



An
Coimisiún
Pleanála

Inspector's Report PL-500326-KE-25

Development	House with garage and associated site development works.
Location	Coolagh , Kilmeague , Naas
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560817
Applicant(s)	Alex Doyle
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Peter Dunne & Rachel Burke
Observer(s)	None
Date of Site Inspection	19/03/2026
Inspector	David Freeland

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.4. Natural Heritage Designations	14
5.5. EIA Screening	14
5.6. Water Framework Directive.....	15
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Applicant Response	17
6.3. Planning Authority Response.....	19
6.4. Observations.....	19
7.0 Assessment.....	19
8.0 AA Screening.....	31
9.0 Recommendation.....	32
10.0 Reasons and Considerations.....	32
11.0 Conditions	33
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	

1.0 Site Location and Description

The application site, with a stated area of 0.269ha, is located in a rural area approximately 1km to the east of Kilmeague. The surrounding area is rural in character, predominantly comprising agricultural lands interspersed with one-off dwellings. The wider landscape is also noted by areas of forestry and extensive bogland.

The site is located along a short, narrow local road, approximately 1.2km in length, which connects the L7081 to the north with the L7085 in the south. This road does not function as a through route between settlements, with both roads converging within Kilmeague.

The immediate vicinity comprises a small cluster of residential development, with the subject site forming part of a group of approximately five dwellings along this section of road. The site adjoins an agricultural laneway to the north which provides access to lands to the east and north. A recently constructed two-storey dwelling of contemporary rural farmhouse style is located to the north of this laneway.

The site also adjoins an established farmholding to the south, including associated farm buildings and yard areas, portions of which are included within the red line boundary of the application. Agricultural lands extend to the east.

The subject site contains an existing two-storey dwelling with a number of extensions and associated outbuildings including a large shed to the rear. The site has two existing vehicular accesses comprising a primary entrance to the front with a plastered blockwork boundary wall and a secondary access to the south adjoining the neighbouring farmholding.

The site is well defined by mature vegetation and trees. The front boundary onto the public road is characterised by mature trees, with similar vegetation along the agricultural laneway to the north. The garden area to the north of the dwelling is subdivided by mature trees and maintained beech hedging, with a larger lawn area beyond enclosed by beech planting along the eastern boundary.

The application site also includes portions of adjoining lands outside the applicant's family landholding including part of an agricultural field to the east and an area of yard associated with the adjoining farmholding to the south.

2.0 Proposed Development

The proposed development comprises the following:

- The construction of a two storey type house;
- A garage and store for domestic use;
- The installation of an Oakstown BAF wastewater treatment system with polishing filter percolation area; and
- Upgrading works to the existing farm entrance gateway and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of Further Information, Kildare County Council decided to grant planning permission for the development subject to 17no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on file.

3.2.3. The first planning report on file dated 09/09/2025 is summarised as follows:

- The report determined there is no requirement for appropriate assessment or environmental impact assessment.
- The report indicated that there are no historic monuments within the subject site.
- Local Need
- Capacity of Receiving Environment: Having regard to Policy HOP26 (capacity of receiving environment) and Policy HOO59 (manage density of rural housing), the planner's report noted the level of dwellings within a 1km² is c. 14no. units which was considered to be acceptable.

- Siting, Design and Layout: Having regard to Policy HO P12, Appendix 4- Rural Housing Design Guide and Chapter 15 – Development Management Standards which requires appropriate siting, design and integration, the Planner’s report noted the design and layout and did not indicate any objection.
- Speculative Development: Having regard to Objective HO 044 which seeks to restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites to an unrelated third party, the planning report noted that the development is located to the rear of the applicant’s family home.
- Backland Development: The planning report noted the provisions of Policy HO P16 which considers proposal for backland development for family members only and the comments of the third party in this regard.
- Access: The planning report noted the proposed upgrades to the existing farm entrance and highlighted no objection from relevant internal departments.
- Environment: the planning report noted the comments of the Environment Section which requested further information relating to compliance with EPA Code of Practice (2021).
- The Planning Report made a recommendation to request Further Information.
Other Technical Reports

3.2.4. Other Technical Reports:

- Environment Section: Request Further Information
- Transport, Mobility and Open Spaces Department: No objection subject to conditions.

3.2.5. Further Information was requested on 09/09/2025 which included three items relating to compliance with Policy HO P11 (local need criteria), proposed wastewater treatment and to address concerns of the third-party submission.

3.2.6. Further Information was received on 03/10/2025 and included a letter of response prepared by the applicant’s agent, a completed rural housing application form (new version), additional correspondence and documentation addressed to the applicant

relating to local need, a response from the applicant relating to third party issues and revised site layout plan.

3.2.7. The second planning report on file dated 24/10/2025 is summarised as follows:

- The planning authority considered the applicant's response relating to Policy HO P11 to be acceptable.
- The planner's report noted the Environment Section's report assessing the further information which indicated no further objection subject to conditions.
- The planner's report noted the applicant's comments relating to the third-party submission and considered them to be acceptable.

3.2.8. Other Technical Reports relating to the FI

- Environment Section: No objection subject to conditions.
- Water Services Department: No objection subject to conditions.
- Roads, Transportation and Public Safety Department: No objection subject to conditions.

3.3. **Prescribed Bodies**

HSE: No report received.

Uisce Éireann: no report received.

3.4. **Third Party Observations**

An observation was received from Peter Dunne & Rachel Burke, the adjoining property owner to the north which is summarised as follows:

- The observer considered the proposed development will have significant impacts on their home which is fully exposed to the south with the proposed development severely reducing their privacy and obstructing views, one of the reasons they chose the site of their home.
- The observer is disappointed that the proposal significantly differs from the earlier scheme submitted as pre-planning which provided for greater levels of privacy for the new dwelling and the third party's home.

- It is suggested that the site is more backland in nature being behind the existing farmyard and farmhouse which it is understood in prohibited under the Development Plan does not appear to meet Housing Objective P16 as it fails to demonstrate that the development will not have a negative effect on third parties/neighbouring property owners by way of overlooking and orientation.
- The observation contends that the dwelling is not being built on family land and is positioned almost entirely on land to be purchased and suggest a site to the north of their property (under same ownership as land to be purchased or towards the road in line with existing building line of two neighbouring houses).

An additional observation was received indicating support for the proposed development and believed that it was in compliance with rural housing policy.

4.0 Planning History

No planning history relating to subject site.

Relevant applications to neighbouring sites:

P.A. Ref. 161240: Adjoining Site to the North - Permission Granted for the construction of a detached, two-storey dwelling (226sqm); the construction of an associated garage (29sqm); the provision of a new vehicular entrance (including associated works to achieve sightlines, gates, piers and railings) and driveway; the provision of landscaping including boundary treatments; and the provision of all other associated site excavation, infrastructural and site development works above and below ground, including waste water treatment system and percolation area

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 – National Planning Framework First Revision (April 2025)
- Climate Action Plans (2024 & 2025)

- National Biodiversity Action Plan (NBAP) 2023-2030
- EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)
- Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)
- Design Manual for Quality Housing (DoHLGH, 2022)
- Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005).

5.2. Regional Policy

- Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019- 2031.

5.3. Development Plan

Kildare County Development Plan 2023-2029

The statutory development plan for the area is the Kildare County Development Plan 2023–2029.

Chapter 3 - Housing

Map 3.1 – Rural Housing Policy Zones of the Development Plan indicates that the site is located within Zone 1 – Areas under Strong Urban Influence, where it is an objective to facilitate the provision of single housing in the countryside based on a demonstrable ‘economic or social’ need to live in a rural area and siting, environmental and design criteria for rural housing in statutory guidelines and plans.

Section 3.12.3 – Compliance with the Rural Housing Requirements

The Plan defines ‘economic’ and ‘social’ need in the context of rural housing policy 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. Note; A farmer (for

this purposes) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission. The leasing of agricultural land to supplement lands within an applicant's ownership for farming, may be considered for the purposes of calculating the minimum land area of 15ha. The applicant shall submit details of said lease with the relevant planning application indicating that the lease is in place for a period of 10 years or more from the date of the application.

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.

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

Table 3.4 – Schedule of Local Need Criteria in accordance with the NPF sets out the applicant categories and rural housing need assessment criteria for areas within Zone 1 – Areas under Strong Urban Influence as follows:

Applicant Category	Rural Housing Need Assessment Criteria
Category A - Economic	Zone 1 Areas under Strong Urban Influence
<i>(i) A farmer of the land or the son/ daughter/ niece/ nephew</i>	<i>A farmer (for this purpose) is defined as a landowner with a holding of >15ha which must be</i>

<p><i>of the farmer who it is intended will take over the operation of the family farm</i></p> <p><i>or</i></p> <p><i>(ii) An owner and operator of a farming/ horticultural/ forestry/ bloodstock/ animal husbandry business on an area less than 15ha.</i></p>	<p><i>in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission.</i></p> <p><i>The owner/operator [as referred to in Category A (ii)] must be engaged in that farming activity on a daily basis, as their main employment. Same must be demonstrated through the submission of documentary evidence⁴ to include confirmation that the farming/agricultural activity forms a significant part of the applicant's livelihood, including but not limited to intensive farming.</i></p>
<p>Category B - Social</p>	<p>Zone 1 Areas under Strong Urban Influence</p>
<p><i>(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.</i></p>	<p><i>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.</i></p> <p><i>Where no land is available in the family ownership, a site within 5km of the applicant's family home may be considered.</i></p>

The Development Plan includes the following relevant footnotes relating to Table 3.4:

Documentary evidence will be required. Examples of appropriate documentary evidence include, but are not limited to, copies of original birth certificates, bank statements, utility bills and copies of official school records.

Note: Applications for rural one-off dwellings will be considered, subject to the policies and objectives set out in the County Development Plan. 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. In this regard, factors such as the sensitivity of

the receiving environment, the nature and extent of the existing development and the extent of development on the original landholding will be considered.

The following Policies and Objectives are also considered to be relevant in respect of the proposed development:

- Policy HO P11: *Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside in conjunction with the rural housing policy zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the objectives set out below. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.*
- Objective HO O43: *Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare.*
- Objective HO O44: *Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites to an unrelated third party.*
- Objective HO O45: *Restrict occupancy of the dwelling as a place of permanent residence for a period of ten years to the applicant who complies with the relevant provisions of the local need criteria.*
- Objective HO O46: *Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.*

Section 3.13.4 Siting and Design

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

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

Chapter 3 also includes policies and objectives relating to sustainability and green principles (HO O50), vehicular access and hedgerow protection (HO O51 & HO

O52), protection of landscape and heritage features (HO O53) and surface water drainage (HO O54). Section 3.16 (Access and Entrances) includes relevant provisions relating to hedgerow retention and entrance design (HO P30 & HO P32).

Chapter 5 – Sustainable Mobility & Transport

Section 5.8 – Local Roads sets out relevant policies and objectives relating to hedgerow removal to facilitate sightlines (Objective TM O102). Section 5.11 Parking set out relevant objectives to ensure new residential development incorporates Home Charging Point for Electric Vehicles (Objective TM O 118).

Chapter 6 – Infrastructure & Environmental Services

This chapter sets out the Council's approach to water services (Policy IN P2 & Objective IN O5), wastewater services (Policy IN O18 & IN O19), surface water/drainage (Policy IN P4 & Objective IN O22, IN O23, IN O27, IN O28), flood risk management (Objective IN O32, IN O33) and water quality (Objective IN O57 & IN O58)

Chapter 12 Biodiversity & Green Infrastructure

Chapter 12 sets out policies relating to biodiversity and protection of designated sites. Objective BI O10 requires Appropriate Assessment Screening to be carried out where required, to ensure that development does not give rise to significant effects on European sites.

Chapter 13 Landscape, Recreation & Amenities

Map 13.1 – Landscape Character Areas indicates that the subject site is located within the Chair of Kildare Landscape Character Area. This area has a landscape sensitivity of Class 4 – Special Sensitivity and is described as significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors. Table 13.3 of the Plan indicates that rural housing has a low compatibility with the Principal Landscape Area. Policies LR P1 and Objectives LR O1 and LR O2 seek to protect landscape character and require that development is appropriately sited and designed having regard to landscape sensitivity.

Chapter 15 Development Management Standards

Chapter 15 sets out Development Management Standards relating to residential amenity, access and drainage. These include standards relating to overlooking and

separation distances (Section 15.2), access and sightlines (Section 15.7) and surface water management (Section 15.8), which are relevant to the assessment of the proposal.

Appendix 4 – Rural House Design Guide

Appendix 4 provides guidance on the siting, layout and design of rural dwellings and seeks to ensure that development integrates appropriately with the rural landscape.

Appendix 11 – Single Rural Dwelling Density Toolkit

Appendix 11 provides guidance on the acceptable density of one-off rural housing. Densities below 15 dwellings per square kilometre are generally acceptable. Densities approaching 30 dwellings per square kilometre may be considered acceptable in enclosed landscapes. Where densities exceed 30 dwellings per square kilometre there is generally a presumption against further one-off rural housing.

5.4. Natural Heritage Designations

The appeal site is not located within or adjacent to any designated European site (SAC or SPA) or Natural Heritage Area (NHA or pNHA).

The closest European site to the subject site includes Mouds Bog SAC (Site Code: 002331) located 2.65km to the south and the closest Natural heritage designation is Mouds Bog pNHA (Site Code: 000395) located 2.6km to the south.

5.5. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) 'Construction of more than 500 dwelling units'. 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.

5.6. Water Framework Directive

The subject site comprises lands (garden area) attached to an existing rural dwelling and a portion of an existing agricultural field (total area: 0.269ha). The lands are predominantly positioned to the rear of an existing dwelling located within open countryside approximately 1km from the settlement of Kilmeague, Co. Kildare. The proposed development relates to the construction of a three-bedroom dwelling, domestic garage, use of an existing site entrance, a secondary wastewater treatment system, soil polishing filter and associated works is also proposed.

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

- The nature of the works comprising a small scale of development.
- The lack of direct hydrological connections from the site to any surface and transitional water bodies.
- The location of the nearest surface waterbody is situated approximately 1.4km to the south- west of the subject site, is the River Waterbody Liffey_090 (Code: IE_EA_09L011050)
- Standard pollution controls that would be implemented.

I conclude on the basis of objective information that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been submitted which is summarised as follows:

- Speculative Development: it is contended is contended that the proposed development is a material contravention of Policy HO O44 of the Development Plan relating to speculative development and the sale of residential sites to unrelated third parties. The appellant states that the landowner of part of the application site has been associated with other planning applications which is argued to demonstrate a pattern of speculative subdivision and disposal of sites. It is submitted that part of the site is not family land but forms part of a holding being progressively sold for residential development to unrelated third parties, contrary to Policy HO O44. It is contended that the planning authority failed to properly apply this policy.
- Access and Site Entrance: It is further contended that inaccurate and misleading information has been submitted in respect of the site access and entrance arrangement, contrary to Chapter 15 – Development Management Standards. The appellant states that the presence of an agricultural entrance was omitted from the submitted information. It is argued that this omission is material, as it affects the assessment of road safety, sightlines and access, and that the planning authority could not have carried out a proper assessment on the basis of incomplete information.
- Residential Amenity Impacts: The appellant contends that the application fails to properly assess overlooking and residential amenity impacts, contrary to Housing Objective HO P16. It is argued that the proposal would result in overlooking, loss of privacy and inappropriate orientation relative to adjoining properties. The appellant states that the planner's report does not contain a reasoned assessment of these impacts and that the absence of such assessment undermines the validity of the decision. It is further contended that the north-west elevation includes openings which directly overlook the appellant's dwelling, resulting in a significant reduction in residential amenity.

- Backland Development: It is also contended that the proposal constitutes backland development. The appellant argues that the development is being pursued on land being acquired from a third party and by a person with no familial relationship to adjoining lands and therefore does not accord with the proper planning and sustainable development of the area.
- Ribbon Development and Gap Site Potential: The appellant further submits that the proposal would contribute to the creation and extension of ribbon development, contrary to Policies HO P13 and HO P14. It is stated that there are already five houses within a 250 metre stretch of road and that the proposal would contribute to incremental ribbon development. Concern is also raised that a further dwelling could be sought on an adjoining gap site, thereby creating an undesirable precedent.
- The grounds of appeal conclude that the application is characterised by material inaccuracies, omissions and deficiencies in assessment which undermine the integrity of the planning process and the validity of the planning authority's decision.

6.2. Applicant Response

A letter of response to the Grounds of Appeal by the applicant was submitted to the Commission which is summarised as follows:

- The applicant refutes the grounds of appeal and submits that the proposed development is consistent with the provisions of the Kildare County Development Plan 2023–2029 and the proper planning and sustainable development of the area.
- Rural Housing Policy and Speculative Development: In relation to the principle of development and rural housing policy, it is stated that the applicant has demonstrated compliance with the relevant local needs criteria and that this has been accepted by the planning authority. The applicant rejects the assertion that the proposal constitutes speculative development, submitting that the site forms part of a family landholding and that no pattern of speculative development arises. It is contended that Policy HO O44 does not

preclude development in the circumstances of the case and that the planning authority has correctly applied the policy.

- Access and Sightlines: In response to concerns regarding access and alleged inaccuracies in submitted information, the applicant submits that the application documentation accurately reflects the existing situation on site. It is stated that the entrance arrangement, including sightlines, has been appropriately assessed and that the planning authority was in a position to fully consider traffic safety. The applicant contends that there is no material omission which would undermine the validity of the decision.
- Residential Amenity Impacts: In relation to residential amenity, the applicant rejects the assertion that the proposed development would give rise to overlooking or loss of privacy. It is submitted that the siting, design and orientation of the dwelling have been carefully considered having regard to adjoining properties. The applicant states that separation distances are appropriate and that the proposal would not result in an undue impact on the amenities of neighbouring dwellings.
- Backland Development: With regard to the issue of backland development, the applicant submits that the proposal does not constitute inappropriate backland development and that the site has adequate road frontage and access. It is contended that the circumstances of the proposal differ from those referenced by the appellant and that the development is consistent with established patterns of rural development in the area.
- Ribbon Development: In response to concerns regarding ribbon development, the applicant submits that the proposal complies with the relevant provisions of Policies HO P13 and HO P14. It is stated that the planning authority has assessed the existing pattern of development and has determined that the proposal would not give rise to unacceptable ribbon development.
- Site Services: In relation to wastewater treatment and site suitability, the applicant submits that the site has been subject to appropriate assessment and that the proposed wastewater treatment system complies with the EPA Code of Practice.

- Material Contravention: The applicant rejects the contention that the proposal represents a material contravention of the Development Plan or that the planning authority's assessment was inadequate. It is submitted that the decision is based on a proper and reasoned assessment of the relevant planning considerations.

6.3. **Planning Authority Response**

In a letter dated 18th December 2025, the planning authority confirmed its decision and refers to the Planner's report and various technical department reports in relation to the assessment of the planning application.

6.4. **Observations**

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 reports 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:

- Principle of Development – Rural Housing Policy
- Siting, Design, Layout and Impact on Rural Character
- Impact on Residential Amenities
- Site Services
- Traffic and Access
- Other Matters

7.2. **Principle of Development / Rural Housing Policy**

- 7.2.1. The submitted documentation states the application site is under the ownership of the applicant's father, is positioned to the rear of the family home, and the applicant is resident within the family dwelling
- 7.2.2. The site is located in the rural area outside of a designated settlement and therefore the proposal must be assessed having regard to the rural housing policy provisions of the Kildare County Development Plan 2023–2029. Policy HO P11 facilitates proposals for dwellings in the countryside where an applicant can demonstrate compliance with the rural housing policy and local need criteria set out in Table 3.4 of the Development Plan.
- 7.2.3. Map 3.1 – Rural Housing Policy Zones of the Development Plan indicates that the site is located within Zone 1 – Areas under Strong Urban Influence, where it is an objective to facilitate the provision of single housing in the countryside based on a demonstrable 'economic or social' need to live in a rural area and siting, environmental and design criteria for rural housing in statutory guidelines and plans.
- 7.2.4. In this regard, the relevant criteria under Table 3.4 is Category B – Social, which applies to a person who has spent 16 years living in the rural area of Kildare and who seeks to build their home on the rural area on their family landholding, or where no land is available in the family ownership, a site within 5km of the applicant's home may be considered.
- 7.2.5. The planning authority considered the applicant's documentation submitted at application stage and in response to Further Information, concluded that the applicant satisfied the relevant local need criteria. I note the appellant has not disputed the applicant's eligibility under the rural housing policy provisions of the Development Plan but instead raises concerns relating to speculative development, ribbon housing and other planning considerations.
- 7.2.6. The applicant has submitted a range of documentation in support of their application including a completed Kildare County Council Rural Housing Application Form, a statutory declaration confirming that the applicant has not previously been granted permission for a one-off rural dwelling and has not previously owned or inherited a property, a copy of the applicant's birth certificate, confirmation of attendance at local primary and secondary schools, documentation confirming long-term residence

within the area including bank statements, details of employment, and land registry folios confirming ownership of the family landholding.

- 7.2.7. Further Information submitted included additional documentation such as examination records, CAO correspondence and school payment statements which further substantiate the applicant's residential history within the area.
- 7.2.8. Based on the information submitted, I am satisfied that the applicant has demonstrated a longstanding and continuous connection to the rural area and has resided within the local rural community for a substantial period of their life. I am also satisfied that the proposal relates to the provision of a dwelling on family lands within that area.
- 7.2.9. Furthermore, I note that the applicant has provided a statutory declaration confirming that they have not previously been granted permission for a rural dwelling, nor have they previously owned or inherited a dwelling. On this basis, I am satisfied that the proposal does not give rise to concerns relating to speculative development and is consistent with the intent of Objective HO O44.
- 7.2.10. Having regard to the documentation submitted, the assessment of the planning authority, and the provisions of Policy HO P11 and Table 3.4 of the Development Plan, I am satisfied that the applicant has demonstrated a social need to live in the rural area and that the proposal is acceptable in principle as a dwelling to meet a rural generated housing need.

Speculative Development (Objective HO O44)

- 7.2.11. The appellant contends that the proposed development is contrary to Objective HO O44 of the Kildare County Development Plan 2023–2029, which seeks to restrict residential development where there is a history of speculative subdivision or sale of sites to unrelated third parties.
- 7.2.12. In support of this, the appellant refers to a number of planning applications associated with lands in the wider ownership and suggests that these demonstrate a pattern of speculative development.
- 7.2.13. The applicant states that the site is predominantly located within family lands, with only a small portion of adjoining lands incorporated to facilitate the layout of the development.

- 7.2.14. Having regard to the information before me, the proposal relates to a single dwelling for a family member on lands largely within the family holding. While a portion of adjoining lands is incorporated into the application site not under the ownership of the applicant or their family, I am satisfied that this is to facilitate the siting and servicing of the new dwelling.
- 7.2.15. In respect of the other applications referred to by the appellant, I note these relates to a limited number of sites and in some instances relates to withdrawn applications where no development has been undertaken. I do not consider that these demonstrate a pattern of speculative subdivision of the type envisaged under Objective HO O44.
- 7.2.16. Having regard to the nature and scale of the proposal, the ownership of the lands, and the absence of a demonstrable pattern of speculative site development, I am satisfied that the proposed development would not conflict with Objective HO O44 of the Development Plan.

7.3. Siting, Design, Layout and Impact on Rural Character

- 7.3.1. In assessing the siting, design and layout of the proposed dwelling and its impact on rural character, I have had regard to the provisions of Objective HO O59, Policies HO P12, HO P13, HO P14 and HO P16 of the Kildare County Development Plan 2023–2029, and the guidance contained within Appendix 4 – Rural House Design Guide. The following addresses the themes raised in the above policies and the appellants grounds of appeal relating to compliance with said policies.

Backland Development

- 7.3.2. The appellant contends that the proposal constitutes backland development which negatively impacts their residential amenity and is therefore contrary to the Development Plan. I note that Policy HO P16 provides that proposals for backland development for family members may be considered, subject to appropriate siting, design and the protection of the residential amenities of adjoining properties.
- 7.3.3. In this instance, the proposed dwelling is located to the rear of the existing family dwelling and farmyard and is accessed via an existing entrance. The applicant has demonstrated a family connection to the landholding and therefore falls within the

category of development considered under Policy HO P16 subject to residential amenity considerations which are addressed elsewhere within the report.

- 7.3.4. Subject to no undue impacts upon residential amenity, I am satisfied that the proposed development is consistent with the provisions of Policy HO P16.

Design, Siting and Layout

- 7.3.5. Policy HO P12 requires that new rural dwellings be sited and designed to integrate appropriately with their surroundings and the character of the area, having regard to the Rural House Design Guide.
- 7.3.6. The proposed dwelling is set back from the public road and positioned to the rear of the existing dwelling. The existing dwelling will retain an area of private open space (garden) to the north of the house fronting onto the public road. This area of garden has extensive mature trees and vegetation throughout.
- 7.3.7. The proposed two-storey is oriented on a north-east to south-west axis. The dwelling has been designed as a contemporary traditional farmhouse dwelling, not dissimilar to the recently constructed dwelling within the adjoining site to the north. The applicant has proposed native tree planting to the north, east and south boundaries.
- 7.3.8. The siting to the rear of the parent dwelling and presence of extensive mature trees within the existing garden to be retained will reduce the visibility of the new dwelling from the public road and ensures that it will not be an overly prominent structure within the landscape. In terms of design, I note that the planning authority raised no concerns in relation to the form, scale or external appearance of the dwelling, and I am satisfied that the proposal is consistent with the general principles set out in the Rural House Design Guide. I consider that the development would satisfactorily integrate into the receiving landscape and would not detract from the rural character of the area.

Housing Density

- 7.3.9. Objective HO O59 and Appendix 11 - Single Rural Dwelling Density Toolkit seeks to manage the density of one-off rural housing so that it does not generally exceed 30 units per square kilometre.
- 7.3.10. The planning authority's assessment indicates that there are approximately 14 dwellings within a 1km² area surrounding the site. I am satisfied that this level of

development is well below the density threshold identified within the Development Plan and indicates that the receiving environment retains capacity to accommodate an additional dwelling. I am satisfied that the proposal would not give rise to overdevelopment of the area or adversely affect its rural character by reason of density.

Ribbon Development

- 7.3.11. The appellant contends that the proposal would contribute to and extend an existing pattern of ribbon development along the local road.
- 7.3.12. Policy HO P13 defines ribbon development as five or more houses along 250 metres on one side of a road and seeks to restrict further development which would exacerbate such a pattern. Based on the information before me, I accept that there is an established pattern of development along this stretch of road which may meet the definition of ribbon development under the Development Plan. Notwithstanding, I note Policy HO P14 provides a framework for assessing proposals within an existing ribbon pattern in certain limited circumstances.

Gap Site and Policy HO P14

- 7.3.13. Policy HO P14 provides that a single dwelling may be permitted within an existing ribbon pattern where a “gap site” is evident, subject to compliance with a number of criteria. Section 7.3.2 – 7.3.4 above establishes that the subject site may be described as a backland dwelling and I do not consider that the site is a gap site under the meaning of Policy HO P14. Notwithstanding, an assessment against the criteria under Policy HO P14 is useful to establish the impact of the development in terms of ribbon development.
- 7.3.14. In this regard, I am satisfied that the applicant has demonstrated a social need to reside in the rural area in accordance with Table 3.4 of the Development Plan.
- 7.3.15. The proposed development utilises an existing entrance to the landholding and does not introduce a new access point onto the public road. I am satisfied that no alternative access arrangement outside of the established ribbon pattern has been identified.
- 7.3.16. Having regard to the configuration of the site, the need to retain adequate private open space for the existing dwelling and the existing mature trees and vegetation

providing significant screening to the application site, I am satisfied that the proposed dwelling represents a reasonable and appropriate form of development within the existing ribbon and complies with the overall intent of Policy HO P14. Any potential for additional development on the landholding would be subject to a separate assessment on its own merits having regard to the relevant provisions of the Development Plan.

- 7.3.17. All other technical considerations, including residential amenity, site services and access, have been addressed to my satisfaction elsewhere in this report.
- 7.3.18. Having regard to the above, I am satisfied that the proposal represents a single dwelling within an established pattern of development and that it does not give rise to an extension of ribbon development of the type sought to be restricted under Policy HO P13.
- 7.3.19. Having regard to the siting and layout of the proposed dwelling, its relationship to existing development, the density of development in the area, and the relevant provisions of the Development Plan, I am satisfied that the proposal would integrate satisfactorily into the rural landscape and would not give rise to an unacceptable pattern of development or adversely affect the rural character of the area.

7.4. Residential Amenity

- 7.4.1. The appellant raises concerns that the proposed dwelling would overlook their property (the adjoining property to the north), would result in loss of privacy and enjoyment of their home and would obstruct views, one of the reasons they chose the site for their home. I note the appellant's dwelling was constructed relatively recently. Concerns are also raised in relating to the adequacy of the information submitted and whether the planning authority had sufficient detail to assess these impacts.
- 7.4.2. The applicant states that the siting and orientation of the dwelling were assessed having regard to the Rural House Design Guide and the Development Management Standards contained in Chapter 15 of the Development Plan. The applicant submits that there are no directly facing windows overlooking the appellant's dwelling or private amenity space. I note the planning authority raised no concerns in respect of residential amenity.

- 7.4.3. Having regard to the drawings submitted including those provided at further information stages, the proposed dwelling would be a distance of approximately 83m from the appellant's dwelling. The north-west corner of the proposed dwelling would be located approximately 23.5m from the shared northern boundary, with the proposed garage structure located approximately 15.3m from that boundary.
- 7.4.4. In the context of a rural setting, where dwellings are typically separated by substantial distances, I consider that the separation distance between the proposed dwelling and the appellant's dwelling is significant. I also note that there are no directly opposing windows between the two dwellings having regard to the orientation of the two dwellings. While there may be limited oblique views towards the south-eastern portion of the appellant's site, these would be minor in nature and would not, in my view, constitute overlooking to an extent that would materially impact on residential amenity.
- 7.4.5. I further note that the northern boundary of the application site is partially screened by existing mature trees and vegetation, and that additional native tree planting is proposed along the northern and western boundaries. Over time, this planting would further filter views between the properties.
- 7.4.6. With regard to daylight, sunlight and overbearing impacts, having regard to the separation distance, the scale of the proposed dwelling and the orientation of both properties, I am satisfied that the proposed development would not give rise to any significant loss of daylight or sunlight to the appellant's dwelling or private amenity space, nor would it appear overbearing.
- 7.4.7. The appellant has also raised concerns regarding the loss of views from their property. I acknowledge that the presence of the proposed dwelling will alter the current outlook from the appellant's dwelling when looking towards the south-east, albeit, modestly so. However, I note that there are no designated scenic views or prospects identified at this location. I also note that the appellant's dwelling benefits from a wide expanse of views to the north and east, and that the proposed dwelling would be located to the south-east of the site where any views of the proposed dwelling would be largely oblique.
- 7.4.8. The proposed boundary planting, if established in a manner similar to existing vegetation/trees to the roadside boundary to the appellant's property, I consider this

would further integrate the development into the landscape and reduce its visual prominence over time, particularly from the appellant's property.

- 7.4.9. While I accept that the proposed development will introduce a new built form into the vicinity of the appellant's dwelling, I do not consider that this would give rise to an adverse impact on residential amenity in planning terms.
- 7.4.10. I have considered the appellant's concern that the planning authority did not have sufficient information to assess the proposal. Having examined the plans, drawings and supporting documentation submitted, including the Further Information, I am satisfied that the information provided was sufficient to enable an adequate assessment of the potential impacts on residential amenity.
- 7.4.11. Having regard to the separation distance between the dwellings, the orientation and layout of the proposed development, the absence of directly opposing windows, the existing and proposed boundary treatment, and the rural context of the site, I am satisfied that the proposed development would not result in undue overlooking, loss of privacy, overbearing impact or unacceptable loss of daylight or sunlight to the appellant's dwelling or adjoining properties.

7.5. Traffic and Access

- 7.5.1. Having regard to Section 3.16 of the Development Plan, Chapter 15 Development Management Standards and Appendix 4 – Rural House Design Guide, proposals for rural dwellings are required to provide safe access, adequate sightlines and retain existing boundary treatments where possible.
- 7.5.2. The appellant contends that the application contained inaccurate or incomplete information relating to the existing agricultural entrance to the north of the application site (adjoining the appellant's property). It is suggested that this entrance was omitted on site plans and in its absence, the planning authority could not have carried out a proper assessment in terms of road safety, sightlines, and access/egress.
- 7.5.3. In response, the applicant states that the development will utilise an existing entrance to the south of the family home and that visibility splays and sightlines were demonstrated on the submitted site plans. The planning authority's Transport,

Mobility and Open Spaces Department assessed the proposal and raised no objection subject to conditions.

- 7.5.4. Section 15.7.5 of the Development Plan notes that sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration
- 7.5.5. Having reviewed the drawings and documentation submitted, I note that sightlines of 90m in both directions are indicated, measured approximately 2.5m back from the road edge, and that a recessed entrance is proposed. I am satisfied, having regard to the available visibility along the road frontage, that adequate sightlines can be achieved.
- 7.5.6. The subject site is located on a short, narrow local road (c. 1.2km in length) which connects with the L7081 to the north and the L7085 to the south. The road primarily serves agricultural lands and a number of one-off dwellings and does not function as a through route between settlements. Having regard to its alignment and function, I consider that traffic volumes and vehicle speeds are likely to be low.
- 7.5.7. In relation to the existing agricultural entrance to the north of the site, I note that it provides access to lands to the rear of the subject site and the wider landholding. I also note that there are other entrances serving these lands. I do not consider that this entrance would give rise to significant traffic movements beyond normal agricultural use, or do I consider that its omission from earlier drawings would have materially affected the planning authority's assessment.
- 7.5.8. Having regard to the nature of the local road environment, the level of traffic likely to be generated by a single dwelling, the sightlines available, and the absence of any technical objection from the relevant internal department, I am satisfied that the proposed development would not give rise to a traffic hazard or endanger public safety.

7.6. **Site Servies**

Water Supply

- 7.6.1. The planning application form indicate that a new public mains water supply is proposed. The planning authority's grant of permission included a condition relating to positioning of a private well. The submitted site layout plan does not indicate the

location. I consider it may appropriate for details of water supply be confirmed with the planning authority prior to commencement of development.

Wastewater Treatment

- 7.6.2. The proposed development includes for the installation of an Oakstown BAF wastewater treatment system with polishing filter percolation area.
- 7.6.3. In assessing wastewater treatment proposals, the EPA Code of Practice 2021: “Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)”. (The EPA Code) is the relevant guidance document.
- 7.6.4. The initial report of the Council’s Environmental Section indicated that the proposed dwelling was less than 10m from an existing percolation area serving the adjoining dwelling. Further information was requested to indicate compliance with EPA Code of Practice (2021). The submitted further information revised the positioning of the dwelling to be 11m from the existing percolation area. The Environment Section indicated no further objection subject to conditions and the planner’s report subsequently indicated satisfaction with the submitted further information.
- 7.6.5. The appellant did not raise the proposed wastewater treatment system as part of the grounds of appeal.
- 7.6.6. The proposed dwelling will accommodate 3no. bedrooms (5no. persons). The estimated Population Equivalent is 5 (PE) per Table 3.2 of the EPA Code of Practice (2021).
- 7.6.7. From the Site Characterisation Form, the aquifer is stated as poor, with high vulnerability. A review of Geological Survey Ireland’s GIS Mapping confirms same. The Groundwater Protection Response Category is identified as ‘R1’, which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems, as being ‘acceptable subject to normal good practice’.
- 7.6.8. The submitted Site Characterisation Form records the depth of the trial hole as -2.2 metres and does not record groundwater or bedrock within that depth. The report recorded the soil types as consisting of a layer of topsoil comprising silt/ clay loam overlying subsoils described as silt clay cobbles. The topsoil is stated as having dark

brown loose crumb with subsoils being brown/light brown compact and blocky soil structure.

- 7.6.9. In respect of the percolation characteristics of the soil, the subsurface test result is indicated as 69.3/25mm. The surface test result is stated as 21.89min/25mm.
- 7.6.10. During the site visit, I noted presence of standing water within the trial hole. In my view, this may reflect seasonal variations. Notwithstanding, the applicant propose a raised polishing filter and the submitted cross section details indicate that the WWTS is designed to provide a minimum of 900mm of unsaturated soil in accordance with EPA Code of Practice 2021.
- 7.6.11. I note the indicated percolation characteristics of the site suggest a relatively slow draining soil. However, having regard to the type of WWTS, a secondary treatment system, I am satisfied that the site is suitable for wastewater and percolation works to serve the proposed dwelling.
- 7.6.12. Having considered the separation distances required between the WWTS and relevant adjoining features as per the guidance set out within Table 6.2 of the 2021 EPA Guidelines, I am satisfied that the proposal meets the minimum requirements in respect of same.
- 7.6.13. Based on the information as submitted, and in the event that the Commission decide to grant permission, I am satisfied that the site can accommodate waste water on site, and that the proposed development would not be prejudicial to public health.

Surface Water Drainage

- 7.6.14. Details of surface water drainage has not been provided. Considering the nature of the site and separation distance from a public road, I am satisfied that there is potential that surface water drainage may be suitably contained within the subject site. I consider that it would be appropriate to attach a condition to ensure the development complies with B.S. 8301:1985 and BRE Digest 365 in the event of a grant of permission.

7.7. Other Matters

Nature of Appeal

- 7.7.1. The applicant has suggested that the appeal may be frivolous or vexatious within the meaning of Section 138 of the Planning and Development Act 2000 (as amended).

7.7.2. While I do not consider that the appeal grounds ultimately warrant refusal of permission, I am satisfied that the issues raised fall within the normal scope of planning matters that may be legitimately raised by third parties in the context of a planning appeal.

Material Contravention

7.7.3. The appellant submits that the proposed development would constitute a material contravention of the provisions of the Development Plan and has raised a number of concerns in relation to compliance with relevant policies.

7.7.4. Having regard to the assessment undertaken in this report, I am satisfied that the proposed development is in compliance with the relevant provisions of the Kildare County Development Plan 2023-2029 including those relating to rural housing policy, design, siting and environmental considerations.

7.7.5. While I note the concerns raised by the appellant, I am not satisfied that the proposed development would give rise to any material contravention of the Development Plan or relevant national guidelines/policy framework. I consider the proposed development is consistent with the proper planning and sustainable development of the area.

8.0 AA Screening

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

The proposed development is not located within or immediately adjacent to any European Site. The closest European site to the subject site includes Mouds Bog SAC (Site Code: 002331) located 2.65km to the south, Ballynafagh Lake SAC (Site Code: 001387) located 3.4km to the north, Ballnafagh Bog SAC (Site Code: 000391) located 4.8km to the north and Pollardstown Fen SAC (Site Code: 000396) located 5.9km to the south.

Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European Site and lack of connections.
- Absence of any meaningful direct and indirect pathways to any European Site.
- Taking into account the screening determination of the planning authority.

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

9.0 Recommendation

I recommend that permission be granted for the two-storey house, domestic garage, wastewater treatment system and polishing filter and upgrading of the existing farm entrance based on the below reasons and considerations and subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the location of the site in a rural area and the provisions of the Kildare County Development Plan 2023–2029, it is considered that the proposed development complies with the rural housing policy framework, that the applicant has demonstrated a local housing need, that they are a family member seeking to construct a house within a backland location on family lands and the proposed development does not give rise to a pattern of speculative development. The proposed development would not adversely affect the rural character of the area, would not give rise to undue impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard, and the site is considered suitable for the provision of wastewater treatment. The proposed

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 3rd October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: 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.

3. The finishes for the house and garage / store shall be as indicated on the submitted drawings unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. (a) Lines of sight at the shared entrance to the site shall be provided strictly in accordance with Transport Infrastructure Ireland (TII) Document (DN-GEO 03060).

(b) The existing front roadside verge shall be kept free from obstruction and shall be maintained by the occupant so as not to impede lines of sight at the shared entrance as provided in accordance with Transport Infrastructure Ireland (TII) Document (DN-GEO-03060).

Reason: In the interest of traffic safety.

5. (a) The site shall be landscaped, using only indigenous deciduous trees, hedging species and grasses in accordance with the Landscape Plan provided with the application on the 18th July 2025 and as amended by the further plans and particulars received by the planning authority on the 3rd October 2025.

(b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.

6. Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

Reason: In the interest of public health.

8. (a) The septic tank/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 July 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(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 ≤ 10)” – Environmental Protection Agency, 2021.

(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.

Reason: In the interest of public health and to prevent water pollution

9. The Applicant shall use “Best Practicable Means” to prevent/minimise noise and dust emissions during the construction phase of the development, through the provision and proper maintenance, use and operation of all machinery, all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, and the use of best practice guidelines in order to avoid nuisance.

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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

Reason: In order to safeguard the amenities of property in the vicinity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

13. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

David Freeland
Planning Inspector

23/03/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500326-KE-25		
Proposed Development Summary	The proposed development comprises (A) construction of a two storey type house, (B) garage / store for domestic use, (C) the installation of an Oakstown BAF wastewater treatment system with polishing filter percolation area, and (D) Upgrading works to the existing farm entrance gateway and all associated site works		
Development Address	Coolagh , Kilmeague , Naas		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		X	Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	PL-500326-KE-25
Proposed Development Summary	The proposed development comprises (A) construction of a two storey type house, (B) garage / store for domestic use, (C) the installation of an Oakstown BAF wastewater treatment system with polishing filter percolation area, and (D) Upgrading works to the existing farm entrance gateway and all associated site works
Development Address	Coolagh , Kilmeague , Naas
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 proposed development comprises the construction of a new dwelling and a new on-site wastewater treatment system. The development comes forwards as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health
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 site is not located within or immediately adjacent to any designated site. The proposed development would include installation of a new wastewater treatment system. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

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

Inspector: _____ Date: _____