



An
Coimisiún
Pleanála

Inspector's Report PL-501520-KE-26

Development	Retention of sheds, entrance and gate within the curtilage of a Protected Structure
Location	Whitechurch, Straffan, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560933
Applicant(s)	Richard Madigan
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Planning Appeal
Appellant(s)	Stephen McLoughlin and Lyn McCarthy
Observer(s)	None
Date of Site Inspection	19/08/26
Inspector	Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located at Whitechurch, Straffan, Co. Kildare. The site is elongated and extends to the northeast where the appeal sheds are located. A protected structure (RPS B14-09) identified as a Ruined Castle and Church and Baptismal Font is located adjacent to and northwest of the appeal site entrance. A number of Sites and Monuments Records (SMR) are located adjacent to and northwest of the appeal site entrance, with the associated archaeology zone of influence extending into the appeal site. These SMRs are as follows.
- KD014-022005 – Graveyard
 - KD014-022002 – Enclosure
 - KD014-022004 – Ritual Site/holy well
 - KD014-022007 – Font
 - KD014-022003 – Field System. This zone of interest does not extend into the appeal site.
- 1.2. The sheds for retention are identified as sheds A and B on the site layout plan submitted to the Planning Authority. Surrounding land uses are predominantly agricultural with rural houses located in surrounding areas, the closest being the third party appellant's house which is located approximately 5m from the appeal site boundary and circa 140m southeast of shed A.
- 1.3. An internal gravelled road connects the rear sheds for retention to the site entrance also for retention and the adjacent L2007 Straffan Road. The internal gravelled road traverses the zone of archaeological significance associated with the protected structure and SMR. A house is also currently under construction which was granted permission under planning reference no. **21311** and is located approximately 35m to the south of shed A. The appeal site slopes away from the public road.

2.0 Proposed Development

2.1. The development comprises the retention of the following.

- Detached single storey shed (Shed A) with an area of 51m² and height of 4.959m to pitched roof ridge and used as a dry goods store for horse riding equipment. The shed is located approximately 255m from the public road
- Detached single storey shed (Shed B) with an area of 51m² and height of 5.989m with a monopitched roof and is used as a barn. The shed is located approximately 324m from the public road.
- Internal gravelled driveway to connect to the public road, and vehicular access with gate and flanking timber fencing. The driveway traverses an archaeological zone of influence associated with adjacent SMRs and protected structures.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Retention permission was granted by Decision Order dated 15/05/2026 subject to 8 no. conditions. The conditions include restricting the use of the sheds for equine/agriculture. Future subsurface works to the driveway would require archaeology supervision. That shed B is completed and sealed, and works to the site entrance using stone mastic asphalt.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of Planner dated 13/05/2026 recommends a grant of retention permission subject to conditions. The recommended conditions in the planner's report reflect those within the decision notice.

3.2.2. Other Technical Reports

- Heritage Officer. Outlines that if the retention permission is granted it should be for the driveway as constructed. No additional works regarding installation

of kerbs etc should be permitted. The Heritage Officer is satisfied that the driveway being placed on top of the grass surface would preserve any archaeology remains in situ and is an adequate mitigation measure for the driveway within a SMR zone.

- Transport, Mobility and Open Spaces outlines no objection subject to conditions regarding the site entrance and surface water drainage.
- The Environment Section outlines no objection subject to conditions.
- Water Services. No objection subject to conditions.
- Naas Municipal Engineer. No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Eireann. No response received.

Department of Housing, Local Government and Heritage. No objection subject to a condition regarding archaeology and that any future groundworks should be supervised by an archaeologist.

Department of the Arts, Heritage and the Gaeltacht. No response received.

Heritage Council. No response received.

Faite Ireland. No response received.

An Taisce. No response received.

3.4. Third party observations to the Planning Authority

The third party submissions to the Planning Authority raise similar concerns to those of the appeal submission summarised under section 7.1 of this report. Relevant issues raised in the original submissions not included in the appeal submission are summarised as follows.

- The significant further information submitted is different to the original application.
- Impact on residential amenity of existing property.

4.0 Planning History

Planning reference no. **21/311**. the erection of a dwelling, the installation of an O'Reilly/Oakstown Secondary Wastewater Treatment System, the use of an existing vehicular entrance and driveway which already serves the Madigan family home to access the new house. Granted permission on 17/09/21.

Planning reference no. **20/271**. the erection of a dwelling, the installation of an O'Reilly/Oakstown Secondary Wastewater Treatment System, the use of an existing vehicular entrance and driveway which already serves the Madigan family home to access the new house. Permission refused on 19/06/20 as the application would materially contravene condition no. 16 of 00/126 regarding a sterilisation agreement.

Planning reference no. **19/265**. the construction of 2 No. single storey dwellings on family land with individual O'Reilly/Oakstown Wastewater Secondary Treatment Systems, a new shared entrance (with the existing family home entrance), a new shared driveway to the houses and all associated/ancillary works.

Permission refused on 23/09/19 regarding sightlines, recent permission for a rural dwelling to the west, and impact on archaeology. The application would materially contravene condition no. 16 of 00/126 regarding a sterilisation agreement.

Planning reference no. **04/2047**. Extension to family home, a link between side of existing dwelling and existing garage. Permission granted

Planning reference no. **00/126**. dormer bungalow, detached double garage, 5 no. loose horse boxes, septic tank and new vehicular access. Permission granted on 23/06/00.

Planning reference no. **98/1819**. dormer bungalow detached double garage and outhouses and septic tank on site. Refused permission on 05/05/99.

5.0 Policy Context

5.1 Development Plan

The Kildare County Development Plan 2023-2029 (CDP) is the relevant Development Plan for the appeal site. In my opinion the most relevant policies and objectives are listed below.

Chapter 5 Sustainable Mobility and Transport.

Objective TM O102. Minimise the extent of hedgerow removal in order to achieve adequate sightlines

Chapter 9 Our Rural Economy

s9.3 Rural Economy and Rural Enterprise. Other land uses such as housing while not encouraged may be considered in the rural countryside. If land is not within an identified settlement and is not otherwise zoned as part of this Plan, or any Local Area Plan, the use of such land shall be deemed to be primarily **agriculture**.

Objective DD O2. Facilitate agriculture, horticulture, forestry, tourism, energy production and rural resource-based enterprise within the rural settlements and in appropriate rural locations subject to relevant development management standards.

S9.5 Equine

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

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

Chapter 11 Built and Cultural Heritage

Policy AH P2. Protect and enhance archaeological sites, monuments and where appropriate and following detailed assessment, their setting, including those that are listed in the Record of Monuments and Places (RMP) or newly discovered archaeological sites and/or sub- surface and underwater archaeological remains.

Objective AHO2. Manage development in a manner that protects and conserves the archaeological heritage of County Kildare, avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest and secures the preservation in-situ or by record of all sites and features of historical and archaeological interest, including underwater cultural heritage

Objective AH O4. Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed

developments are subject to an archaeological assessment prepared by a suitably qualified archaeologist.

Objective AH O8. Protect historic burial grounds that are recorded monuments and encourage their maintenance in accordance with best conservation principles in co-operation with the Historic Monuments Advisory Committee and the National Monuments Service, Department of Housing, Local Government and Heritage. Development may be restricted or conditions requiring substantial excavation may be imposed in and adjacent to former burial grounds.

Policy AH P6. Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.

Objective AH O20. Conserve and protect buildings, structures and sites contained on the Record of Protected Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Objective AH O21. Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

Objective AH O32. Ensure that new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations.

Chapter 13 Landscape, Recreation and Amenity

Policy LR P1. Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

Chapter 15 Development Control Standards

15.9.8 Agricultural Developments is regarding the design and location of agricultural buildings.

Appendix 5 Record of Monuments and Places

5.2 National/Regional Plans/Policies

National Policy Objective (NPO) 23 Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape including island communities that make Ireland's rural areas authentic and attractive as places to live, work and visit. Any successor policy documents relating to national policy for rural areas and the islands will ensure continued alignment and consistency with the National Policy Objectives of this Framework.

NPO 24. Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

5.3 National Guidance

Architectural Heritage Protection Guidelines for Planning Authorities 2011. Provides details regarding protected structures and The National Inventory of Architectural Heritage.

National Built Heritage Service National Inventory of Architectural Heritage (NIAH) does not identify the protected structure (RPS B14-09) on its database.

5.4 Natural Heritage Designations

The appeal site is located circa 11km east of the Ballynafagh Bog SAC (000391)

The appeal site is located circa 11km northwest of the Red Bog, Kildare SAC (000397)

The appeal site is located circa 10.5km southeast of the Rye Water Valley/Carton SAC (001398)

Proposed Natural Heritage Areas

Grand Canal (002104) is located circa 700m to the southeast of the appeal site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A third party planning appeal was submitted by Stephen McLoughlin and Lyn McCarthy who are the owners of the adjacent house that is located to the southeast of the appeal site. I consider the relevant issues of the appeal to be as follows.

- The basis for the application changed by way of further information from structures used for equine use, to being consistent with the 2021 planning permission and that retention was to facilitate both residential and equine use.
- The hedgerow was removed to install the gate. This includes the removal of hedgerow not owned by the applicant.
- The granting of additional accesses is contrary to proper planning and sustainable development. The applicant has outlined that the gate is for residential and equine use. The gate is dangerous and is a traffic hazard.
- Granting this as a commercial premises will attract additional traffic.
- The driveway is laid across a protected archaeological site. The Archaeology Plan 03/07/25 makes limited reference to the construction of the access road and the author has evaluated the incorrect road. The photographs of the construction is not the road currently used for access.

- The 2019 Giacometti report under 21311 relates to a different access road which connects to the third party appellants house. The applicant has not followed the recommendation of the Giacometti report.
- They are not aware of the site being used for extensive equine purposes.
- The shed is visually obtrusive, and documents make no reference to the impact of the structures on the neighbouring properties.
- The applicant sought to use the shed for a business at one point. They seek to use the site for commercial purposes.
- The applicant is not the landowner.

7.2. Applicant Response

A consultant (Farry Town Planning Ltd) has submitted a letter on behalf of the applicant in response to the third party appeal. The details which I consider relevant are summarised below. A letter of landownership consent and a map outlining setback distances of the sheds are included.

- The site is already used for equine purposes as exempted development under S4(1) of the Planning and Development Act 2000 (as amended).
- The footprints of the buildings are relatively small.
- Classes 6,9, and 10 of the Planning and Development Regulations 2001 (as amended) allow for the erection of agricultural and equine buildings. Class 6 sets an upper limit of 300m² for equestrian use.
- The applicant is not arguing that the buildings constitute exempted development.
- The development is set back from the public road.
- Works undertaken on site by the applicant were in the belief that permission was not required having regard to appropriate classes of the Regulations.
- The applicant under 21311 is not the same person as the current applicant.
- The buildings for retention are for equine uses and related storage.

- The third party appellant claims the property will be used for commercial purposes.
- The planning authority's grant of permission confirms the site entrance is appropriate and Objective TM 095 does not apply to local roads.
- The 90m visibility splay is outlined on the KAS drawing no (00)101 and it does not extend to the road bend to the south.
- The third party appellant does not suggest that any accidents have occurred regarding vehicular access. The assessment of the entrance by the Planning Authority was appropriate.
- Much of the hedgerow and vegetation to be lost will be replaced. The original front boundary contained a 17m stretch of hedgerow, with 20m of planting proposed.
- Issues raised regarding archaeology are related to the lane. The third party appellant refers to an earlier document and not the most up to date report. The Heritage Officer accepted the manner in which the lane was constructed over the ground.
- The sheds are not visually obtrusive due to distance and vegetation. Both sheds are below 8m as per Class 6 of the regulations.

7.3. Planning Authority Response

Letter from the Planning Authority outlining no change to the decision issued and to refer to the planner's report and technical documents.

7.4. Observations

None

7.5. Further Responses

Failte Ireland. No response received

An Taisce. No response received.

8.0 **Assessment**

8.1. Having examined the planning application details and all other documentation on file, including the submission received in relation to the appeal, the report 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
- Archaeology and visual impact
- Entrance and sightlines
- Other matters

8.2. **Principle of development**

8.3. The retention permission is for 2 no. sheds for agriculture and equine uses, and an entrance and internal access road which connects the sheds to the public road.

8.4. I note that the appeal site is zoned agriculture as per s9.3 of the County Development Plan, which also outlines that other land uses may be considered in the countryside. During my site visit I observed that both sheds were being used. I consider the use of the sheds and associated infrastructure is for agricultural and equine uses which I consider appropriate for the agricultural lands. I am therefore of the opinion that the development for retention complies with Policy RD P3, Objective RD O16, and Objective DD O2 of the County Development Plan with regard to equine and agriculture based developments.

8.5. Having regard to the above I am satisfied that the principle of development is acceptable and is in accordance with the County Development Plan. Further assessment will be undertaken with regard to archaeology and the site entrance below.

8.6. **Archaeology and visual impact**

The National Built Heritage Service Historic Environment Viewer outlines that a Sites and Monuments Record (SMR) zone of influence is present on the appeal site with the associated structures located northwest of the appeal boundary line. These structures are also identified in Appendix 5 of the County Development Plan. The

County Development Plan also identifies a protected structure located northwest of the boundary (RPS B15-09 Ruined Castle and Church and Baptismal Font). I note this protected structure is not mapped on the Historic Environment Viewer and has no NIAH reference number.

- 8.7. I note the third party appeal which raises concerns regarding the impact on archaeology and the inaccurate details with respect to the access road outlined in the archaeology report and the 2019 Giacometti archaeology report (which formed part of the submission for planning reference no 21311).
- 8.8. I note the details of the archaeological report submitted to the planning authority by way of further information. This acknowledges that the construction of the access road is in a different position to that identified in the 2019 Giacometti report, but the archaeological recommendations are still followed. It advises that no adverse impact has been identified on potential archaeological remains due to the construction of a raised laneway, and that no sinkage of the laneway structure has occurred.
- 8.9. The internal access road for retention is constructed across the archaeology zone of influence associated with the SMR and the protected structure. I note that the archaeology report submitted by way of further information clarifies the position of the access road and provides photographs of its construction. I note the further information report from the Heritage Officer which outlines that the nature of the raised gravelled lane ensures that any below ground archaeology can remain in situ and that this is an appropriate mitigation measure. The Heritage Officer outlines that any below ground excavations within this zone would not be acceptable.
- 8.10. Shed A is located approximately 170m and Shed B is located approximately 235m outside of the zone of archaeological influence of the SMR and protected structure. I do not consider the sheds to impact on the visual amenity of the area due to the distance from the SMR and protected structure, distance from the third party appeal dwelling (circa 140m), and distance from the public road (circa 250m).
- 8.11. Having regard to the Heritage Officers report in that the lane is constructed above ground and that any sub ground works would not be permitted. I am of the opinion that this is a reasonable approach with respect to the access lane and mitigation measures, and I am therefore satisfied that a suitable planning condition to restrict any below ground works to be appropriate in the event of a grant of permission.

- 8.12. I consider that the development complies with Objective AHO2, Objective AH O4, Policy AH P6, Objective AH O20 and Objective AH O21 with respect to the protection of protected structures and curtilages, and archaeology preservation.
- 8.13. **Entrance and sightlines**
- 8.14. The third party appellant outlines concerns regarding safety associated with the site entrance. I note that the Planning Authority roads department and planner did not outline any objection regarding the site entrance subject to conditions.
- 8.15. I note the vehicular entrance and sightlines drawing submitted to the Planning Authority includes sightlines in both directions from the site entrance. I also note the LOH Consulting report which outlines that the sightlines of the existing entrance were measured from a 2.4m setback.
- 8.16. Table 1.3 of the Transport Infrastructure Ireland (TII) publication DN-GEO-03031 (May 2023) states a desirable minimum stopping distance of 90m for a design speed of 60kph. Having visited the site and observing the low cut hedges to both sides of the entrance and considering the speed limit for this section of road is 60kph, I am therefore satisfied that the appropriate sightlines can be achieved in both directions from a 2.4m setback and in accordance with the said TII document.
- 8.17. I consider that the entrance subject to retention will achieve appropriate sightlines in both directions from the site entrance and will not result in a traffic hazard. I also consider that the hedgerow removal to be in accordance with Objective TM O102 of the County Development Plan.
- 8.18. **Other matters**
- 8.19. The third party appellant outlined that the applicant submitted a planning application on land not in their ownership. I note the letter submitted by the applicant to ACP which outlines authorisation from the applicant's husband to lodge the planning submission. I deem this letter to be appropriate.
- 8.20. I note the issues raised by the appellant regarding unauthorised development. I consider any unauthorised development an enforcement issue and any matter of enforcement falls under the jurisdiction of the Planning Authority.

9.0 AA Screening

- 9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in Whitechurch, Straffan, Co. Kildare approximately 11km east of the Ballynafagh Bog SAC (000391), circa 11km northwest of the Red Bog, Kildare SAC (000397), and circa 10.5km southeast of the Rye Water Valley/Cartron SAC (001398).

The retention permission is for 2 no. sheds to be used for equine purposes, internal driveway and site entrance.

No nature conservation concerns were raised in the planning appeal. Concerns were raised regarding archaeology.

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 works and scale of the development for retention.
- Location and distance from the nearest European site and lack of hydrological connections.

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

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

10.0 Water Framework Directive

- 10.1. An assessment of the development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the development, it is concluded that it will not result in any risk of deterioration in the status of any water body, including

surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 10.2. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

- 11.1. I recommend to the Commission that permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- The provisions of the Kildare County Development Plan 2023-2029 including Policy RD P3, Objective RD O16, and Objective DD O2 regarding development for equine and agriculture based activities.
- The provisions of the Kildare County Development Plan 2023-2029 including Objective AHO2, Objective AH O4, Policy AH P6, Objective AH O20 and Objective AH O21 with respect to the protection of protected structures and curtilages, and archaeology preservation.
- The nature, scale, and location of the development with a Sites and Monuments Records zone.
- The residential amenities of properties in the vicinity of the development, and visual impact of the development for retention.

It is considered that the development for retention, subject to compliance with the conditions set out below, does not seriously injure the residential amenities of property in the vicinity or visual amenity of the area, or impact on the archaeology of

the adjacent protected structure. Therefore, the development for retention is in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, 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. Within one month of the final grant of permission, photographic evidence shall be submitted for the written agreement of the Planning Authority which demonstrates 'Shed B' to the rear of the site is fully completed and sealed in its entirety according to the drawings received by the Planning Authority on the 15/08/2025.

Reason: In the interest of clarity and to regulate the development.

3. The use of the sheds/outbuildings the subject of this application shall be for equine/agriculture purposes only. The proposed sheds/outbuildings and overall site delineated in red as shown on the Site Layout Plan received by the Planning Authority on 15/08/2026 shall not be used as habitable accommodation, and not for any trade, workshop, or any other commercial use. The sheds/outbuildings for retention shall not be let or sold separately.

Reason: In the interest of clarity and to regulate the development.

4. The driveway hereby permitted for retention shall remain as constructed. No additions or engineering works, decorative or otherwise, such as kerbing, lighting routed underground, or the use of the driveway to install underground utilities of any description is permitted. Any future subsurface work within the development

boundary shall not encroach on the SMR zone and shall be subject to archaeological supervision.

Reason: To preserve the archaeological integrity of the site and to regulate the development.

5. The Applicant/Developer shall ensure that the sight visibility lines, at the entrance are, subsequently, kept free from obstruction and maintained by the Occupant, so as not to impede lines of sight at the entrance as provided in accordance Transport Infrastructure Ireland (TII) Documents (DNGEO-03060 & 03031).

Reason: In the interest of road safety.

6. 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 laneway or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. The Applicant/Developer shall provide a Stone Mastic Asphalt (SMA) Overlay for the tie in, recessed bell mouth shaped area, from the edge of carriageway to the development's vehicle entrance gate. The Applicant/Developer shall ensure that the new SMA surface at the recessed road entrance is designed and shaped to ensure surface water is collected in a new gully/Acro drain system and discharged to a soakaway within the site. The Developer shall ensure that the vehicular access gradient is not more than 2% for 7 metres from the carriageway tie-in to the gateway.

Reason: In the interests of road safety

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

Donal Farrelly
Planning Inspector

01/10/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501520-KE-26
Proposed Development Summary	Retention of sheds for equine purposes, entrance and gate within the curtilage of a Protected Structure and SMR
Development Address	Whitechurch, Straffan, Co. Kildare
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ 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
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	<i>Class 1 Agriculture, Silviculture and Aquaculture</i> <i>(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5</i>

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<i>hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.</i> Hedgerow removed is too small to be of any significance. <i>Class 10 Infrastructure projects</i> <i>(dd) All private roads which would exceed 2000 metres in length.</i> The internal access road is too small to be of any significance.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501520-KE-26
Proposed Development Summary	Retention of sheds for equine purposes, entrance and gate within the curtilage of a Protected Structure and SMR.
Development Address	Whitechurch, Straffan, Co. Kildare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development for retention has a modest footprint, does not require demolition works, 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,	The development is situated in a rural area on improved agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated landscapes of identified significance in the County

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).	Development Plan. The site is located adjacent to a protected structure.
Types and characteristics of potential impacts (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 modest nature of the development, 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.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant	EIA is not required.

effects on the environment.	
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)