



An
Coimisiún
Pleanála

Inspector's Report PL-500023-KE

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| Development | Construction of a single storey detached bungalow |
| Location | Kilwarden, Kill, Co. Kildare |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 2560818 |
| Applicant(s) | Ciaran Behan |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party Normal Planning Appeal |
| Appellant(s) | Ciaran Behan |
| Observer(s) | None. |
| Date of Site Inspection | 15 th December 2025 |
| Inspector | Terence McLellan |

1.0 Site Location and Description

1.1. The subject site measures approximately 0.6704ha in size and is located c. 1.8km to the east of Kill town centre and c. 1.2km from the edge of the settlement. The site is currently in use as an agricultural field and benefits from an existing gated access onto the L-2014 Local Road on which the site has approximately 123m of frontage. The site's western and southern boundaries comprise mature hedgerows and there is a minor change in levels from the north-east to south-west. The subject site has been carved out of a larger agricultural field, and the northern boundary is shared with the remainder of this land which forms a strip approximately 22m in depth, beyond which is the N7. The eastern boundary is shared with a single storey dwelling forming part of a cluster of three, and the southern boundary is the L-2014 Local Road and the adjacent agricultural lands beyond. The western boundary is shared with a dwelling that marks the last dwelling in a ribbon of six. The surrounding area is generally rural/agricultural in character albeit noting the existing ribbon of residential development to the west and the small cluster of three homes of the east. The remainder of the agricultural landholding and the dwelling to the east are within the blue line plan indicating that they are in the control of the applicant.

2.0 Proposed Development

2.1. Planning permission is sought for the construction of a single storey detached 'H' style dwelling with a single storey detached garage, recessed entrance, secondary effluent treatment system and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was refused by Kildare County Council on 10th September 2025 for the following three reasons:

1. Having regard to Planning Policies HO P14, HO P26, and Planning Objective HO O59 of the Kildare County Development Plan 2023–2029 and the information submitted with the application, the receiving environment is

already at capacity in terms of rural housing density and is not capable of accommodating further development. The proposed development, when considered alongside the existing and permitted development in the vicinity, would contribute to an excessive concentration of housing in this rural area and would further accelerate the suburbanisation of the local area. Having regard to the foregoing, the proposed development would materially contravene Planning Policy HO P26 and Planning Objective HO O59 of the Kildare County Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to Planning Policies HO P13 and HO P14 of the Kildare County Development Plan 2023–2029 and the information submitted with the application, the proposed development exacerbates and extends an existing pattern of ribbon development in the local area. The site is not considered a ‘Gap Site’ as defined under Planning Policy HO P14 due to its excessive size, extensive street frontage, and capacity to accommodate multiple dwellings, which undermines the intent of the policy to permit a single dwelling within a modest and clearly defined gap between existing houses. Having regard to the foregoing, the proposed development would materially contravene Planning Policy HO P13 of the Kildare County Development Plan 2023–2029.
3. Planning Objective HO 051 of the Kildare County Development Plan 2023-2029 requires ‘all applications to demonstrate the ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees.’ Having regard to the information submitted with the application, the Applicant failed to demonstrate that the adequate sightlines can be achieved without the removal of extensive hedgerow that would screen the development. The proposed development would therefore be contrary to Objective HO O51 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The principle of development is not acceptable.
- The site has been the subject of three previous refusals for similar development. The Applicant has failed to address/overcome major constraints.
- Development would conflict with the aims of the Kildare CDP and would breach several planning policies and objectives.
- It has been demonstrated that the Applicant complies with the criteria for local need, as set out in category B(i) of Table 3.4 of the County Development Plan 2023-2029.
- There are 36 existing dwellings within a 1.00 km² radius of the site, despite the area having capacity for only 30 dwellings.
- The Applicant contends that the site is a gap site, on the basis that only a single dwelling is being proposed. Policy P14 allows consideration of same subject to strict criteria.
- The site measures approximately 0.67 hectares and has a road frontage of approximately 115m. This is significantly larger than what would be considered a modest infill site, particularly having regard to the surrounding area.
- The scale and frontage of the site is such that it could accommodate multiple dwellings and therefore undermines the gap site provision which allows for a single dwelling within a clearly defined and limited space between existing and permitted houses.
- The fragmentation of the land and the potential for future development is not consistent with the definition or intent of a 'Gap Site'.
- In light of the excessive density already present in the area, and the failure of the site to meet the spatial and contextual criteria of a 'Gap Site', the proposal is considered contrary to Planning Policies HO P14, HO P26 and Planning Objective HO O59.

- The extent of hedgerow required to achieve the proposed 45 metre sightlines is excessive and unacceptable. The Roads Section consider sightlines of 70m to be more appropriate and this would require significantly more hedgerow to be removed.
- Hedgerow to the west will need to be removed and this was not indicated on submitted plans.
- The proposal will require the subdivision of a larger agricultural landholding and the creation of new boundaries. Furthermore, the driveway leading to the dwelling is 90m in length which is excessive. Both matters are contrary to Appendix 4 of the Rural Housing Design Guide.
- There is a lack of noise mitigation for noise emanating from the adjacent N7. Bedrooms should be reorientated towards the south.
- There are several discrepancies and inadequacies regarding the wastewater system information. The proposal cannot be adequately assessed without first resolving these concerns.
- Precedent examples provided by the Applicant are not comparable with the application and each application should be considered on its own merits.

3.3. Other Technical Reports

- 3.3.1. **Environment Section (06.08.2025):** Recommended Further Information to address concerns regarding the Site Suitability Assessment including the inspection of trial holes, provision of a site characterisation form in compliance with EPA guidelines, anomalies in percolation value data, details of polishing filter and percolation values, and inconsistencies in calculations.
- 3.3.2. **Naas Area Engineer (30.07.2025):** Confirmed that the site notice was in place.
- 3.3.3. **Transportation, Mobility and Open Spaces (08.08.2025):** Recommended Further Information regarding sightlines, noise, the provision of adequate setbacks, clarity on hedgerow removal, and agreement from neighbours to facilitate sightlines. It is submitted that sightlines should be taken at a point 2.4 meters back from the road edge at the proposed entrance, at 1.05m height, to a point on the near edge of the road 150mm above the surface at the appropriate distance which is nominally 70 meters in both directions with a speed limit of 50kph.

3.3.4. **Water Services (31.07.2025):** No objection subject to standard conditions.

3.4. **Prescribed Bodies**

3.4.1. No response.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Planning Authority Reference 24/61102:** Permission was refused by Kildare County Council in December 2024 for a detached one and half storey house with single storey element, single storey detached domestic garage, recessed entrance, secondary effluent treatment system and all associated site works. Permission was refused for the following reasons:

1. Notwithstanding the information submitted by the Applicant for compliance with local need criteria of the Kildare County Development Plan 2023-2029, it is considered that the Applicant has failed to adequately demonstrate compliance with Policy HO P11 and Section 3.13 of the Plan, which requires the submission of documentary evidence to demonstrate a genuine local need to reside in this rural area. To permit the proposed rural dwelling in the absence of the necessary supporting information, would be contrary to the provisions of the Kildare County Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Policy HO P14 seeks to resist further development which would serve to extend ribbon development, save in circumstances where a “gap site” is evident within the existing ribbon pattern, where one individual dwelling is proposed, and such proposals will be considered regardless of the density of the area. It is not considered that the proposed development meets the requirements of Policy HO P14 on gap sites; the site is significantly larger than prevailing sites in the area with the capacity to accommodate more than 1 no. dwelling. It is not considered to be a gap site. Given the prevailing pattern of site sizes, it is not

considered that the subject site forms what can be considered to be a “gap” site. Having regard to the foregoing, the proposed development would therefore be contrary to proper planning and sustainable development of the area.

3. Policy HO P26 of the Kildare County Development Plan 2023-2029 seeks to sensitively consider the capacity of the receiving environment to absorb further development. It is considered that the proposed development, in conjunction with the level of existing and permitted development in the vicinity would further exacerbate an excessive density of development in this rural area and would contribute to the increasing suburbanisation of the area. In addition, objective HO O59 seeks to carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre. Having regard to the foregoing, the proposed development would materially contravene policy HO P26 and objective HO O59 of the Kildare County Development Plan 2023-2029 and would therefore be contrary to proper planning and sustainable development of the area.
4. Policy HO P12 of the Kildare County Development Plan 2023-2029 seeks to ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings. The design of all new dwellings in rural areas should respond sensitively to the characteristics of the receiving environment. New dwellings should blend into and not dominate the local landscape. It is considered that the design of the proposed dwelling does not fit in with the established pattern of development in the rural area and would be contrary to Policy HO P12 and to the proper planning and sustainable development of the area.
5. Objective HO 051 of the Kildare County Development Plan 2023-2029 requires ‘all applications to demonstrate the ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees.’ Having regard to the information submitted with the application, the Applicant failed to demonstrate that the adequate sightlines can be achieved without the removal of extensive hedgerow that would screen the development. The proposed development would therefore be contrary to Objective HO 051 and the proper planning and sustainable development of the area.

4.2. **Planning Authority Reference 24/60116:** Permission was refused by Kildare County Council in April 2024 for a detached one and half storey house with single storey element, single storey detached domestic garage, recessed entrance, secondary effluent treatment system and all associated site works. Permission was refused for the following reasons:

1. Development would exacerbate excessive density of development in the rural area.
2. Failure to demonstrate local need.
3. Failure to provide adequate sightlines without excessive removal of hedgerows.
4. Insufficient separation distance from the N7 and residential amenity impact.

4.3. **Planning Authority Reference 23/808:** Permission was refused by Kildare County Council in September 2023 for a new dwelling with attached domestic garage, onsite wastewater treatment system and polishing filter, new splayed entrance and all associated site works. Permission was refused for the following reasons:

1. Development would exacerbate excessive density of development in the rural area.
2. Failure to demonstrate local need.
3. Failure to provide adequate sightlines without excessive removal of hedgerows.
4. Insufficient separation distance from the N7 and residential amenity impact.

5.0 Policy Context

5.1. National Policy

National Planning Framework First Revision (April 2025)

5.1.1. National Policy Objective (NPO) 28 seeks to ensure that, in providing for the development of rural housing, 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. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

- 5.2.1. Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth.
- 5.2.2. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that '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 rural settlements

5.3. Local Policy

Kildare County Development Plan 2023-2029

- 5.3.1. The Kildare County Development Plan 2023-2029 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- Section 9.3 - The lands are not zoned. Section 9.3 of the Kildare County Development Plan 2023-2029, notes if land is not within an identified settlement and is not otherwise zoned, the use of such land shall be deemed to be primarily agriculture.
- Section 3.13.2 – The site is in Zone 1 – Areas under Strong Urban Influence. It is stated that 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.

5.3.2. Table 3.4 ‘Schedule of Local Need Criteria in accordance with the NPF (NPO19)’ of the Plan describes the criteria for local needs assessment under 2 no. headings; Category A – Economic or Category B – Social.

5.3.3. Section 3.14 seeks to control the density of development in the rural area. Where the Single Rural Dwelling Density exceeds 30 units per square kilometre there will be a presumption against further one-off houses. Where these higher densities arise, additional one-off housing would only be acceptable in very exceptional circumstances.

5.3.4. Using the Single Rural Dwelling Density Toolkit in Appendix 11 of the Plan, I calculate that the area surrounding the subject site has a residential density of 37 units per square kilometre.

5.3.5. The site is in the Eastern Transition Character Area (LCA). As per Table 13.1 of the Plan, this LCA has a ‘Medium Sensitivity’, with capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localized sensitivity factors. The Eastern Transition LCA has a ‘Medium’ capacity to accommodate Rural Housing development, as per Table 13.3.

5.3.6. Relevant rural housing policies and objectives include:

- Policy HO P11 - It is the policy of the Council 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.

- Policy HO P12 It is the policy of the Council 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. Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.
- Policy HO P13 It is the policy of the Council 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.
- Policy HO P14 - The Council will seek to resist further development which would serve to extend ribbon development, save in circumstances where a “gap site” is evident within the existing ribbon pattern, where one individual dwelling is proposed. Such proposals will be considered, regardless of the density of the area, only in the following circumstances:
 - i. The applicant can demonstrate an Economic or a Social Need (as outlined in Table 3.4),
 - ii. existing or shared accesses are used where practicable, and it is demonstrated (through the submission of documentary evidence) that no alternative site exists outside of the ribbon where the development is proposed.
 - iii. a ‘Gap Site’ is defined as a site located within a line of existing and permitted dwellings, where one dwelling only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap between existing and permitted dwellings.
 - iv. All other technical considerations are addressed. Proposals for development which would extend the ribbon will not be considered under this policy.

- 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 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.
- Policy HO P27 requires that proposed on-site wastewater systems accord with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2021).
- Policies HO P30, HO P32 and Objectives BI O26, HO O51 and HO O52 require the provision of safe and appropriate entrances to rural dwellings, and to prevent extensive removal of hedgerow. Rural boundaries should be retained or replaced, where necessary. This matter is further addressed in Chapter 15 Development Management Standards, Section 15.7.5 – Stopping Distances and Sightlines.
- Objective HO O59 - It is an objective of the Council 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. It is stated that the sq. km. shall be measured from the centre point of the application site.

5.3.7. Appendix 4 to the CDP comprises the Kildare Rural Housing Design Guide. Section 2.4 includes the following guidance on what to avoid in site selection:

- Sites that require more than one new boundary.
- Sites carved out of larger fields as this has a significant visual impact.
- Sites which could lead to the eventual merging of individual settlements and contribute to ribbon development and urban sprawl.

5.4. Ministerial Guidance

Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

- 5.4.1. The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.
- 5.4.2. Appendix 4 of the Guidelines recommends against ribbon development for reasons of road safety, demands for public infrastructure and visual impacts. The example for ribbon development given in these Guidelines is the provision of 5 or more houses on one side of a given 250 metres of road frontage.
- 5.4.3. Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:
- The type of rural area and circumstances of the applicant,
 - The degree to which the proposal might be considered infill development, and
 - The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

5.5. Natural Heritage Designations

- 5.5.1. The site is not on or immediately adjacent to any European Site. The nearest European Site is the Red Bog, Kildare SAC (Site Code: 000397), which is located approximately 6.5km to the south.

5.6. EIA Screening

- 5.6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development,

therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party appeal has been received from Whyte Planning Consultants Limited, for and on behalf of the Applicant, Ciaran Behan, against the decision of Kildare County Council to refuse planning permission for the proposed development. The grounds of appeal can be summarised as follows:

- It is submitted that the previous reasons for refusal have been addressed.
- Request a definitive assessment on the interpretation of a gap site by Kildare County Council.
- A positive presumption should have been afforded to the Applicant based on accepted local need, use of an existing access, and revised house type.
- The Planning Authority refer to potential further development of the site, but this is not the case.
- The site is being donated by the Applicant's uncle, indicating that the landowner's immediate family have no desire to build here.
- It is unfairly negative for the Applicant to be refused on a decision making thought process that will most probably never happen, and any future application could be refused by the Planning Authority.
- The preservation of the hedgerow in a semi-urban area (proximity to M7 and large petrol station) has been overstated. The hedgerow is of no extraordinary quality or importance that can't be replaced.
- On another site where permission was refused consistently due to the amount of hedgerow requiring removal, the hedgerow was removed without consent and planning permission was then granted.
- The Applicant has been advised against taking similar action, which they now regret. They are being punished by the denial of permission for proposing to

remove and replace a hedgerow when others have removed hedgerows and been rewarded with permission.

6.2. Planning Authority Response

6.2.1. The circumstances of the precedent referred to by the Applicant (hedgerows being removed without the Council's consent), are completely different to those of the subject site. The Planning Authority reiterate that each application should be considered on its own merits. The Commission is referred to the Planner's Report.

6.3. Observations

6.3.1. None.

7.0 Assessment

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

- Site Characterisation
- Density
- Access and Hedgerows
- Other Matters

7.2. Site Characterisation

7.2.1. Central to the appeal is the determination on whether or not the site constitutes a gap site. It is the position of the Planning Authority that the scale and frontage of the site is such that it could accommodate multiple dwellings, and that this undermines the gap site provision which allows for a single dwelling within a clearly defined and limited space between existing and permitted houses. The Planning Authority consider that the fragmentation of the land and the potential for future development is not consistent with the definition or intent of the gap site provision.

- 7.2.2. The Applicant maintains that the site is a gap site as it is a site where only one house will be accommodated, as stated in the policy, and that it is irrelevant whether the site can accommodate further housing. The Applicant therefore refutes the concerns of the Planning Authority regarding potential future development, noting that the Applicant's uncle has donated the site, indicating that his immediate family have no desire to build there, and that the Planning Authority can refuse future applications in any event.
- 7.2.3. At the outset I would note the precedent example provided by the Applicant, however, having reviewed this I am not of the view that it is comparable. I also note the Applicant's view that the site is semi-urban on the basis of the proximity of the N7 and a large Circle K Petrol Station to the west. Although I acknowledge the existing ribbon of dwellings, the proximity of the N7 and the petrol station (which further west and only accessible from the N7), I consider that the site environs are primarily rural.
- 7.2.4. Policy HO P14 seeks to resist further development that would extend ribbon development except in circumstances where a gap site is evident in the existing ribbon pattern, where one dwelling is proposed. The policy states that such proposals will be considered, regardless of the density of the area, only in specific circumstances (i-iv). Criteria (iii) defines a gap site as a site within a line of existing and permitted dwellings where one dwelling only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap.
- 7.2.5. I note that the policy makes reference to a gap in the existing ribbon pattern. This should be considered in addition to criteria (iii). It is my opinion that a gap site, in a rural housing context, generally constitutes a small or moderately sized infill site between existing dwellings, which cannot reasonably accommodate more than one dwelling and where there is no realistic capacity for further subdivision, having regard to the surrounding pattern of development.
- 7.2.6. In the context of the provision of a single dwelling, the subject site is considerable in size at 0.67 hectares. Whilst that in and of itself is not entirely objectionable, the site area and form, together with the extensive road frontage, which I measure to be c. 123m, is clearly of a scale that could accommodate multiple units and facilitate further subdivision, which contrary to the intent of the gap site provision as well as being discordant with the existing pattern of development. I therefore agree with the Planning Authority that the subject site would not constitute a gap site, regardless of the fact

that the Applicant's intention is to provide one dwelling and, for the reasons set out above, I share the concern regarding potential future development.

- 7.2.7. In my opinion, the development would undermine the policy intention to control ribbon development. If approved, the development would not only extend the existing ribbon, but it would also effectively coalesce the existing ribbon to the west and the cluster of dwellings further to the east, thereby consolidating and contributing to further sprawl and the build-up of ribbon development in the rural area. The proposal would also lead to increasing demands for facilities and services which would result in unsustainable patterns of development. I consider that the proposal should therefore be refused.

7.3. **Density**

- 7.3.1. The Planning Authority state that there is an excessive density in the area and that the failure of the site to meet the spatial and contextual criteria of a gap site is such that the proposal would be contrary to policies HO P14, HO P26 and Planning Objective HO O59.
- 7.3.2. The Applicant does not address the matter of density directly in their submission outside of the gap site argument. I note that rural housing density is not a consideration under policy HO P14 if the subject site meets the definition of a gap site. Having regard to the forgoing, this dispensation would not apply.
- 7.3.3. Objective HO O59 states that the Council will 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. From the information available to me on file, this dispensation would not apply to the Applicant either. Having review the density toolkit in Appendix 11 of the CDP, I calculate that there are 37 dwellings within a 1.00 km² radius of the site, despite the area having capacity for only 30 dwellings.
- 7.3.4. Having regard to the site characteristics and the existing density of the area, I am of the opinion that the proposal would contribute to the excessive density of development and overdevelopment of a rural area, contrary to the provisions of the CDP.

7.4. **Access and Hedgerows**

- 7.4.1. The Planning Authority's third reason for refusal relates to site access and the Applicant's proposal to remove hedgerows in order to provide vehicular sightlines from the site entrance. It is the position of the Planning Authority that the removal of 24 metres of hedgerow to provide a 45m sightline would be unacceptable. The Council's Roads Section have determined that sightlines of 70m would be more appropriate given the primary rural nature of the area and this would require further hedgerow removal.
- 7.4.2. The Applicant considers that the preservation of a hedgerow in a semi-urban area has been overstated and the hedgerow is of no extraordinary quality or importance that can't be replaced. The Applicant makes reference to another site where permission was refused consistently due to the amount of hedgerow requiring removal and then permission was granted following the removal of the hedgerow without permission.
- 7.4.3. I do not consider the Applicant's precedent example to be reasonable, given that works were undertaken without the necessary permissions. I note the Applicant's view that the site is semi-urban. Whilst I acknowledge the proximity of the N7 and a petrol station which is more distant to the west and only accessible from the N7, in addition to the ribbon residential development, the site environs are primarily rural.
- 7.4.4. In terms of sightlines, the approach taken by the Applicant is derived from the Design Manual for Urban Roads and Streets. From my site inspection I have concerns regarding the point from which the Applicant has measured the sightlines, and I consider the point 2.4 m back from the edge of the road to be further back than indicated on the plans. In any event, I would agree with the Roads Section that increased sightlines of 70m would be appropriate in this rural context, at least to the east where it was clear from my site inspection that vehicles approaching from that direction are generally travelling at speeds greater than the 50kph designation. This would be in line with TII guidelines and would require the removal of between 60m and 65m of hedgerow, which I agree would be excessive, having regard to the surrounding context and the lack of justification.

7.5. **Other Matters**

- 7.5.1. The Commission will note the concerns raised by the Environment Section regarding the Site Suitability Assessment and information to support the implementation of the wastewater treatment system. In my opinion these matters are not so significant that

they would warrant refusal in their own right, and they do not indicate that the site is not suitable for the treatment system proposed. I am satisfied that a suitable wastewater treatment system could be provided on the site and that the matters raised by the Environment Section could be dealt with by way of Further Information in the event that permission is granted.

8.0 AA Screening

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 6.5km to the south of the Red Bog, Kildare SAC (site code 000397). The development comprises a single dwellinghouse, as set out in Section 2.1 of this report. No specific appropriate assessment issues were raised as part of the appeal. I note the matters raised by the Council's Environment Section regarding inconsistencies in the site Suitability Assessment however this could be addressed by way of further information and has no determinative impact on the Appropriate Assessment Screening. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and small scale of the works.
- The significant separation distance from the nearest European site and lack of viable connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

9.1. There are no water courses within the appeal site or immediately on its boundaries. There is a low volume watercourse on the opposite side of the L-2014 Local Road to

the south of the site. The proposed development comprises a single dwellinghouse. No specific water deterioration concerns were raised in the planning appeal although I note the points raised by the Council's Environment Section regarding the site suitability assessment and water treatment system. These matters could be dealt with by way of Further Information in the event that the Commission are minded to grant permission. 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works.
- The proposed treatment system and the ability to deal with drainage on site.
- The lack of direct hydrological connections.

9.3. 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

10.1. I recommend that the Commission refuse planning permission for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1. Having regard to the size, form and extensive road frontage of the subject site, the existing ribbon pattern, and the layout of the proposed development, it is considered that the site has the capacity to accommodate multiple dwellings

and further subdivision and as such would not constitute a 'gap site'. The development would lead to the extension of the existing ribbon thereby consolidating and exacerbating further sprawl and the build-up of ribbon development in the rural area. The development would therefore be contrary to Policies HO P13 and HO P14 of the Kildare County Development Plan 2023 – 2029 and the proper planning and sustainable development of the area.

2. Having regard to existing development in the area and the current rural housing density, it is considered that the subject development would contribute to an excessive concentration of housing and overdevelopment of a rural area and would, therefore, contravene Policy HO P26 and Objective HO O59 of the Kildare County Development Plan 2023-2029. The proposed development would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information submitted with the application, it is considered that the Applicant has failed to demonstrate that adequate sightlines can be achieved without the removal of an extensive length of mature hedgerow that would screen the development. The proposed development would therefore be contrary to Objective HO O51 of the Kildare County Development Plan 2023-2029 and the proper planning and sustainable development of the area.

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

Terence McLellan

Senior Planning Inspector

21st January 2026

Form 1 - EIA Pre-Screening

| | |
|---|--|
| Case Reference | PL-500023-KE |
| Proposed Development Summary | Construction of a single storey detached bungalow. |
| Development Address | Kilwarden, Kill, County 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. | |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required. | |

| | |
|--|----------------------------------|
| | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) | Class 10 (b) (i) >500 dwellings. |

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

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| Case Reference | PL-500023-KE |
| Proposed Development Summar | Construction of a single storey detached bungalow |
| Development Address | Kilwarden, Kill, County Kildare |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>The proposed development would provide a new dwelling. It would generally be consistent with the scale and appearance of other dwellings in the area.</p> <p>No demolition works would be required. Construction materials and activities would be typical for a residential development of this nature and scale.</p> <p>The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Environmental Management Plan.</p> <p>In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature.</p> <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p> |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | <p>The site is not located within, or immediately adjoining, any protected areas. The development would not have the potential to significantly impact on any ecologically sensitive site or location. The proposal would not give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or</p> |

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| | <p>nuisances that differ significantly from that arising from other small scale residential developments for single dwellings.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</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, cumulative effects and opportunities for mitigation).</p> | <p>All development has the potential for a degree of disturbance/nuisance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions.</p> |
| 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. |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)