



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500219-KE-25

---

<b>Development</b>	<b>Sub-division of site to facilitate house and garage with associated works.</b>
<b>Location</b>	<b>Barrogstown, Maynooth, Co. Kildare</b>
<b>Planning Authority</b>	<b>Kildare County Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>2560935</b>
<b>Applicant(s)</b>	<b>Sarah Holmes</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Refuse Permission</b>
<b>Type of Appeal</b>	<b>First Party Normal Planning Appeal</b>
<b>Appellant(s)</b>	<b>Sarah Holmes</b>
<b>Observer(s)</b>	<b>Breda Holmes</b>
<b>Date of Site Inspection</b>	<b>11<sup>th</sup> of February 2026</b>
<b>Inspector</b>	<b>Elaine Sullivan</b>

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Third Party Observations .....	7
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations .....	12
5.3. EIA Screening .....	13
6.0 The Appeal .....	13
6.1. Grounds of Appeal .....	13
6.2. Planning Authority Response.....	14
6.3. Observations.....	14
7.0 Assessment.....	15
8.0 AA Screening.....	23
9.0 Water Framework Directive Screening .....	23
10.0 Recommendation .....	24
11.0 Reasons and Considerations.....	25
12.0 Conditions .....	25
Appendix 1 – Form 1: EIA Pre-Screening	

## 1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Barrogstown which is c. 0.8km to the east of the settlement boundary of Maynooth. It has a stated area of 0.374 ha and is in a rural area characterised by one off housing and agricultural land. The site forms part of the garden associated with the dwelling to the southwest. Access to the site is from the local road known as Obelisk Lane. Connolly's Folly (also referred to as Connolly Obelisk) is located to the northeast of the application site and is c.50m from the site boundary. This monument is listed on the RPS as Connolly Obelisk\* (Ref. B11-16) and is also a national monument. The front boundary of the site is defined by hedgerow and trees with mature trees and planting throughout and surrounding the site.
- 1.2. (\*Note – As the monument is listed on the Record of Protected Structures as Connolly Obelisk, I will use this name throughout the report).

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the sub-division of existing family site and the construction of a single storey bungalow of 266 sqm with a single storey detached domestic garage of 32sqm.
- 2.2. Access to the site would be from the existing entrance to the family home from Obelisk Lane.
- 2.3. A new wastewater treatment system would be installed on the site and would comprise a secondary effluent treatment system with soil polishing filter and pump discharge network.
- 2.4. I note to the Commission that the grounds of appeal proposed an alternative location for the polishing filter which is approximately 15m to the west of the originally proposed location.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority (PA) issued a notification of decision to refuse permission for the development for four reasons, which relate to contribution of the proposal to increases rural density and ribbon development, the encroachment of the development into the curtilage of a protected structure and the lack of information submitted for the on-site, wastewater treatment system.

The full text of the refusal reasons is as follows:

- 1. Objective HO O59 of the Kildare County Development Plan 2023-2029 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, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.” In conjunction with the level of existing development in the vicinity which is measured at over 30 units per square kilometre, it is considered that the proposed development would exacerbate an excessive density of development in this rural area, would contribute to the increasing suburbanisation of the area. The proposed development would materially contravene Objective HO O59 and Policy HO P26 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 HOP13 of the Kildare County Development Plan 2023-2029 discourages ribbon development (defined as five or more houses alongside 250 metres of road frontage). Taken in conjunction with the existing level of development in this rural area and the proposed location of this development in a long ribbon of single houses along a local road, the proposed development would give rise to the creation of ribbon development and the extension of linear development which would erode the rural amenities of the area. The proposed development if permitted would be contrary to the provision of policy HOP13 of the Kildare County Development Plan 2023-*

*2029 and would therefore be contrary to the proper planning and sustainable development of the area.*

- 3. The northeastern part of the application site is located within both the protected area and the protected views of the axial views between Castletown House and the Conolly Folly Obelisk. It is considered the proposed development encroaches on the designed landscape associated the protected structures of Conolly Folly, Obelisk B11-16 and Castletown House B11-13 and therefore contravenes objectives AH O25 and AH O31 of the Kildare County Development Plan 2023-2029 would be contrary to the proper planning and sustainable development of the area.*
- 4. The Applicant has not demonstrated by virtue of submitting the relevant details in relation to proposed polishing filter, that the site is suitable for a domestic wastewater treatment system. Due to the lack of information submitted, to permit the development in the absence of appropriate documentation would be contrary to the provisions of Policy HO P27 of the Kildare County Development Plan 2023-2029 which 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 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. The proposed development as submitted would therefore be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

The report of the planning officer (PO) dated the 6<sup>th</sup> of October 2025 informed the decision of the planning authority (PA) and included the following,

- The site is in 'Zone 1 – Area Under Strong Urban Influence', (as shown in Map V1-3.1, Chapter 3 of the Development Plan), and the application was assessed against the rural housing policy in Section 3.13.3.

- The PO was satisfied that the applicant had demonstrated that they had sufficient housing need under *Category B – Social*, as they complied with category (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.*
- The PO calculated the prevailing rural density within a 1km radius of the site to be c. 38 uph. They considered this to be excessive and above the recommended rural density of 30 uph (as per Objective HOO59).
- As the proposed house would be the 8<sup>th</sup> dwelling within 250m on one side of the road, the PO considered that the proposal would represent an extension of existing ribbon development which would be contrary to policy HOP13 of the development plan.
- The contemporary design approach was generally welcomed but the mono-pitched roofs, elongated side elevations and the number and proportion of windows along the southern elevation was considered inappropriate.
- The northeastern part of the application site (where the percolation area is to be located) is within the curtilage of the Connolly Obelisk protected structure (RPS Ref. B11-16) and within the protected axial view between Castletown House and the Connolly Folly Obelisk.
- The PO considered that the location of the polishing filter encroaches on the designed landscape associated with the protected structures of Connolly Obelisk and Castletown House. Although the PO acknowledged that the development will not have a visual impact, they considered that the principle of development would undermine the historic setting and would therefore be contrary to objectives AH O25 and AH O31, which seek to preserve views to and from Castletown House and to protect designed landscapes associated with protected structures.
- Further information was requested regarding the wastewater treatment system and the polishing filter.

### 3.2.2. Other Technical Reports

- Water Services Department – No objection.

- Transportation, Mobility and Open Spaces Department – No objection.
- Environment Section – Further information requested regarding the invert level of the polishing filter. A cross-section of the proposed polishing filter was requested.

### 3.3. Third Party Observations

- No observations.

### 4.0 Planning History

- No recent planning history found.

### 5.0 Policy Context

#### 5.1. Development Plan

The **Kildare County Development Plan 2023-2029** (KCDP) is the current statutory plan for the county and the subject site.

The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.

Policies and objectives marked with an Asterix\* are cited in the PA's reasons for refusal.

The Commission should consider inter alia the following:

#### **Designations -**

The appeal site is in a rural area outside the settlement boundary of Maynooth. The rural area is designated as *Zone 1 – Area Under Strong Urban Influence*.

There is a protected structure to the northeast of the site, Conolly Obelisk, RPS Ref. B11-16. (This structure is also designated as a national monument).

Part of the site is located within both the Protected Area and Protected View between Castletown and Donaghcumper (Objective AH O24 / Map V1 – 11.2).

## Chapter 3 – Housing

### Section 3.13 – Sustainable Rural Housing

The appeal site is in a rural area that is categorised as ‘*Zone 1 – Area under Strong Urban Influence*’.

In Zone 1 areas, 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 to live in a rural area and build their home, and,
- siting, environmental and design criteria for rural housing in statutory guidelines and plans having regard to the viability of smaller towns and rural settlements and the provision and availability of serviced sites in these areas.

**Section 3.13.3 – Compliance with the Rural Housing Requirements**, defines Economic and Social need as follows,

Economic - A person (or persons) who is (are) actively engaged in farming/agricultural activity on the landholding on which the proposed dwelling is to be built, meeting either of the following:

- (i) A farmer of the land or son, daughter, niece or nephew of the farmer who it is intended will take over the operation of the family farm.  
  
or
- (ii) An owner and operator of farming/horticultural/forestry/bloodstock/animal husbandry business on an area less than 15ha, who is engaged in farming activity on a daily basis, where it is demonstrated through the submission of documentary evidence that the farming/agricultural activity forms a significant part of their livelihood, including but not limited to intensive farming.

Social - (i) A person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build.

Table 3.4 of the development plan contains the ‘*Schedule of Local Need Criteria in accordance with the NPF (NPO 19)*’. Under the provisions of Table 3.4, the

applicant was considered to qualify under **Category B (i) – Social** – where *‘Applicants must have grown up and spent 16 years living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding’*.

**3.13.4 – Siting and Design** – requires new rural houses to comply with the Kildare Rural Housing Design Guide (Appendix 4 of the Development Plan)

**Policies –**

HO P12 - Ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment. Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.

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

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.

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.

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.

#### **Objectives –**

HO O50 - Require that new dwellings incorporate principles of sustainability and green principles in terms of design, services and amenities with careful consideration in the choice of materials, roof types (i.e. green roofs), taking advantage of solar gain/passive housing and the provision of low-carbon and renewable energy technologies as appropriate to the scale of the development and to support microgeneration in all residential, commercial, agricultural and community development planning. Other sustainable principles could include the use of Sustainable Urban Drainage Systems (such as attenuation ponds and grass lined swales), the use of gravel or grasscrete rather than permanent paving/tarmac for driveways, landscaping and planting for biodiversity/pollinators and adequate waste segregation and storage space, as set out in Section 15.4 of Chapter 15 (Development Management standards) and the Rural House Design Guide contained in Appendix 4.

HO O53 - Retain, sensitively manage and protect features that contribute to local culture heritage and distinctiveness including;

- heritage and landscape features such as post boxes, pumps, jostle stones, etc.
- hedgerows and trees,
- historic and archaeological features and landscapes,
- water bodies,
- ridges and skylines,
- topographical and geological features and,
- important scenic views and prospects.

### **Section 3.14 – Rural Residential Density**

The Development Plan uses Single Rural Dwelling Density (SRDD) to measure the level of development in a rural area and as a quantitative assessment of the capacity of the area for additional housing.

In general, SRDDs of less than 15 units per square kilometre will be acceptable. Where the density exceeds 30 units per square kilometre there will be a presumption against further one-off houses.

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

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

\*HO O59 - Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the

applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.

### **3.15.1 – Domestic/On site Wastewater Treatment Systems**

\*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.

## **Chapter 11 – Built & Cultural Heritage**

\*AH O25 - Maintain the views from Castletown House to the River Liffey and to protect the integrity of the designed landscape at Castletown Demesne, including the pathways, avenues, and the following views:

- Axial views between Castletown House and the Conolly Folly, Obelisk.
- Views between Castletown House and the Wonderful Barn including the trees and natural growth areas within same.
- Views from the House to the river and across the back parterre
- Views across the river and to the linked demesnes of Donaghcumper and St. Wolstans.
- Views from the main avenue to, and across, the river towards Castletown, and up and down the river to Celbridge and New Bridges. ensuring development does not inappropriately encroach on same.

\*AH O31 - Protect the designed landscapes associated with protected structures and retain important elements of the built heritage including historic gardens, stone walls, pathways, and avenues within the curtilage and attendant grounds of protected structures.

## **5.2. Natural Heritage Designations**

5.2.1. No natural heritage designations apply to the subject site.

5.2.2. The closest proposed Natural Heritage Area (pNHA) is the Rye Water Valley/Cartron, which is approximately 1.3km to the north of the site. The Rye Water Valley SAC (Site Code 001398) is within the same site and is also the closest designated European Site.

### 5.3. EIA Screening

5.3.1. 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

The grounds of appeal include the following,

- The applicant is of the opinion that refusal reasons 1 and 2 (which relate to rural density and ribbon development) are intrinsically linked and submits that the site could be categorised as a suburban area given its proximity to services such as mains water, broadband and mains gas. The appeal notes that the public footpath to Maynooth is within 300m and there are 2 bus stops at Obelisk Lane within 300m of the site.
- This would be the last house on this side of the road as Connolly's Obelisk to the east forms a natural barrier to further development.
- Regarding the material contravention of Objectives HO 059 and HO P26, the applicant submits that the application of density is not a rigid tool and allows for some flexibility. Page 84 (Section 3.14 – Rural Density) of the Development Plan is referenced in this capacity.

- It is put forward that the proposal is a consolidation of one-off housing in the area and is consistent with the prevailing pattern of development in the area.
- The applicant does not agree that the proposed development would have a visual impact on the setting of the protected structure to the east and the protected view between Castletown House and Connolly's Obelisk.
- To support this argument, the applicant submits that 'considerable' development, including national and local roads, exists within the corridor of the protected view. The encroachment of the development into this area would comprise a sub-surface percolation area to be installed in a mature garden, which would not be visible.
- It is possible to avoid encroachment into the corridor of the protected view by moving the percolation area outside of the area, should this be required. Drawing No. SH/PLN-002A was submitted with the appeal and shows an alternative percolation area approximately 15m to the south-west of the original area.
- Regarding the proposed wastewater treatment system, the applicant states that no water table was encountered on the site during site investigations. They also note that the 'omission' (their emphasis) of a section through the percolation area is not a requirement of the planning process but to address concerns one has been included in the appeal.

## 6.2. Planning Authority Response

- No further comments on the appeal. The PA request that the Commission refer to the report of the Planning Officer.

## 6.3. Observations

One observation received from the mother of the applicant and the owner of the site to be subdivided.

- The submission states that, the site is available and serviced and due to ongoing medical reasons, it would be beneficial to have their daughter and family live in close proximity.

## 7.0 Assessment

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

- Rural Housing Policy
- Density & Ribbon Development
- Rural House Design
- Architectural Heritage
- Wastewater Treatment

### 7.2. Rural Housing Policy / Housing Need

7.2.1. The subject site is in a rural area that is categorised in the development plan as *'Zone 1 – Area Within Strong Urban Influence'*. As the site is on unzoned land in a rural area the proposed development is subject to assessment under Section 3.13.3 of the development plan, *'Compliance with Rural Housing Requirements'*. The applicant presented their case for rural housing need under 'Social need', which is defined in the development plan as *'A person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build'*. Table 3.4 of the development plan further categorised rural housing need in accordance with the NPF (NPO 19). (I note to the Commission that the NPF was revised and amended in 2025 under the *NPF First Revision*, and NPO 19 was replaced with NPO 28).

7.2.2. The applicant submitted their application under Category B(i) of Table 3.4, which is for 'Social' need, and relates to *'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'*. To comply with Category B, applicants in Zone 1 must have grown up and spent 16 years living in rural Kildare and wish to build on the family landholding. To support their application, the applicant submitted documentary evidence that included, Land Registry documents providing folio and land transfer details, Birth Cert, Baptismal Cert, letters from local Primary and

Secondary schools, tax documents, life insurance statements and bank statements. I am satisfied that the applicant has sufficiently demonstrated that they comply with the requirements of the Kildare County rural housing policy as contained in Section 13.3.3 of the development plan and that they comply with the requirements of Category B (i) of the Local Need Criteria as contained in Table 3.4 of the development plan. I note that the PA were also satisfied that the applicant had demonstrated a 'social need' for rural housing under the requirements of the development plan.

- 7.2.3. Notwithstanding the qualification of the applicant for rural housing need, the development plan states that housing need will be considered together with the protection of key economic, environmental, natural and heritage assets, such as the road network, water quality, sensitive landscapes, habitats, and the built heritage. Applicants will be expected to comply with all other requirements of the plan and demonstrated that the development would not prejudice the environment and the rural character of the area. The issues raised by the PA will be examined in the following sections of the report.

### 7.3. **Density & Ribbon Development**

- 7.3.1. In the first reason for refusal, the PA considered that the development would contribute to an excessive rural density which would be over the recommended 30 units per square kilometre (upkm) for rural areas. As such the PA thought that the development would materially contravene the following objective and policy,
- **Objective HO 059** - which restricts rural density to 30 upkm unless the applicant is engaged in agriculture or heavily dependent on the land and,
  - **Policy HO P26** - which entails the consideration of rural housing through the 'Single Rural Dwelling Density' Toolkit, (Appendix 11), which requires applicants to demonstrate that no significant negative environmental effects will occur whilst having regard to the existing density of development in the area and the degree and pattern of ribbon development in the area.
- 7.3.2. The second reason for refusal relates to ribbon development. The PA considered that the proposal would result in an extension of ribbon development in the area

which would erode the rural amenities of the area and which would be contrary to **Policy HO P13** which seeks to restrict development that would exacerbate or extend an existing pattern of ribbon development.

7.3.3. I consider the issues raised regarding density and ribbon development to be intrinsically linked within the subject development and will address them together.

7.3.4. Using the toolkit in **Appendix 11**, the PO calculated that the density within 1km of the subject site was c. 38 upkm. They also noted that the proposed house would be the 8<sup>th</sup> dwelling within one side of the road which would result in an extension of linear development in the area. Having visited the area and reviewed the planning maps available, I agree with the calculation of density and that Obelisk Lane has been subject to linear (ribbon) development. However, with regard to density, I consider **Policy HO P14** to be relevant. **Policy HO P14** allows for circumstances where development can occur where a 'gap site' is evident within the existing ribbon pattern. **Policy HO P14** states that such proposals will be considered regardless of the density, where;

- the applicant can demonstrate economic or social need,
- that existing or shared accesses are used where practicable and no alternative site exists outside the 'ribbon',
- the gap site is located in a line of existing and permitted dwellings, where one dwelling only will be permitted and where the site fully occupies the gap,

7.3.5. In the subject proposal, the applicant has demonstrated social need for rural housing. The proposal would share an existing access from Obelisk Lane and, as the site is part of the family landholding, no other site exists. Although the policy specifically references a 'gap site' between dwellings, I consider the location of the subject site to qualify as a 'gap site'. It is in a side garden that extends to the site boundary with the Connolly's Obelisk, which 'bookends' development on the southern side of the road. Whilst the Obelisk is not a house, it is a physical structure within the landscape that has defined boundaries and which acts as a natural end to the development on this side of the road. Its status as a national monument and protected structure also makes it unlikely to be altered or developed. As the subject site is a side garden that extends to the boundary of the adjoining site, the single additional dwelling would occupy the full gap.

7.3.6. Whilst I acknowledge that there is an existing linear / ribbon pattern of development along Obelisk Lane, and that **Policy HO P13** of the development plan seeks to prevent an extension of linear development in rural areas, I consider the subject site to be a 'gap site' in the existing pattern of development on the lane as it is within existing development. For this reason, I am satisfied that the provisions of Policy HO P14 apply to the subject development and that the proposal can be considered under this policy which also allows for flexibility on rural density.

#### Material Contravention

7.3.7. Whilst the proposed development may be contrary to **Objective HO 059** and **Policy HO P26** which relate to rural density, I am satisfied that it can be considered under the provisions of **Policy HO P14** as it relates to a 'gap site'. As the development can be considered under a separate policy, I do not agree with the conclusion of the PA that the proposal materially contravenes **Objective HO 059** and **Policy HO P26** which relate to rural density. **Policy HO P14** clearly states that proposals for 'gap sites' will be considered regardless of the density subject to qualification with housing need, shared access and lack of availability of alternative sites. As the site is a 'gap site' additional density can be considered. The proposal would infill existing development on the road. Whilst the proposal may be contrary to one policy / objective, it is in accordance with another and therefore should be assessed under the relevant policy and/or objective.

#### 7.4. Rural House Design

7.4.1. Appendix 4 of the KCDP contains the Rural House Design Guide, against which all proposals for one off house are assessed. The report of the PO was generally satisfied with the design of the proposed house. They considered the single storey nature of the dwelling to be acceptable and welcomed the contemporary approach to design. However, they considered the design details of two mono-pitched roofs, the elongated side elevations and the number and proportion of windows along the southern elevation to be 'not entirely appropriate'.

- 7.4.2. The proposed development would utilise the substantial side garden of the applicant's family home. As such the site location and selection considerations are fixed. The site is open and generally level in nature with large trees and mature planting in place along the boundaries. This planting will remain in place and provide some visual screening from the road and the adjacent Obelisk site. The subject site is long and whilst the house is substantial in size, it would be easily accommodated in the landscape. I consider the contemporary design approach to be appropriate for the context of the site. The single storey height and fragmented built form are also acceptable. I note the concern of the PO regarding the double mono-pitch roof, but I do not share a concern regarding the roof type or building form. Two different external finishes are shown to the front elevation with charred timber proposed to the front of the western volume and render to the eastern section. The mix of finishes will break up the overall visual massing of the house and would provide an interesting finish.
- 7.4.3. Although I am generally satisfied with the scale, form and design of the house, I would have a concern that the internal layout and design do not maximise the solar gain to be had from the open rural site. Windows on the south-facing elements are limited in size, and the west-facing elevation contains a series of narrow windows which light a corridor rather than providing evening light to internal living spaces. Whilst the provision of two distinct built volumes is a definite design choice, I would question the value of providing a blank wall along the internal elevation of the eastern volume which could restrict the amenity value of the external space. Internal and external courtyards are most successful when both sections of the built form can interact and address them. Neither volume can access or address the external space and as such it's function is unclear. However, I note that that the application does not include all design considerations that informed the overall layout and I do not consider the points raised, which relate mainly to the internal layout, to be a reason for refusal. I also note that the design of the house did not form part of the PA's reason for refusal. Overall, I consider the design of the house to be in accordance with the principles contained in the Appendix 4 of the KCDP.

## 7.5. Architectural Heritage

- 7.5.1. The subject site adjoins Connolly Obelisk, which is a protected structure, (**RPS Ref. B11-16**) and a recorded monument, (**RMP No. KD011-040**). Part of the site is located within both the Protected Area and Protected View between Castletown and Donaghcumper (**Objective AH O24 / Map V1 – 11.2**). In the third reason for refusal, the PA considered that the development would encroach on the designed landscape associated with the protected structures of Connolly Obelisk and Castletown House and would contravene objectives **AH O25**, which seeks to protect views between Castletown and the Obelisk, and **AH O31**, which seeks to protect designed landscapes associated with protected structures.
- 7.5.2. Development plan **Map V1-11.2 - Protected Area Castletown – Donaghcumper** shows the views to be preserved from Castletown House and the extent of the area to be protected. A portion of the subject site is within the protected area in the map. This portion of the site would contain the polishing filter for the house. The house itself would be outside of the area. The polishing filter would comprise an area of 90m<sup>2</sup> which was initially shown in the south-eastern corner of the site. Documents submitted with the application do not specify if the polishing filter will be at ground level or raised. However, Drawing SH/PLN-002Y, submitted with the appeal, indicates that the polishing area will be slightly above ground level, (c. 10cm).
- 7.5.3. The garden of the existing house on the site has been extensively landscaped with many mature trees in place throughout the site and along the eastern boundary with the protected structure. These trees will remain in place during the build and will form part of the landscaping for the new house. I am satisfied that the polishing filter will not result in any visual impact on the character or setting of the adjoining protected structure and recorded monument. The Obelisk itself is surrounded by mature trees and dense shrubs which provides a central setting for the structure. The trees on the subject site complement the existing treeline and provides screening from the adjoining site. I am also satisfied that the polishing filter would not have an impact on the protected views from Castletown House to the Obelisk as the polishing filter would not be visible outside of the site itself or possible within the site. I note that the PO accepted that the works would not have a visual impact on the protected view but raised a concern that a precedent for development would be set within the view corridor / protected area. Given the nature of the works, which

comprise ground works that will be covered up, I am satisfied that the proposal would not set a precedent for development within the protected area. However, should the Commission disagree with my conclusion, the applicant has submitted **Drawing SH/PLN-002A** with the appeal which proposed an alternative location for the polishing filter. The applicant has demonstrated that the polishing filter can be accommodated in an area approximately 15m to the west of the original location and outside of the protected area.

## 7.6. Wastewater Treatment

- 7.6.1. The site would be served by an onsite wastewater treatment system comprising a packaged Secondary Treatment System with a soil polishing filter of 90m<sup>2</sup>. Water would be supplied to the site from the public mains water system, and the surface water drainage would be dealt with in the site via a soak pit. An internal report from the Environment Department requested further information regarding the level of the polishing filter and the submission of a cross section drawing of the proposed polishing filter in accordance with the EPA Code of Practice (CoP). In the fourth reason for refusal, the PA considered that there was a lack of information to demonstrate that the site was suitable for a wastewater treatment system, which is contrary to Policy **HO P27**.
- 7.6.2. A Site Characterisation Form (SCF) was submitted with the application and was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). In Section 2.0 of the SCF the underlying aquifer is stated as a *'LI – Locally Important – Bedrock which is Moderately Productive only in Local Zones'*. However, the GSI maps show the site underlain with a *'PI – Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones'*. The SCF also has two results for the vulnerability of the aquifer; the box for 'Low' vulnerability is ticked but the comments state that the vulnerability is 'High'. GSI maps show a 'High' vulnerability for the site. Notwithstanding the conflicting results, the groundwater contamination response remains the same in both scenarios and is categorised as, *'R1 – Acceptable subject to normal good practice'*.
- 7.6.3. The groundwater body is the Dublin groundwater body, which has a 'Good' status in the Water Framework Directive (WFD). During the site investigations a trial hole was

dug to a depth of 2.1m and bedrock was not encountered. The topsoil and upper horizon of subsoil were found to be 'clayey' with low sand content and relatively uncompacted soil, which indicated good soakage. The lower subsoil is silt/clay with an increasing content of shale-like flags and cobbles. There was no evidence of a water table.

- 7.6.4. Test holes to measure percolation values were dug to a depth of 400mm for surface tests and an additional 900mm for subsurface tests. The results of the subsurface percolation test for subsoil returned a percolation value of 25.11 minutes per 25mm and the surface percolation test for soil returned a percolation value of 20.78 minutes per 25mm. Both values indicate that soakage is within the acceptable range and, as per Table 6.4 of the EPA CoP, that the site is suitable for the secondary treatment and soil polishing filter proposed. There are no watercourses in or around the site and all required separation distances as per Table 6.2 of the EPA Code of Practice can be met.
- 7.6.5. When I visited the site the trial pit was open and visible and, despite very wet conditions in the previous weeks, there was no standing water in the hole. The surrounding site was grassed and planted with trees and although it was raining steadily the ground was firm underfoot and not waterlogged.
- 7.6.6. The report of the PA requested more information regarding the polishing filter and requested a cross section drawing and the level of the polishing filter. The grounds of appeal included a response to the PA and a cross-section drawing (Drawing SH/PLN-002Y) of the polishing filter was included. The drawing shows a general cross section of a typical polishing filter with the pipes at ground level. Table 8.3 of the EPA CoP shows a typical cross section of a similar system. The drawing submitted by the applicant does not contain a cross section or measurements for the sub-soil layers. Table 6.3 of the CoP requires a minimum depth of 0.9m of unsaturated soil or subsoil 0.9m beneath the level of the pipe. Although the subsoil levels are not shown on the cross section, the SCF shows that there is more than 0.9m of subsoil with good drainage characteristics on the site. I am satisfied that the SCF indicates that the site would have the characteristics and capacity for the wastewater treatment system proposed.

## 8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The site is situated approximately 1.3km from the boundary of the Rye Water Valley/Carton SAC (Site Code 001398). The proposed development seeks to construct a detached dwelling, detached garage, utilise an existing vehicular entrance, connect to the public water and provide on-site wastewater treatment.
- 8.3. 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 rural, domestic nature and modest scale of the works,
  - The location of the site removed from any waterbodies and lack of any hydrological connectivity,
  - The proposed on-site wastewater treatment system which will treat wastewater prior to discharge to ground in compliance with the EPA Code of Practice.
  - The screening determination by Kildare County Council.
- 8.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.5. 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 Screening

- 9.1. The site is situated approximately 1km to the south of the Royal Canal (WFD Ref. IE\_09\_AWB\_RCMLE) and approximately 900m to the west of the River Rye (Ref. Rye Water\_040). It is within the Liffey\_SC\_080 subcatchment and the wider Liffey and Dublin Bay 09 catchment. The Dublin aquifer underlies the site and is a poorly productive bedrock aquifer with high vulnerability at the site. The overall status for

the Dublin groundwater aquifer is 'Good'. There are no watercourses in or adjoining the site.

- 9.2. The proposed development seeks to construct a detached dwelling, detached garage, utilise an existing vehicular entrance, connect to the public water and provide on-site wastewater treatment.
- 9.3. No water deterioration concerns were raised in the planning appeal or by the PA.
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The rural, domestic nature and modest scale of the works.
  - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
  - The proposed on-site wastewater treatment system which will treat wastewater prior to discharge to ground in compliance with the EPA Code of Practice.
- 9.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

- 10.1. I recommend that planning permission is granted in accordance with the conditions set out below.

## 11.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a rural area together with the provisions of the Kildare County Development Plan 2023-2029 including policy objective HO P14 it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable, would not seriously injure residential or visual amenity of the area and would not constitute a traffic hazard. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 18<sup>th</sup> day of August 2025 and as amended by the plans and particulars lodged with the appeal on the 5<sup>th</sup> day of November 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 seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</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>Details of the materials, colours and textures of all the external finishes to the proposed structures and boundary wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>All stone shall be natural and local with no re-constituted stone permitted.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
4.	<p>If, during the course of site works any archaeological material is discovered, the County Archaeologist/Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)</p> <p><b>Reason:</b> In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>

5.	<p>The site shall be landscaped in accordance with details submitted to the planning authority with the following amendments:</p> <p>(a) All boundary planting shall comprise only indigenous trees and hedging species.</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 the 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, in the interest of visual amenity.</p>
6.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent flooding or pollution.</p>
7.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 18th of August 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 <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ 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 <math>\leq 10</math>)” – 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 septic tank/ wastewater treatment system and associated works is 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>
8.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water facilities.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 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 residential amenities of property in the vicinity.</p>
10.	<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</p>

	<p>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, the exercise of my professional judgement in an improper or inappropriate way.

---

Elaine Sullivan  
18<sup>th</sup> of February 2026

## Appendix 1 - Form 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	PL-500219-KE-25
<b>Proposed Development Summary</b>	Construction of new dwelling house, wastewater system, garage & all associated site services.
<b>Development Address</b>	Obelisk Lane, Maynooth, 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>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.  EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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	

<p>5 or a prescribed 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>Class 10 (b)(i) Construction of more than 500 dwelling units.</p> <p>Threshold = 500 dwellings.</p> <p>Proposed development = 1 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>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <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

**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).

The rural site is serviced, and its size is not exceptional in the context of the prevailing plot size in the area.

A short-term construction phase would be required, and the development would not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.

The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.

**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).

The development is situated in a rural area adjacent to and in close proximity to existing residential properties which is not exceptional in the context of surrounding development.

It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.

It is not within a protected or sensitive landscape and is removed from designated sites and landscapes of identified significance in the County Development Plan.

There is a protected structure and national monument on the adjoining site, approximately 80 m from the location of the proposed house. The site is partially within the corridor of a protected view between Castletown House and Connolly Folly/Obelisk. The proposed development

	would not impact on the character and/or setting of the protected structure or the protected view.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development and works constituting development within an existing built-up area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_