a cul-de-sac which provides access to c. 30 no. houses and 2 no. agricultural developments. The width of the L-70062 is noted, however, having regard to the relatively limited number of vehicular trips that are likely to be generated by the proposed development and the limited number of properties located on the L-70062 I am satisfied that the proposed development would have a negligible impact on the capacity of the road and that there is no requirement for a Traffic Impact Assessment in this instance. It is also noted that the 15m set back of the proposed entrance from the public road provides sufficient space for a vehicle with a horsebox to park off the road while waiting to enter the site.
- 7.8.5. The appeal also raised concerns that a swept path analysis has not been provided for emergency and service vehicles. Refuse relating to the proposed development would be collected from the public road. The L-70062 is a public road that is already serviced by a refuse truck. Therefore, I agree with the applicant that there is no requirement to provide a swept path analysis for the L-70062. I am also satisfied that the internal layout of the site would allow for emergency vehicle access.

7.9. **Flood Risk**

- 7.9.1. The appeal notes that the surrounding area is subject to flooding and the proposed development could increase the risk of flooding. The OPW maps (www.floodinfo.ie), which I accessed in January 2026 indicate that the appeal site is not located within a flood zone. Flood risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones.
- 7.9.2. Due to the topography of the site, I am satisfied that the site is not at risk from pluvial flooding. It is proposed that any surface water generated within the site would be directed to soakaway areas. Therefore, I am satisfied that the proposed development would not increase the risk of flooding within the site or at any adjacent sites.
- 7.9.3. The information available on the OPW website indicates that there is a recurring flood event at the at the junction of the L-70062 and the R415, c. 800m west of the appeal site. The reason for the flooding is given as '*a low lying area floods after heavy rainfall and there is inadequate drainage*'. Given the significant separation distance to the reoccurring flood event, I am satisfied that the proposed development would not increase the risk of flooding at this location.

7.10. **Environmental Management**

Wastewater Treatment

- 7.10.1. The third party and the planning authority raised no concerns regarding the provision of on-site wastewater treatment systems to serve the proposed development. However, Policy RD P4 of the Development Plan which supports and encourages the equine industry also seeks to ensure appropriate environmental conditions for equine operations and Policy HO P11 also requires that all appropriate environmental assessments be carried out for proposals for dwellings in the countryside outside of settlements. Therefore, it is considered appropriate that wastewater disposal be considered as part of my assessment.
- 7.10.2. The proposed development consists of 3 no. elements, the main house, staff house and an equestrian centre with toilet facilities. Each element would have a separate wastewater treatment and disposal system comprising a secondary treatment system with soil polishing filter with discharge to groundwater. The treatment system is to be

located approx. 28m north west of the main house with the percolation area located approx. 40m north west of the house. The treatment system is to be located approx. 15m south east of the staff house with the percolation area located approx. 19m to the east of the house. The treatment system is to be located approx. 16m northwest of the stables with the percolation area located approx. 16m northwest of the stables.

- 7.10.3. The proposed houses would be connected to the public water main. Table 6.2 of the 'EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances to a variety of feature and notes that the separation distances should be increased where possible. The proposed systems reach and exceed the recommended separation distances set out in the EPA Code of Practice.
- 7.10.4. Separate Site Suitability Assessment Forms were submitted for all 3 elements of the proposed development. The assessments state that the site comprises of good dry agricultural land with no vegetation to suggest reduced drainage and that there are no surface water drains or streams.
- 7.10.5. The main house would have a PE of 8 with a total hydraulic load of 1,200 litres. The trial hole for the main house was 2.5m deep and recorded Clayey Loam, over Clay (with mottling), Sandy Silt with Mottling, over Gravely Silt / clay low gravel with cobbles. With regard to the percolation characteristics of the soil, a T value was recorded as 30.92 and the P value was recorded as 33.94. This indicates that the site is suitable for the installation of an on-site domestic wastewater treatment system.
- 7.10.6. The staff house would have a PE of 6 with a total hydraulic load of 900 litres. The trial hole for the staff house was 2.5m deep and recorded Clayey Loam, over Clay (with mottling), Sandy Silt. With regard to the percolation characteristics of the soil, a T value was recorded as 45.64 and the P value was recorded as 36.61. This indicates that the site is suitable for the installation of an on-site domestic wastewater treatment system.
- 7.10.7. The equestrian facility would have a PE of 6 with a total hydraulic load of 900 litres. The trial hole for the staff house was 2.5m deep and recorded Clayey Loam, over Clay (with mottling), Sandy Silt. With regard to the percolation characteristics of the soil, a T value was recorded as 43.72 and the P value was recorded as 41.81. This indicates that the site is suitable for the installation of an on-site wastewater treatment system.

7.10.8. Having regard to the information submitted I am satisfied that that the subject site is suitable for the installation of the proposed wastewater treatment systems.

Agricultural Waste

7.10.9. The dungstead would have a storage period of 16 weeks. The storage period is in accordance with the storage periods for livestock manure as set out in Schedule 3 of the Good Agricultural Practice for Protection of Waters Regulations 2022. The information submitted indicates that the disposal of farmyard manure would be carried out as per the Nitrates Directive and any other regulations in place at the time of disposal / land spreading. Ireland's Nitrates Action Programme is designed to prevent pollution of surface waters and groundwaters from agricultural sources and to protect and improve water quality. As noted above, I am satisfied that the appeal site is not subject to flooding. The appeal site forms part of a larger landholding within the applicant's ownership; therefore, I am satisfied that there are suitable lands to take all of the generated manure based on the proposed storage levels.

7.10.10. The equestrian facility also incorporates a soiled water tank with a capacity of 16m³ to collect stable washdown water and animal effluent. This tank would not be discharged to ground and would be regularly emptied by a licence contractor. This is considered acceptable.

Conclusion

7.10.11. In conclusion, I am satisfied that the wastewater and waste elements arising from the proposed development would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area.

7.11. Archaeology

The submission from the DAU noted the proximity of the development to Recorded Monument (KD018-018002) and recommended that an Archaeological Impact Assessment be carried out. An Archaeological Impact Assessment (AIA) Report was submitted by way of further information. A field survey was carried out as part of the AIA and the report states that no feature or anomalies of archaeological interest were noted. There are 4 no. recorded monuments within 1km of the appeal site, in this regard an enclosure / burial ground (KD018-018001/002) located immediately west of

the site, and that the appeal site lies partially within the Zone of Notification of this site. In addition, there is an enclosure (KD018-024) c. 145m west, a large enclosure (KD018-057) c. 650 west and a Ringfort (KD018-050) c. 850m west of the site. The report also notes that in the 1950's a bog body was found c. 1km south of the appeal site and is currently on display at the National Museum of Ireland.

- 7.11.1. The report concludes that the probability of additional archaeological remains within the subject site are low to moderate and recommends that a condition be attached that an archaeological test excavation be carried out prior to commencement of development. Condition no. 8 of the Planning Authority's grant of permission required archaeological testing prior to commencement of development. If permission is being contemplated it is recommended that a similar condition be attached.

7.12. Other Issues

Site Area

- 7.12.1. The information submitted indicates that the appeal site has an area of 1.42 ha. The drawings submitted indicate that the main house is located on a portion of the site with an area of c. 0.7ha, the ancillary house is located on a portion of the site with an area of c. 0.3ha and the equestrian facility is located on a portion of the site with an area of c. 1.4 ha. This equates to c. 2.4 ha and excludes the internal access roads and walkways. The appeal site is located within an overall landholding with a stated area of c. 55 ha, and the proposed site does not encroach on any third-party lands. While the discrepancy in the stated site area and the information provided on the drawings is noted, it does not have a material impact on my assessment of the proposed development.

8.0 AA Screening

- 8.1. An Appropriate Assessment Screening (Stage 1) is attached to this report as Appendix 3.
- 8.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening, conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Moulds Bog

SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.3. This determination is based on:

- The nature and relatively minor scale of the development
- The lack of impact mechanisms that could significantly affect a European Site and
- Distance and indirect connections to the European sites

9.0 Water Framework Directive (Screening)

9.1. The appeal site is located on a greenfield site in Baronstown East, Co. Kildare. There are no watercourses within or immediately adjacent to the appeal site. The nearest watercourse is the Cloncumber Stream_010 located c. 950m west of the appeal site. This watercourse is considered to be At Risk. The groundwater body underlying the site is Curragh Gravels West (IE_SE_G_133). The groundwater is Not at Risk.

9.2. The proposed development comprises the retention of 2 no. houses and an equestrian facility with capacity for up to 20 no. horses. No water deterioration concerns were raised in the planning appeal submissions.

9.3. 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 waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

9.4. The reason for this conclusion is as follows

- The small scale and nature of the development
- Location-distance from nearest water bodies
- Lack of hydrological connections

9.5. 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

It is recommended that permission and retention permission be granted.

11.0 Reasons and Considerations

Having regard to the nature, scale and design of the development, the surrounding rural context, the established pattern development and the provisions of

- Policy RD P3, Policy RD P4 and Objective RD O15 of the Kildare County Development 2023-2029, which support and encourage the development of equine related activities the provisions of the Kildare,
- Policy HO P11 which facilitates dwellings in the open countryside subject to a demonstratable rural housing need.
- National Policy Objective 28 which states that the provision of single housing in the countryside is based on siting and design criteria for rural housing in statutory guidelines and plans and
- National Policy Objective 32 of the NPF First Revision to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise and
- The Sustainable Rural Housing guidelines

It is considered that subject to compliance with the conditions set out below, the proposed development and development to be retained would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in a deterioration of water quality, would be acceptable in terms of traffic safety and convenience and flood risk. The proposed development

and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out, retained 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 23rd day 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.

Reason: In the interest of clarity.

2. (a) The proposed main dwelling house shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter, unless otherwise agreed in writing with the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

(c) The dwelling shall be used as a single dwelling unit and shall not be subdivided for multi-unit occupancy.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing need 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.

3. The ancillary house shall provide for staff accommodation only and shall be used solely for the purpose of offering residential housing to people directly employed in the Equine Facility and shall not be leased or sold separately save as part of the equine busies on site. Any proposed amendment or deviation from the above model as authorised in this permission shall be subject to a separate planning application. The staff accommodation units shall not be subdivided to provide for more staff accommodation units.

Reason: To ensure that the proposed house is used to meet the housing need of persons employed in the equestrian facility on site and that the housing need in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the

4. The equestrian facility shall not be used for human habitation or any commercial purpose other than a purpose incidental to the equine / bloodstock industry, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area

5. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of materials, colour and texture of all the external finishes to the proposed houses and equestrian facility.

Reason: In the interest of visual amenity and to ensure an appropriately high standard of development.

6. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of

the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
 - d) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

8. Proposals for house naming / numbering scheme and associated signage relating to the equestrian facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No advertisements / marketing signage relating to the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of visual amenity and legibility.

9. Each house and the communal parking area serving the equestrian facility shall be provided with a functional electric vehicle charging point. Details of

how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

10. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity

11. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

12. The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.

The applicant shall provide for the relevant storage requirements as outlined in schedule 3 of the aforementioned regulations. The landspreading of soiled waters and farmyard manure shall be carried out in strict accordance with the

requirements as outlined in the aforementioned regulations. Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority.

Reason: In order to avoid pollution and to protect residential amenity.

13. (a) The wastewater treatment systems and percolation areas shall be located, constructed and maintained in accordance with the details submitted with the application and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2009. No system other than the types proposed in the application shall be installed unless agreed in writing with the Planning Authority.
- (b) Certification by the system manufacturers that the systems have been properly installed shall be submitted to the Planning Authority within four weeks of the installation of the systems.
- (c) A maintenance contract for the treatment systems shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the equine facility and the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the Planning Authority within four weeks of the installations.
- (d) Surface water soakways shall be located such that the drainage from the dwelling, equine facility and hardstanding areas of the site shall be diverted away from the location of the polishing filters.
- (e) Within three months of the first occupation of the dwellings and the equine facility, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the respective effluent treatment systems have been installed and commissioned in accordance with the approved details and are working in a satisfactory manner and that the percolation areas are constructed in accordance with the standards set out in the EPA Code of Practice.

Reason: In the interest of public health.

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

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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

Reason: To safeguard the amenity of property in the vicinity.

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development

17. 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Elaine Power
Senior Planning Inspector

29th January 2026

Appendix 1: EIA Pre-Screening

Case Reference	323033-25
Proposed Development Summary	2 no. houses and an equestrian facility and the retention of a horse gallop.
Development Address	Baronstown East, Milltown, Co. Kildare.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	The equestrian facility is not a class specified.

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>10 (b)(i): Construction of more than 500 dwelling units</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2: EIA Preliminary Examination

Case Reference	323033-25
Proposed Development Summary	2 no. houses and an equestrian facility and retention of a horse gallop.
Development Address	Baronstown East, Milltown, Co. Kildare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>The proposed development comprises the construction of 2 no. houses and an equestrian facility on a 1.4ha site in a rural area.</p> <p>The proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p> <p>Having regard to the nature and scale of the proposed development I am satisfied that it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.</p> <p>The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>
<p>Location of development</p> <p>(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>	<p>The appeal site is located on agricultural lands outside of any settlement area. The site does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites.</p> <p>The site is located within the Western Boglands character area. This landscape is classified as having a high sensitivity (Class 3). Agricultural, which includes the rearing of bloodstock, is considered to be the 'most' compatible with the Western Boglands character area. Rural housing is considered to have a 'medium' compatibility with the Western Boglands character area. The built elements of the proposed development would result in a permanent physical change to the landscape. However, as the works would be very localised and as the proposed development is consistent with the surrounding land uses and does not form a distinct feature in the landscape it is my opinion</p>

	<p>that it would not result in a significant effect on the existing landscape.</p> <p>Scenic route no. 17 along the R415, is located c. 850m west of the appeal site. I am satisfied that any element of the proposed development that may potentially be visible from the R145 would be very limited and would have a negligible impact on the scenic route.</p> <p>Hilltop View no. 04 Allen Hill is located 600m northwest of the appeal site. Given the nature and scale of the development, which is consistent with the established pattern of development in the wider area and to the separation distance I am satisfied that the proposed development would have a negligible impact on views from Allen Hill.</p> <p>An enclosure / burial ground (KD018-018001/002) is located immediately west of the site, and that the appeal site lies partially within the Zone of Notification of this site. In addition, there are 3 no. additional recorded monuments within 1km of the site enclosure (KD018-024), a large enclosure (KD018-057) c and a Ringfort (KD018-050). The applicants Archaeological Impact Assessment also notes that in the 1950's a bog body was found c. 1km south of the appeal site and is currently on display at the National Museum of Ireland. The proposed development would have no impact on known archaeological features. Archaeological testing would be carried out within the appeal site prior to commencement of development.</p> <p>There are no protected structures or sites of historic or cultural significance within or immediately adjacent to the site.</p> <p>Having regard to the location of the site and the nature and scale of the development I am satisfied that there is no potential to significantly affect environmental sensitives in the area, including protected structures.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,</p>	<p>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.</p>

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3:
Appropriate Assessment Screening (Stage 1)

Screening for Appropriate Assessment Test for likely significant effects
<i>Brief description of project</i>
A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of 2 no. houses and an equestrian facility.
<i>Brief description of development site characteristics and potential impact mechanisms</i>
The appeal site is located on agricultural lands in the open countryside. The site has a stated area of 1.4ha and forms part of a larger landholding (c. 55 ha). There are no watercourses within or immediately adjacent to the site. Effluent from the houses and the equestrian facility would be treated on site in 3 no. separate wastewater treatment systems. The dungstead would have a storage period of 16 weeks, in accordance with the storage periods for livestock manure as set out in Schedule 3 of the Good Agricultural Practice for Protection of Waters Regulations 2022. The information submitted indicates that the disposal of farmyard manure would be carried out as per the Nitrates Directive and any other regulations in place at the time of disposal / land spreading. The equestrian facility also incorporates a soiled water tank with a capacity of 16m ³ to collect stable washdown water and animal effluent. This tank would not be discharged to ground and would be regularly emptied by a licence contractor.
<i>Screening Report / Natura Impact Statement</i>
An Appropriate Assessment Screening was submitted with the application.
<i>Relevant Submissions</i>
Concerns are raised by the third parties that the Stage 1 AA Screening includes mitigation measures. Therefore, a stage 2 NIS is required. The submission from An Taisce raised concerns regarding unauthorised works carried out on the site in close proximity to Moulds Bog SAC.

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

The subject site is not located within or immediately adjacent to a designated site. Section 2 of the applicants AA Screening Report identified 3 no. Natura 2000 sites that could be considered to be within the zone of influence of the proposed development. These are outlined in table 1 below.

Site synopsis and conservation objectives for each of the site are provided in the applicants Screening report and can be found on the NPWS website (www.npws.ie)

Table 1: European Sites within the Zone of Influence.

European Site (code)	Summary of Qualifying Interests	Distance from the development	Ecological connections (source, pathway, receptor)	Consider further in screening Y/N
Moulds Bog SAC (002331)	Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion	90m east	Yes. Indirect hydrological connect via surface water run-off and groundwater.	Yes.
Pollardstown Fen SAC (000396)	Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i> Petrifying springs with tufa formation Alkaline fens <i>Vertigo geyeri</i> (Geyer's Whorl Snail) <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail)	1.9km south west	There are no surface, terrestrial, hydrological or groundwater pathways between the appeal site and the SAC.	No.
River Barrow and River Nore SAC (002162)	Estuaries Mudflats and sandflats not covered by seawater at low tide Reefs	16.4km (as the crow flies) south west	The appeal site lies in the catchment of the Cloncumber Stream which is a tributary of the River Slate which flows to the River Barrow.	No.

Salicornia and other annuals colonising mud and sand			
Atlantic salt meadows			
Mediterranean salt meadows			
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation			
European dry heaths			
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels			
Petrifying springs with tufa formation			
Old sessile oak woods with Ilex and Blechnum in the British Isles			
Alluvial forests with Alnus glutinosa and Fraxinus excelsior			
Desmoulin's Whorl Snail			
Freshwater Pearl Mussel			
White-clawed Crayfish			
Sea Lamprey			
Brook Lamprey			
River Lamprey			
Twaite Shad			
Salmon			
Otter			
Killarney Fern			

Likely effects of the project, alone or in combination on European Sites

The development is not located within a designated site and, therefore, does not result in any direct effects on the site.

Pollardstown Fen SAC (000396) is located c. 1.9km from the appeal site. There are no surface, terrestrial, hydrological or groundwater pathways between the appeal site and the SAC.

Therefore, I am satisfied that no further consideration of the impact of the proposed development on the SAC is required.

River Barrow and River Nore SAC (002162) is located c. 16.4km (as the crow flies). The appeal site lies in the catchment of the Cloncumber Stream which is a tributary of the River Slate which flows to the River Barrow. Due to the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the appeal I am satisfied that no further consideration of the impact of the proposed development on the SAC is required.

The western boundary of Moulds Bog SAC is located c. 90m of the appeal site. The SAC is dependent upon naturally fluctuating groundwater levels to maintain its structure and function. There is an indirect hydrological connection to the SAC via surface water runoff and groundwater. Therefore, potential impacts generated by the construction and operational phases of the development requires further consideration. Sources of impact and likely significant effects are detailed in Table 2 below.

Table 2: Screening Matrix

Site Name / Site Code	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impact	Effects
Moulds Bog SAC (002331)	<p><u>Direct:</u> No direct impacts</p> <p><u>Indirect:</u> Potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface and ground water.</p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u> Water quality deterioration affecting habitat.</p>

	<p>Indirect impacts to ground water quality from the proposed Wastewater Treatment Systems and waste generated at the Equine Facility.</p> <p>Changes to ground water levels.</p>	
<p>Cumulative Impact:</p> <p>There is no likelihood of significant effects occurring in combination with other plans or projects</p>		
<p>Comments:</p> <p>The appeal site is located c. 90m from the western boundary of Moulds Bog SAC, however, the ‘high bog’ where qualifying interest habitats are found is located c. 1.8km from the appeal site. In addition, the bog has been extensively cutover between the appeal site and the qualifying interests.</p> <p>There is no direct hydrological connection. The nearest watercourse is the Cloncumber Stream, c. 950m west of the appeal site.</p> <p>The applicants report notes that during the construction phase any loss of sediment would be temporary in nature and that there is no pathway for construction pollutants to affect the SAC. During the construction phase adherence to standard construction practices would require pollution control measures to be put in place. Pollution control measures are standard practices for construction sites and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.</p> <p>During the operational phase attenuated surface water would flow by gravity to soakaways.</p> <p>During both the construction and operational phases, I am satisfied that in the event that the pollution control and surface water treatment measures were not implemented or failed, that the potential for likely significant effects on the qualifying interests of Moulds Bog can be excluded given the distant to the qualifying interests and the nature and scale of the development.</p> <p>An Taisce and the third party raised concerns that the potential impact of the construction of the road and horse gallop (to be retained) have not been fully considered. The road and the horse gallop are located at the western boundary of the appeal site, c. 500m west of the SAC. Given the distance between the road and the horse gallop and the qualifying interests of the SAC and the nature and scale of the development I am satisfied that any significant impacts on the SAC can be ruled out.</p>		

Wastewater is to be treated in full compliance with the EPA Code of Practice for one off treatment systems. The site is considered suitable for the treatment of wastewater in accordance with relevant standards. I am satisfied that no significant effects are likely to arise from wastewater.

Dung from the equine facility will be stored and spread in accordance with Good Agricultural Practice Regulations (SI no 113 of 2022). I am satisfied no significant effects are likely to arise from agricultural waste.

The SAC is dependent upon naturally fluctuating groundwater levels to maintain its structure and function. It is not proposed to abstract groundwater as part of the development. Therefore, no hydrological changes would occur.

I conclude that the proposed development (alone) would not result in likely significant effects on Moulds Bog SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. 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 and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Moulds Bog SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development
- The lack of impact mechanisms that could significantly affect a European Site and
- Distance and indirect connections to the European sites