



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323643-25**

### **Development**

(a) Retention of existing recessed entrance as constructed with permission to amend entrance to combined family shared entrance (b) Permission for bungalow, garage, wastewater treatment system, access roadway and all associated site works.

### **Location**

Adrass Lower, Celbridge, Co. Kildare

### **Planning Authority**

Kildare County Council

### **Planning Authority Reg. Ref.**

2560752

### **Applicant**

Ellen Forster

### **Type of Application**

Permission and Retention Permission

### **Planning Authority Decision**

Refuse

### **Type of Appeal**

First Party

### **Appellant**

Ellen Forster

### **Observer**

Grainne and John Forster

**Date of Site Inspection**

15<sup>th</sup> December 2025

**Inspector**

John Duffy

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1.    Decision .....	6
3.2.    Planning Authority Reports .....	7
3.3.    Prescribed Bodies .....	9
3.4.    Third Party Observations .....	9
4.0 Planning History .....	10
5.0 Policy Context .....	11
5.1.    National Guidance .....	11
5.2    Section 28 Guidelines .....	12
5.3    Development Plan .....	13
5.4.    Natural Heritage Designations .....	17
5.5    EIA Screening .....	17
6.0 The Appeal .....	18
6.1.    Grounds of Appeal .....	18
6.2.    Planning Authority Response .....	21
6.3    Observations .....	21
7.0 Assessment .....	23
8.0 AA Screening .....	34
9.0 Recommendation .....	35
10.0 Reasons and Considerations .....	35
11.0 Conditions .....	35

**Appendix 1 – Form 1: EIA Pre-Screening**  
**Form 2: Preliminary Examination**

## 1.0 Site Location and Description

- 1.1. The proposed development site, stated to measure 1.408ha, is located in a rural area at Ardrass Lower, Celbridge, Co. Kildare, approximately 2.5km west of Celbridge town centre and 3km north-east of the settlement boundary of Straffan, Co. Kildare. The appeal site is situated on the southern side of the R403, the Celbridge to Clane regional road.
- 1.2. The subject site comprises a rectangular field / paddock under grass which is relatively flat in topography and lies to the rear of an existing single storey rural house with access onto the R403 and in the ownership of the appellant's parents. A new rural single storey house is nearing completion to the south-west of the existing family home on a site adjoining that property and the appeal site. The mature woodland of Killadoon Estate demesne bounds the appeal site to the south-east, while a post and rail fence and tree and hedgerows bound the site on its south-west and north-east boundaries, respectively.
- 1.3. The area is characterised by agricultural lands and pastures, mature hedgerows, and intermittent low density rural housing. A solar farm is situated on lands at the northern side of the R403, opposite the existing entrance to the appellant's family home, which is also intended to serve the proposed development. At the site inspection it was noted the existing site access has been amended to incorporate an additional gated opening serving the aforementioned new dwelling, substantially constructed, and stated to be in the ownership of the appellant's brother. Application documentation indicates this entrance is a temporary construction entrance and is to be blocked up.

## 2.0 Proposed Development

- 2.1. This is an application for retention permission and permission consisting of:
  - Retention of existing recessed entrance as constructed, with permission to amend entrance to combined family shared entrance.
  - Permission for construction of a single storey house and single storey domestic garage.
  - Installation of a secondary effluent treatment system.

- Permission for access roadway.
- All associated site works.

2.2. The subject site is located to the rear of the appellant's parents' house. Access is to be achieved by way of the existing vehicular entrance from the public road traversing part of the front garden associated with the appellant's family home and then along the side boundary of the appellant's brother's site (which benefits from planning permission for a house, now nearing completion, under Reg. Ref. 23/938).

2.3. The proposed dwelling has a gross floor area of 192 sqm and a maximum roof ridge height of 5.240m. Material finishes comprise nap plaster finish for the majority of external walls, and natural stone finish to selected parts of the front façade. Blue / black slates are proposed for the roof. The proposed garage (32 sqm) c 5.3m in height is positioned to the rear of the proposed house.

2.4. The submitted Site Layout Plan incorporates a landscape plan. Proposed side, front and rear boundaries comprise hedgerow.

2.5. Connection to public water supply is proposed. A soakpit is also proposed for surface water disposal.

2.6. In addition to standard drawings and plans, the application was accompanied by a letter from the landowners (appellant's parents) consenting to the lodgement of the planning application on their lands, a Technical Traffic Report dated June 2025 prepared by a Transport Planning and Traffic Consultancy firm, a Rural Housing Compliance Statement prepared by the applicant's agent, a Site Characterisation Report, and supporting information relating to rural housing need.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority refused permission on the 18<sup>th</sup> of August 2025 for the following three reasons:

1. Having regard to the location of the site on a Regional Road, where typical speeds are 77kmph and the proposed development of an additional dwelling and the resultant intensification of a single access point, it is considered that to permit the proposed

development would set an undesirable precedent for similar type developments, would reduce the capacity of the road, would interfere with the safety and free flowing nature of traffic on the road. The proposed development would therefore, endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

2. Policy HO P27 of the Kildare County Development Plan 2023 – 2029 requires ‘all applications to demonstrate, to the satisfaction of the Planning Authority that the proposed development site can accommodate an on-site wastewater treatment system in accordance with the Environmental Protection Agency (EPA) Code of Practice for Wastewater Treatment Systems for single houses (2021)’. Having regard to the inadequacy of the submitted particulars and the previously established evidence of a high-water table and poor percolation characteristics of the soil on site, it is considered that it has not been demonstrated that the site can be drained satisfactorily. The proposed development would be prejudicial to public health, constitute an unacceptable risk of water pollution, would be contrary to Policy HO P27 of the Kildare County Development Plan 2023 – 2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Objective IN O18 of the Kildare County Development Plan 2023 – 2029 seeks to discourage the provision of single house wastewater treatment plants. Having regard to the level of existing and proposed individual on-site wastewater treatment plants within the landholding, the proposed development would result in the proliferation of the on-site wastewater treatment plants. Additionally, IN O18 requires full compliance with the prevailing regulations and standards, including the EPA’s Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses ( $pe \leq 10$ ), (2021), as may be amended. Due to the lack of information submitted, the proposed development would contravene objective IN O18 of the Kildare County Development Plan 2023 – 2029 and would be prejudicial to public health and the protection of ground water quality.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

- The planning report reflects the decision to refuse permission.

- The site is located within Zone 1 of Map V1 – 3.1 of the Development Plan and the applicant complies with Criteria B of the Rural Housing Requirements, having established local need to live in the area through submitted information.
- The proposed dwelling would set an undesirable precedent, would create a traffic hazard through intensification of use as a single access point on the R403 where typical speeds are 77kph.
- Given the inadequacy of submitted particulars, the previously established evidence of a high-water table and poor percolation characteristics of the soil, it has not been demonstrated that the site can be drained satisfactorily. As such the proposed development would be prejudicial to public health, constitute an unacceptable risk to groundwater pollution and contrary to Development Plan policy HO P27.
- The development of further wastewater treatment systems would lead to proliferation of on-site treatment systems, contrary to IN O18 of the Development Plan.

### 3.2.2. Other Technical Reports

#### Environment Section:

- Lack of sufficient information to allow a decision to be made.
- The calculation of the PE of the proposed Waste water treatment system (WWTS) in the submitted Site Characterisation Form is not in accordance with requirements of the EPA Code of Practice for domestic WWTS.
- Applicant should clarify and revise the design as required and the Site Suitability Report should be revised to reflect any design revisions.

#### Transportation, Mobility and Open Spaces

Refusal recommended for the following reasons:

- The development would result in three residential units using a single access onto a regional road and would endanger public safety by reason of traffic hazard and obstruction of road users due to movement of additional traffic generated.
- A grant of permission would create an undesirable precedent.
- Existing entrance is not in compliance with permission 23/938.

Water Services: No objection subject to conditions.

Enforcement Section: Notes warning letters issued in respect of Reg. Ref. 23/938 (entrance).

Area Engineer: Reference made to previous report on Reg. Ref. 25/60064, stated to apply which indicated no objection subject to conditions and which also noted that significant revisions to existing shared entrance are required.

### **3.3. Prescribed Bodies**

No reports received.

### **3.4. Third Party Observation**

One submission from a nearby resident was received, with grounds of objection summarised in the Planning Officer's report as follows:

- Risk of water pollution.
- Inaccuracies with site characterisation report.
- Traffic hazard.
- Previous site notices left in place which could mislead the public.

Previous concerns raised in previous applications restated:

- 3 houses on this site is excessive.
- The development constitutes a small housing estate.
- Similar houses developed by landowner in Barberstown Upper.
- Impact on the character of the rural landscape of Ardrass Lower.
- Loss of financial value to residential properties in the area.
- Speed limit not adhered to on this stretch of road.
- Many accidents and some deaths on that stretch of road.
- No public footpath or lighting.
- Applicant's submitted roads report misleading and inaccurate.

- The total number of bedrooms combined between the existing, proposed and dwellings under construction is 11.
- Concerns regarding traffic safety of vehicles and trailers entering and leaving the property.
- Sections of applicant's traffic impact report with inaccuracies / inconsistencies highlighted. This includes reference to a large tree at the entrance which is stated to obstruct sightlines and the omission of a black and yellow chevron sign from photographs indicating a sharp bend to the south-west.
- Submission to planning reference 2460751 included, which raises matters similar in nature to the foregoing.

## 4.0 Planning History

### Appeal site

PA Reg. Ref. 25/60064 refers to a March 2025 decision to refuse permission to the applicant for the construction of a single storey bungalow with single storey domestic garage and secondary effluent treatment system, permission for access roadway and shared existing family entrance and all associated site works. The three reasons for refusal are generally the same as those given for the current application, the subject of this appeal.

PA Reg. Ref. 24/60751 refers to a September 2024 decision to refuse permission to the applicant and a sibling for the construction of a family cluster of two single storey bungalows with single storey domestic garages and secondary effluent treatment systems, permission for access roadway and shared existing family entrance and all associated site works. Four refusal reasons relate to traffic hazard, the proliferation of on-site waste water treatment plants in the landholding, contravention of objective IN O18, that the proposal would be prejudicial to public health, would not successfully integrate with the character of the rural area and would, *inter alia*, contribute to the urbanisation of the rural area and would not comply with Section 3.13.3 of the Kildare County Development Plan relating to cluster type developments.

### Adjoining site

PA Reg. Ref. 23/938 refers to a January 2024 decision to grant permission to the applicant's brother for construction of a single storey bungalow, secondary effluent treatment system, utilisation of existing family recessed entrance, detached single storey domestic garage and all associated site works.

### Family home

PA Reg. Ref. 23/379 refers to a May 2023 decision to grant retention permission for single storey side extension to front element of original cottage as constructed, and retention of existing detached single storey domestic garage as constructed and all associated site works.

PA Reg. Ref. 20/1411 refers to a March 2021 decision to grant permission for the removal of existing roof of existing single storey detached bungalow with a new higher replacement roof, demolition of existing single storey extensions (side and rear) to existing bungalow, permission to construct a one and half storey and two storey extension to the side and rear of existing bungalow, replacement of existing septic tank with secondary effluent treatment system, relocation of existing entrance and all associated site works. Following a Further Information request revised plans for a single storey extension were provided.

Relevant condition:

5. (a) The recessed entrance shall be provided to site and shall be constructed generally in accordance with Drawing E/3639-1 (copy attached) and Site Layout Drawing No GF/PLN-001A received by the Planning Authority on 23<sup>rd</sup> November 2020. Outer piers to be fully 2.4 metres back from the road edge.

## 5.0 Policy Context

### 5.1. National Guidance

#### 5.1.1. Revised National Planning Framework (NPF)

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

National Policy Objective 24: *Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low*

*population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*

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

## 5.2. **Section 28 Ministerial Guidelines**

### **Sustainable Rural Housing, Guidelines for Planning Authorities (2005)**

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

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

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

abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should also be accommodated.'

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

### 5.3. **Development Plan**

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

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

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

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

#### Section 3.13.3 Compliance with the Rural Housing Requirements

Table 3.4: Schedule of Local Need Criteria in accordance with the NPF (NPO 18): This outlines the approach applied to the Zones identified on Map 3.1 under two categories, Category A Economic and Category B Social.

Zone 1 – 'Areas under Strong Urban Influence' it is an objective of the council to facilitate the provision of single housing in the countryside based on the core considerations of demonstrable economic or social need.

Category B Social: (i) A person who has resided in a rural area for a substantial period of their lives within an appropriate distance of the site where they intend to build on the family landholding.

Under Category B Social (i) (Page 74 of the Kildare County Development Plan) it states the following:

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

### Section 3.16 relates to Accesses and Entrances

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

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

Policy HO P16: Consider proposals for backland development for family members only. Proposals for such development must demonstrate that the proposed development would not have a negative impact on third parties/neighbouring property owners by way of overlooking/ orientation of dwelling. Sufficient screening will be required to be provided and proposal for this shall be submitted with the planning application and must be in place prior to occupation of the dwelling. Particularly sensitive design approaches should be considered in these instances.

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 Density' Toolkit (Appendix 11) and reside in the area. Applicants will be required to demonstrate, to the satisfaction of the planning authority that no significant environmental effects will occur as a result of the development. The council will:

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

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 O45: Restrict occupancy of the dwelling as a place of permanent residence for a period of ten years to the applicant who complies with the relevant provisions of the local need criteria.

Objective HO O59: Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre\* (the sq. km. shall be measured from the centre point of the application site) unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their land holding.

### 5.3.2. Chapter 6 - Infrastructure and Environmental Services

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

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

**Objective IN O18:** Discourage the provision of single house septic tanks and treatment plants in the plan area to minimise the risk of groundwater pollution. Where such facilities are permitted, full compliance with the prevailing regulations and standards, including the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (pe≤10), (2021) as may be amended, will be required.

#### 5.3.3. Chapter 13 - Landscape, Recreation and Amenity

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

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

#### 5.3.4. Chapter 15 - Development Management Standards

Section 15.7.5 Stopping Distances and Sightlines: Sightline requirements determined by the Council on a case-by-case basis. Planning authority may refuse permission if excessive hedgerow being removed to facilitate sightlines.

Section 15.7.6 Access Requirements: Discourages proliferation of access points onto public roads. Shared access points are promoted in all circumstances.

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

#### 5.3.5. Appendix 4 - Rural House Design Guide. Section 3 relates to Site Analysis and Layout.

Section 3.5 relates to Design for Infill / Backland Sites and states the following:

'Where a proposed development site currently forms part of an existing dwelling (i.e. subdividing a plot) the following should be considered:

- The size and capability of the site to cater for an additional dwelling and associated services.
- Dual access arrangements making use of the existing access is encouraged.
- The new dwelling should sit comfortably within the curtilage of the existing dwelling.

In general, backland development will be discouraged. However, where a proposal uses the depth of a site, this would be preferable to ribbon type development.

In instances where backland development is proposed for a family member, the provision of policy HO P16 in the proposed Kildare County Development Plan 2023-29 must be taken into consideration. Particularly sensitive design approaches should be considered in these instances.'

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

Appendix 11 – Single Rural Housing Density Toolkit

- Generally, Rural Residential Density (RRD) of less than 15 units per square km will be acceptable.
- In very enclosed landscapes with well-defined hedgerows and / or mature trees, which would partially screen or enclose one-off houses, or RRDs of circa 30 per square km may be open for consideration.

#### **5.4. Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site. The nearest European Site is the Rye Water Valley / Carton SAC (Site Code 001398) which is located c 5.8km to the north-east of the appeal site.

#### **5.5. EIA Screening**

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

## 6.0 The Appeal

This is a first party appeal against the planning authority's decision to refuse permission on the 18<sup>th</sup> of August 2025, submitted on behalf of the applicant by Whyte Planning Consultants Ltd.

### 6.1. Grounds of Appeal

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

#### First Refusal Reason

- This reason is based on a December 2023 speed survey, a copy of which was requested from the local authority but not provided. As such it cannot be ascertained if the survey was undertaken, how it was conducted and if it is applicable to the site.
- It is not logical to refuse permission for a historic entrance used by the same number of cars that are currently based on the landholding.
- Regardless of traffic speeds on this stretch of road, all traffic implications such as sightlines etc are based on attainable sightlines.
- The issue raised in this reason is addressed by engaging an independent traffic consultant who has provided a report (included with the appeal) concluding that average speed was 67kph and that the proposed entrance, access and egress arrangements were acceptable.

#### Second Refusal Reason:

- The Site Characterisation Report was designed for a 3-bedroom house; however, a 4-bedroom house plan was provided. Amended plans are provided with the appeal to address this issue.
- The planner did not accept Environment Department's general acceptance in principle of the development on account of a site inspection which was undertaken in connection with a previous proposal (Reg. Ref. 2560064 refers) earlier in 2025. The period coincided with a heavy local rainfall event, whereby the open hole in the ground was filled with water. It is unreasonable for the planner to override the

Environment Department in deciding on the water table height when the Department did not dispute the water table level.

- The Environment Department report associated with Reg. Ref. 2560064 indicated a water table observed at 600mm below ground level, consistent with the current application.

#### Third Refusal Reason

- Policy IN O18 is misapplied and misinterpreted. There does not have to be compliance with each / every relevant policy in the Development Plan. The decision should be made on balance having regard to the proposed development.
- The planning officer has sought a policy to bolster what is considered to be an unbalanced decision. IN O18 is a policy aimed at minimising the number of point load secondary effluent treatment plants in an area. This is effective in small, confined sites and does not logically comply in this instance.
- The nearest house, septic tanks / secondary treatment systems are in excess of 100m away and there can be no concentration of individual plants in the area. No concerns in this regard were referenced previously.
- IN O18 clearly states that once the EPA Code of Practice regulations / standards are met, it does not apply.
- Environment Department had concerns about calculation of PE rather than any groundwater or proximity issue.

#### Conclusions

- Application not considered correctly by the local authority.
- No assessment of information provided to address refusal reasons.
- Unbalanced and unfair assessment of the proposal was undertaken.
- A 2023 speed survey is used to refuse the application despite the speed limit being 60kph and no sightline issues.
- No intensity of use on the site proposed.
- Independent traffic expert has confirmed the site access and egress are appropriate.

- The planning authority has used a high water table observed after a period of bad weather to suggest a high water table, inconsistent with the findings of the Environment Department.
- Policy IN O18 is inappropriately used and misapplied.

Five attachments are included with the appeal as follows:

1. Copy of a document dated July 2025 addressing refusal reasons for a previous application of the subject lands (Reg. Ref. 25/60064 refers). This was submitted with the planning application, the subject of this appeal, and its content is similar to that included in the grounds of appeal, summarised above.
2. A copy of the Site Characterisation Form provided with the application.
3. Drawings and details for proposed BAF treatment system.
4. Revised elevational and floor plan drawing indicating provision of three bedrooms only. I note that one of the four bedrooms as per the floor plans submitted with the application is omitted and its use changed to home office on revised plans.
5. Technical Traffic Report prepared by TPS M Moran and Associates dated June 2025. This may be summarised as follows:

- In order to determine the existing vehicular road speed along this section of the R403 a series of speed surveys were undertaken using a Bushnell 101911 CE marked radar speed gun on 10th June 2025.
- Average speed east and west bound given as 67.23km and 67.84km respectively.
- TRICS 2025(a) database used.
- Proposed residential development does not generate significant trips during the typical day or during the AM or PM peak hour network traffic periods.
- There is a solid white line outside the existing access.

Conclusions:

- Proposed development would have little impact on the operational capacity of the existing access or the R403.
- Proposed development can be readily accommodated within the operation of the existing vehicular access off the R403.

- Existing access can provide visibility sightlines onto R403.
- Planning Authority can therefore grant permission for proposed dwelling.

## 6.2. Planning Authority Response

In its response to the appeal dated 10<sup>th</sup> October 2025 the planning authority requests that reference is made to the planner's report, the reports of the various technical departments and prescribed bodies in relation to the assessment of the application.

## 6.3. Observation

An observation was submitted on the appeal from John and Grainne Forster of Ardrass Lower, Celbridge. They are the owners of the subject site and the appellant's parents. The observation may be summarised under headings as follows:

### Percolation and wastewater

- No evidence to suggest that wastewater treatment will negatively impact neighbouring lands or water sources.
- The site visit by the local authority took place after Storm Eowyn in January 2025. Water level recorded at that time was inconsistent with submitted details in the Site Characterisation Report. The inspection did not provide a true or representative reflection of the normal water table on site.

### Traffic and Road Safety and Site Entrance

- No road accidents or fatalities on the subject stretch of road as far as observers are aware.
- Appellant's traffic movements will have no effect on overall traffic flow in the area.
- If permission is refused, the appellant will continue to reside in the family home, continuing to use the same entrance and road.
- The entrance into the recently constructed new house is temporary and for safety reasons to facilitate construction traffic. Entrance will be reinstated once that build is finalised. If the local authority is dissatisfied with all houses using one existing shared entrance, the temporary entrance can be retained to serve the appellant's proposed house and the recently constructed house.

- The number of vehicles entering and leaving the site remains the same.

#### Family and community ties

- Family and extended family have lived in the locality for more than 20 years. The appellant has strong roots and connections with the local area.
- It would be unfair to deny the appellant the same opportunities as her siblings who have obtained planning permission and built home in the area
- Local and national planning policies support sustainable rural development where strong family and social links exist.

#### Objection received

- The proposed development would unlikely have any impact on the resident who has objected to the proposed development and whose house is located approximately 150m from the site.
- Site notice was erected in compliance with planning regulations.
- Comments made in respect of the planning history of the family house on the landholding are refuted.
- The family has no ties to an equestrian business, and it does not own horses.
- The number of bedrooms in each house does not reflect the number of occupants.
- The tree located proximate to the site entrance is an ash tree and it does not obstruct sightlines.

#### Other

- Refusal of permission would force the appellant to seek housing far from community and family supports and would be devastating.
- Proposed development is compliant with planning policy, poses no risk to the environment or road safety and will contribute positively to the rural community.
- Request that permission be granted.

## 7.0 Assessment

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

- Compliance with Rural Housing Policy
- Access and Traffic Safety
- Wastewater Treatment
- Water Framework Directive (WFD) – Screening
- Other issues

### 7.2. Compliance with Rural Housing Policy

7.2.1. The appeal site is located in the open countryside, approximately 1km south-west of the settlement boundary of Celbridge in Co. Kildare.

7.2.2. Map Ref. V1-3.1 'Rural Housing Policy Zones' of the Kildare County Development Plan 2023-2029 (Chapter 3) denotes that the subject site is located within Zone 1 which relates to 'Areas under Strong Urban Influence,' and where it is an objective of the Council to facilitate the provision of housing in the countryside based on (i) compliance with rural housing requirements and (ii) siting, environmental and design criteria for rural housing in statutory guidelines and plans having regard to the viability of smaller towns and rural settlements and the provision and availability of serviced sites in these areas.

7.2.3. To qualify for consideration for a dwelling in this Zone 1 rural area, the applicant must demonstrate an 'economic' or 'social' ' need. The Kildare County Development Plan 2023-2029 in Table 3.4 sets out two categories under which a rural housing need is required to be assessed, namely 'Category A – Economic' and 'Category B – Social.' I note from the completed Rural Housing Application Form that the applicant sought to demonstrate a local housing need with reference to 'Category B – Social.'

7.2.4. On the basis of the information submitted by the applicant to support their local housing need, the planning authority considered compliance with the rural housing policy as set out in Table 3.4 to have been met. The submitted information includes the applicant's Birth Certificate, Folio details for the subject lands, and other documentary evidence (including from the Revenue Commissioners, educational institutions, and financial institutions) that they resided with their family at Barberstown Upper, Maynooth, Co. Kildare (approximately 2.4km from the appeal site and in the open countryside) between 1998 and 2020, before moving to Ardrass Lower outside Celbridge, Co. Kildare at the end of that year.

7.2.5. Having reviewed the submitted documentary evidence I concur with the planning authority that the applicant has resided in the former and present family homes at Barberstown Upper and Ardrass Lower in Co. Kildare respectively for a period in excess of 16 years and continues to do so. I am satisfied the applicant provided the requisite supporting documentation to substantiate their intrinsic links to the area and their local need. To conclude, I consider the applicant has demonstrated a rural housing need which accords with Table 3.4 'Category B - Social' of the Kildare County Development Plan 2023 - 2029.

### 7.3. **Access and Traffic Safety**

7.3.1. The planning authority's first refusal reason is based on the report received from the Transportation, Mobility and Open Spaces Department. It notes the location of the proposed development off a regional road, indicating that typical speeds of 77kph prevail, and considers that development of an additional dwelling at the subject location would set an undesirable precedent, reduce the capacity of the road, interfere with safety and the free-flowing nature of traffic and would endanger public safety by reason of traffic hazard.

#### Intensification of entrance

7.3.2. The appeal notes that this refusal reason is based on a 2023 speed survey which was not made available to the applicant. Furthermore, the appellant considers it illogical to refuse permission from an existing entrance used by the same number of cars that are currently based on the landholding. The appeal notes that an independent traffic consultant has provided a report (submitted to the planning authority with the

application and appended to the appeal) indicating average speed along this stretch of the R403 at 67kph and that proposed access and egress arrangements are acceptable.

- 7.3.3. The proposed development would facilitate a third house utilising a single vehicular entrance onto a rural section of the R403 regional road. While I note the appellant's view that the proposed development would not represent an intensification of the existing entrance based on no change to the number of cars using the existing vehicular entrance, in my opinion an additional house on the site would lead to intensification of the entrance and in this context regard must be given to the likelihood of additional traffic movements from and to the site based on potential future increased occupancy of the proposed house.
- 7.3.4. Notwithstanding my conclusion that the proposed development would give rise to the intensification of the existing permitted access, subject to examination and assessment of ambient traffic speeds along the adjoining regional road and the achievement of the required sightlines of 90m to the north-east and south-west, I consider the use of this access would be acceptable in principle. In this regard I note section 3.5 'Design for Infill / Backland Sites' of the Rural Design Guide (Appendix 4 of the Kildare County Development Plan) advocates for shared access arrangements, and while noting that backland development is generally discouraged, it is stated that such development would be preferable to ribbon type development. The sharing of the access with the two existing houses on the lands would obviate the need for an additional entrance onto the regional road. Furthermore, I note Section 15.7.6 'Access Requirements' of the Development Plan discourages proliferation of access points onto public roads, and shared access points are promoted 'in all circumstances.'

#### Traffic survey

- 7.3.5. I note the report from the Transportation, Mobility and Open Spaces Department refers to a traffic survey carried out on the 1<sup>st</sup> of December 2023 where typical speeds on the road were found to be 77kph.
- 7.3.6. The applicant engaged Traffic and Transportation Consultants TPS M Moran and Associates to prepare a Technical Traffic Report which includes the findings of a

speed survey between 11am and 3pm on Tuesday 10<sup>th</sup> June 2025 when free flowing traffic conditions were expected. The results indicate an average speed of approximately 67kph at this rural stretch of the R403. The report considers that this average speed is consistent with the range of speeds that would be expected within a road corridor operating with a 60kph limit. Further, using the TRICS 2025(a) database which models land-use trip generation rates, projected trips associated with the proposed dwelling equate to two inbound and two outbound trips per day.

- 7.3.7. I note that planning authority reports do not make reference to the Technical Traffic Report submitted with the planning application on the applicant's behalf (also appended to this appeal) Furthermore, the applicant's traffic / speed survey is relatively recent having been undertaken in June 2025, compared with the traffic survey referred to by the planning authority which is stated to date from December 2023.
- 7.3.8. Having regard to the findings of the Technical Traffic Report provided by the applicant, I consider that the development of an additional dwelling at the subject location would not significantly reduce the capacity of the public road.

#### Sightlines

- 7.3.9. As detailed in the applicant's Technical Traffic Report and as confirmed by my site visit, there is an unbroken centre white line along the stretch of road which restricts the overtaking of vehicles along this part of the road corridor. On both sides of the road there are broken yellow markings which demarcate the edge of the road. A grass verge is evident along the southern side of the R403, to the front of the subject site.
- 7.3.10. The default speed limit on the adjoining R403 is 60km/h. I note Table 9.3 'Design Speed Related Parameters' of TII publication DN-GEO-03031 (May 2023) for Regional and Local Road Design Speed indicates a stopping sight distance of 90m in a 60km/hr speed zone. From my site visit it is apparent that unobstructed sightlines in excess of 90m in both directions from the existing permitted entrance are achieved. I note third party concerns that the tree located in the verge to the north-east of the site entrance would obstruct sightlines. Having visited the site, this is not the case as the tree is set

back sufficiently from the road edge to ensure sightlines to the north-east are achieved.

### Conclusion

- 7.3.11. Having regard to the foregoing, the findings of the Technical Traffic Report prepared for the applicant and the achievement of appropriate sightlines from the existing permitted entrance, as detailed above, I do not concur with the planning authority's first refusal reason that the proposed additional house would interfere with the safety and the free-flowing nature of traffic, or would endanger public safety by reason of traffic hazard.
- 7.3.12. While I acknowledge the planning authority's concerns regarding precedent as set out in the first refusal reason, I would note that all proposals should be assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 7.3.13. To conclude, I recommend to the Commission that the planning authority's first refusal reason be set aside.

### 7.3.14. Site entrance

- 7.3.15. During the site visit, I noted the existing site access has been amended to incorporate an additional opening serving the permitted new dwelling which was constructed under Reg. Ref. 23/938. This entrance is described on Drawing No. EF/PLN-009 as *ex gate (temporary) to be blocked up*. I note also from the observation received from the appellant's parents that this entrance is temporary and is used to facilitate construction traffic for the recently constructed house.
- 7.3.16. Notwithstanding, I note the development description as detailed in the public notices submitted with the current planning application seeks, *inter alia*, *retention permission for existing recessed entrance as constructed with permission to amend entrance to combined family shared entrance*. This description would appear to be at odds with the aforementioned text included in Drawing No. EF/PLN-009 and also with the observers' comments relating to this matter, as set out above.

7.3.17. The planning authority's interpretation is that part of the proposal relates to retention of existing entrance gates constructed in the location of the previously existing southern flanking wall of the entrance granted permission under Reg. Ref. 20/1411 and I consider the development description in this regard to be unclear and open to different interpretations. I note also that the design of the recessed entrance permitted under Reg. Ref. 20/1411 does not correspond with that proposed in Drawing No. EF/PLN-009.

7.3.18. Should the Commission decide to grant permission, in the interest of clarity, I recommend attachment of a condition requiring the developer to submit revised plans, for the written agreement of the planning authority, which demonstrate the entrance from the public road is to be constructed in accordance with Drawing No. EF/PLN-009 and shall be constructed and completed prior to occupation of the proposed house. This would ensure that one vehicular entrance only would serve the two existing houses and the proposed new house.

#### **7.4. Wastewater Treatment**

7.4.1. The planning authority's second and third refusal reasons both relate to wastewater treatment. Citing inadequacy of submitted particulars, previous evidence of a high water table and poor soil percolation characteristics, the planning authority is not satisfied that the site can be drained satisfactorily. There is also concern raised that the proposed development would result in the proliferation of onsite wastewater treatment plants on the landholding. Based on the foregoing, the planning authority concluded that the proposal would be prejudicial to public health, constitute an unacceptable risk of water pollution, would contravene / be contrary to County Development Plan Policy HO P27 and Objective IN O18 and pose a risk to groundwater quality.

7.4.2. The refusal reasons relating to wastewater treatment are refuted in the first party appeal. The appellant contends that Environment Department are generally accepting of the principle of the development and raised concerns only regarding the Population Equivalent (PE) capacity of the proposed treatment plant indicated in the Site

Characterisation Form. This issue is stated to be addressed by way of amended house plans provided with the appeal, indicating a reduced number of bedrooms from four to three.

7.4.3. In relation to the second refusal reason, the appellant states that based on a site visit (relating to a previous planning application) following a heavy rainfall event whereby by the trial holes were filled with water, the planning authority incorrectly concluded a high water table and that the site would be unsuitable for an onsite wastewater treatment system. The appellant notes the Environment Department had not disputed the stated water table level which was given as 600mm below ground level. The appellant also contends that Policy IN O18 is misapplied as it relates to smaller confined sites where the EPA Code of Practice (CoP) requirements are not met and refutes the assertion that there is a concentration of individual treatment plants in the area.

7.4.4. I note the second refusal reason refers to '*previously established evidence of a high-water table and poor percolation characteristics of the soil on site.*' This reference would appear to relate to the planning authority's observation of water-filled trial holes during an inspection of the site in late February 2025 relating to a preceding planning application. The appellant contends that the trial holes were full at that time on account of a heavy rainfall event which had occurred and not because of a prevailing high water table. In my view, it is certainly possible and credible that a heavy rainfall event would fill open / exposed trial holes.

7.4.5. The report of the Environment Department identified a lack of sufficient information to allow it to make a decision on the application, noting that the calculation of the PE of the proposed wastewater treatment system in the submitted Site Characterisation Form is not in accordance with the requirements of the EPA Code of Practice 'Domestic Wastewater Treatment Systems (Population Equivalent  $\leq$  10)' and it recommended Further Information (FI) be sought in this regard and that the Site Suitability Report should be revised to reflect any design revisions. I note that the revised plans submitted with the appeal reduce the number of bedrooms to three in total (a single and two double bedrooms), with the previously proposed fourth bedroom to be used as a home office as per the revised floor plans. Table 3.2 of the EPA Code

of Practice (2021) indicates a design PE of 5 for a three bedroom house. The appeal includes a copy of the Site Characterisation Form provided with the application and it corresponds with the number of bedrooms proposed on the revised plans. In my opinion, the revisions to the floor plans providing for the proposed reduction in the number of bedrooms to three has addressed the matter raised in the Environment Department's report, and the calculation of design capacity of the proposed wastewater treatment system based on the size of dwelling served accords with Table 3.2 of the EPA Code of Practice (2021).

- 7.4.6. The Site Characterisation Form identifies the appeal site as located in an area with a Locally Important Aquifer where the vulnerability is High. A groundwater protection response of R1 for the site is noted. I note the suitability of the site for a treatment system subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with the EPA Code of Practice: 'Domestic Wastewater Treatment Systems (Population Equivalent  $\leq$  10)' 2021).
- 7.4.7. The trial hole depth referenced in the Site Characterisation Form was 1.4m and in this regard it is noted that bedrock (limestone) was encountered at this depth. There was no water encountered in the hole above bedrock, however there was mottling at 600mm – 700mm. The soil conditions found in the trial hole are described as sandy gravelly clay from 0.4m depth and clay with high content of angular cobbles from 1.3m depth. Percolation test holes were dug and pre-soaked. A T value / sub-surface value of 47.83 was recorded. Based on the EPA Code of Practice 2021 (Table 6.4) the site is suitable for a number of wastewater treatment system types, namely a septic tank and percolation area, a secondary treatment system and soil polishing filter, or a tertiary treatment system and infiltration area. I did not observe the trial holes at the time of my site inspection.
- 7.4.8. The Site Characterisation Form indicates the site is suitable for the treatment of wastewater. I am satisfied that the proposal complies with the required separation distances as set out in Table 6.2 of the EPA Code of Practice 2021. It is proposed to install a secondary wastewater treatment system, with the capacity PE given as 6, and it will discharge to a polishing filter. As the water table is at 600mm (mottling observed at this depth) the polishing filter is to have a minimum thickness of 900mm of free

draining soil between the point of infiltration of the treated effluent (at about 300mm above existing ground level) and the water table or bedrock.

- 7.4.9. Based on the information submitted, I conclude that the soil conditions are favourable for the treatment of wastewater as proposed. As such I would not concur with the planning authority's view, as set out in the second refusal reason, that the proposed development would be prejudicial to public health, constitute an unacceptable risk of water pollution or would be contrary to Policy HO P27. Based on the information provided in the Site Characterisation Form and having regard to the siting of the proposed secondary wastewater treatment system and polishing filter, the proposed development is in compliance with the EPA Code of Practice: 'Domestic Wastewater Treatment Systems (Population Equivalent  $\leq$  10)' 2021 and I consider that the second refusal reason should be set aside.
- 7.4.10. The third refusal reason considers that the proposed development would result in the proliferation of onsite wastewater treatment plants on the landholding and therefore that it would be prejudicial to public health, would be contrary to Objective IN O18 and would pose a risk to groundwater quality.
- 7.4.11. Should the Commission decide to grant permission, a total of three onsite wastewater treatment plants would exist on the overall landholding. As identified in the EPA Code of Practice 2021, the density of existing housing and the performance of onsite wastewater treatment systems in a locality may affect existing groundwater quality. The Code of Practice advises that any potential impact of the proposed system due to increased pathogen or nutrient loads on the groundwater quality in the area should be assessed in areas of high-density housing. In this context the Code of Practice states that densities of domestic wastewater treatment systems greater than six per hectare in areas of 'extreme' or 'high' groundwater vulnerability may mean a negative effect on groundwater.
- 7.4.12. The Planning Officer's report, referring to the Residential Density Toolkit included in the County Development Plan, notes that the total number of dwellings within a 1km radius of the site is presently seven and is considered to be low.

7.4.13. Having regard to the above-mentioned guidance in the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )' 2021 relating to densities of domestic wastewater treatment systems, noting the size of the appeal site, stated as in excess of 1.4 ha, and also noting the overall size of the family landholding at this location (c 1.95 ha on foot of a search undertaken on landdirect.ie), the densities of domestic wastewater treatment systems, if permission was granted for the proposed development, would be significantly less than six per hectare, as set out in the EPA Code of Practice. I am also cognisant that proposed separation distances accord with Table 6.2 of the Code of Practice. Having regard to the foregoing, I am satisfied that the proposed development would not lead to proliferation of onsite wastewater treatment plants on the landholding.

7.4.14. Existing dwellings in the area are connected to Uisce Éireann public water supply network and application details indicate the proposed dwelling would also connect into the UÉ water supply network. I do not consider the proposed development would be prejudicial to public health. While I note Objective IN O18 seeks to discourage the provision of treatment plants for single houses, this objective also confirms that where such facilities are permitted, compliance with prevailing regulations and standards including the EPA Code of Practice 2021 for Wastewater Treatment and Disposal Systems Serving Single Houses ( $pe \leq 10$ ), will be required. In my opinion, and having regard to the above assessment relating to wastewater treatment, the proposed development complies with the 2021 EPA Code of Practice, would not conflict with Objective IN O18 of the County Development Plan and there is no evidence that it would negatively impact on groundwater quality. As such, I consider that the third refusal reason should be set aside.

## 7.5. Water Framework Directive – Screening

7.5.1. The subject site comprises a paddock / field under grass (1.408 ha), flat in topography and located to the rear of two existing houses located in the open countryside approximately 1km from the settlement boundary of Celbridge, Co. Kildare. Along with retention of entrance as constructed and permission for amended entrance for use as combined family entrance, the proposed development relates to the construction of a

four bedroom house which was amended at appeal stage to a three bedroom house by way of revised floor plans provided. A domestic garage, an access roadway, use of existing site entrance, a secondary wastewater treatment system, soil polishing filter and associated works is also proposed.

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

- The nature of the works comprising a small scale of development.
- The lack of direct hydrological connections from the site to any surface and transitional water bodies.
- The location of the nearest surface waterbody (a stream), situated approximately 0.5km west of the subject site.
- The proposal to incorporate a soakaway as part of the proposed development.
- Standard pollution controls that would be implemented.

7.5.3. I conclude 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.

## 7.6. **Other issues**

7.6.1. Cluster type developments

7.6.2. Section 3.13.3 of the County Development Plan '*Compliance with the Rural Housing Requirements*' refers to cluster type developments of five houses or less which may be considered on family farm holdings for applicants who are family members or

adjacent to urban boundaries subject to specific criteria. Noting the applicant is not a member of a farming family, in my view, this section of the Plan does not apply to the proposed development.

#### 7.6.3. Policy HO P16

7.6.4. This Development Plan policy relates to backland development and requires that consideration for such development be for family members only. Policy HO P16 also requires that proposed developments would be sufficiently screened and would not negatively impact on third parties / neighbouring properties by way of overlooking and orientation of dwelling. I note the applicant is a member of a rural family which owns the subject site. Having reviewed the submitted plans for the proposed single storey dwelling and having regard to the proposed landscaping scheme provided along with the separation distances to boundaries as reflected on the submitted plans, I consider the proposed development would not negatively impact on third parties and it would comply with Policy HO P16.

## 8.0 AA Screening

8.1. I have considered the proposal including the construction of a house and domestic garage, installation of an onsite secondary waste water treatment system and polishing filter, use of existing site entrance, access roadway and associated works in the light of the requirements of Sections 177S and 17U of the Planning and Development Act 2000, as amended.

8.2. The proposed development is not located within or immediately adjacent to any European Site. The nearest European Site is the Rye Water Valley / Carton SAC (Site Code 001398) which is located c 5.8km to the north-east of the appeal site. .

Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European Site and lack of connections.

- Absence of any meaningful direct and indirect pathways to any European Site.
- Taking into account the screening determination of the planning authority.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with any other plans or projects.

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

## 9.0 Recommendation

- 9.1. I recommend that retention permission and permission be granted.

## 10.0 Reasons and Considerations

Having regard to the location of the site and its surroundings in a rural area together with the provisions of the Kildare County Development Plan 2023-2029, it is considered that the applicant has demonstrated compliance with the Rural Housing Requirements as set out under Section 3.13.3 of the County Development Plan and, subject to compliance with the conditions set out below, the proposed development would not reduce the capacity of the R403, would not set an undesirable precedent, would not interfere with the safety and free flowing nature of traffic on the road, would not endanger public safety by reason of traffic hazard, would not constitute an unacceptable risk of water pollution, would not be contrary to Development Plan Policy HO P27 and Objective IN O18, would not result in the proliferation of on-site wastewater treatment plants, and would not be prejudicial to the protection of groundwater quality. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 12 <sup>th</sup> day of
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	<p>September 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>(a) Prior to commencement of development, the developer shall submit revised plans for the written agreement of the planning authority which demonstrates the entrance from the public road to be constructed in accordance with Drawing Number EF/PLN-009 received by the planning authority on the 7<sup>th</sup> day of July 2025.</p> <p>(b) The entrance as per item (a) above shall be constructed and completed prior to the occupation of the proposed house.</p>

	<b>Reason:</b> In the interest of clarity.
4.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>(a) The site shall be landscaped, using only indigenous deciduous trees, hedging species and grasses in accordance with the Landscape Plan provided with the application on the 7<sup>th</sup> day of July 2025.</p> <p>(b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.</p>
6.	<p>(a) The roof colour of the proposed house and domestic garage shall be blue-black, black, dark brown or dark grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>(c) Stone cladding shall comprise natural local stone.</p> <p>(d) Window frames shall be finished in a neutral colour and comprise either powder coated aluminium, timber frame or non-white uPVC, unless otherwise agreed in writing with the planning authority prior to the commencement of development.</p> <p>(e) The external front door shall be of timber construction unless otherwise agreed in writing with the planning authority prior to the commencement of development.</p> <p>(f) All rainwater goods and soffit/fascia shall be dark in colour.</p>

	<b>Reason:</b> In the interest of visual amenity.
7.	<p>Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the appeal on the 12<sup>th</sup> of September 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p><b>Reason:</b> In the interest of public health and to prevent water pollution.</p>

10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
12.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

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John Duffy  
Planning Inspector

30<sup>th</sup> December 2025

**Form 1 - EIA Pre-Screening**

**No EIAR Submitted**

<b>Case Reference</b>	ACP-323643-25
<b>Proposed Development Summary</b>	(a) Retention of existing recessed entrance as constructed with permission to amend entrance to combined family shared entrance (b) Permission for bungalow, garage, wastewater treatment system, access roadway and all associated site works.
<b>Development Address</b>	Ardrass Lower, Celbridge, Co. Kildare.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project.' Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

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

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323643-25
<b>Proposed Development Summary</b>	(a) Retention of existing recessed entrance as constructed with permission to amend entrance to combined family shared entrance (b) Permission for bungalow, garage, wastewater treatment system, access roadway and all associated site works.
<b>Development Address</b>	Ardrass Lower, Celbridge, Co. Kildare.
<p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The development would not result in the production of significant waste, emissions, or pollutants. No significant risks of accidents or to human health. No demolition works proposed.
<b>Location of development</b>  (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).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The size of the site at 1.408 ha is not exceptional.  A stream flows c 500m to the west of the appeal site. The River Liffey flows to the south and east of the subject site, at an approximate distance of 1km away.  There is no direct hydrological connection present which would give rise to significant impact on water courses in the wider area (whether linked to any European site or other sensitive receptors). The site is not located within or near any European Sites.  St. Patrick's Hill is located c 600m to the west.  The perimeter wall and mature woodland of Killadoon Estate bounds the site to the south-east.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters,	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no other locally sensitive environmental sensitivities in the vicinity of relevance. There would be no significant cumulative considerations.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>
<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>	<p><b>Schedule 7A Information required to enable a Screening Determination to be carried out.</b></p> <p>Not applicable to this appeal case.</p>
<b>There is a real likelihood of significant effects on the environment.</b>	<p><b>EIAR required.</b></p> <p>Not applicable to this appeal case.</p>

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)