



An
Bord
Pleanála

Inspector's Addendum Report

ABP-318024-23

Development	Erection of a single storey house and garage.
Location	Lowtown, Robertstown, Naas, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	22/424
Applicant(s)	Eithna Herbert.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission.
Appellant(s)	Eithna Herbert.
Observer(s)	None.
Inspector	Enda Duignan.

1.0 Introduction & Background

- 1.1. In correspondence dated 11th October 2023, the Board noted that they had previously made a decision on this appeal by order dated 9th February 2023 and under appeal reference number ABP-313899-22. The correspondence confirms that this decision was quashed by order of the High Court and the case was remitted by that Court back to the Board for a new decision. The appeal has now been reactivated.
- 1.2. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considered that it was appropriate in the interests of justice to now request relevant parties under section 131 of the Planning and Development Act 2000 (as amended) to make any further general submissions/observations in relation to the appeal and to make submissions on the Kildare County Development Plan 2023 – 2029 in the context of the proposed development which was subject of the appeal.
- 1.3. All parties were invited to make a submission in relation to the matters raised above on or before the 1st November 2023. This report considers the submissions made on foot of the request and the proposed development in the context of the policy provisions of the Kildare County Development Plan 2023 – 2029.

2.0 Response to Board's Correspondence

2.1. First Party Response

- 2.1.1. The Applicant's agent submitted a response to the Board's request on 1st November 2023. Included with this response letter is correspondence confirming that the Applicant is no longer contracted to provide services to Tara Equestrian. The Applicant's response can be summarised as follows:
 - The submission highlights that the new County Development Plan extends to c. 600 pages and the Board is requested to accept that it would be unrealistic and unnecessary for them to address each and every clause in this instrument and to provide a fresh opportunity for them to comment, if it has concerns regarding any particular policy.
 - The response notes that it is apparent from the decision of the Planning Authority and the report of the Board's Planning Inspector that all physical,

functional, architectural, aesthetic, technical, ecological, environmental, safety and public health issues which are associated with the proposal have been deemed to be acceptable and it is reasonable for the parties to carry this conclusion forward into any fresh decision on the appeal.

- In terms of the Board's reason for refusal, it is confirmed that the Applicant's eligibility criteria remain largely unchanged since the original application was lodged and the appeal submitted. The Applicant still owns her tri-generational, c. 90-acre, farm and still resides at her existing residence at Lowtown, Robertstown, Naas, Co. Kildare. The response also refers to the Applicant's changed marital status, her need to look after her two children and her need to generate an increased income which has not changed since the application and appeal were lodged.
- The response confirms that the Applicant no longer works in Kilcullen, as was formerly the case, that she does not work in an urban area, and her sole familial and financial base is at Lowtown, where she rears her children and works her own land.
- The response also refers to the original papers submitted with application and appeal and confirms that the Applicant is a lifelong resident of this rural area and thus satisfies the new social stipulation of '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'. It is stated that a candidate does not need to satisfy both economic and social criteria and it is contended that the Applicant qualifies for a farmhouse on her own farm for social reasons.
- Given the volume of documents which shows the Applicant's eligibility under both social and economic headings, it would be difficult for the Board to justify a fresh refusal of permission. It is stated that the rural housing policy, as set out under the current County Development Plan, actually advances the Applicant's case.

2.2. Planning Authority Response

- 2.2.1. A response has been received from the Planning Authority dated 1st November 2023. The points raised by the Planning Authority can be summarised as follows:

- The Applicant must comply with section 3.13.3 of the current County Development Plan. Whilst it is indicated in particulars submitted with the application that the Applicant is involved on a part time basis in agriculture, no further details have been submitted.
- It appears from the documentation submitted that the Applicant meets the housing need based on social connection to the area, subject to other planning development considerations.
- However, consideration must also be given to the Applicant's current housing need in compliance with Objective HO O43 of the Plan which require Applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare. It is stated that the Applicant was granted planning permission previously for a dwelling in the rural area and owns this dwelling and therefore would contravene Objective HO O43 of the Plan.
- The exceptional circumstances indicated by the Applicant (financial grounds) is not supported by policies or objectives of the Plan. It is stated that HO O47 relates to 'exceptional health circumstances' only and is therefore not applicable.
- Section 3.18 (Technical Considerations for rural Housing Proposals) of the Plan provides guidance on the acceptable principles for making an application for a one-off dwelling. Subsection 1 of this guidance relates to a housing need. It is stated that Applicants must not already own or have been permitted dwelling, save in demonstratable exceptional circumstances. It is not considered exceptional circumstances have been demonstrated having regard to the Applicant owning her current dwelling.
- The Planning Authority would therefore respectfully request the Board to uphold the decision of Kildare County Council to refuse planning permission and a sample refusal reason has been provided by the Planning Authority.

3.0 Policy and Context

3.1. Local Policy

3.1.1. Kildare County Development Plan (CDP), 2023-2029.

The site is located outside a designated settlement boundary within the rural area of

the county Kildare. As per Map 3.1 (Rural Housing Policy Zones) of the current CDP, the appeal site is located on lands identified as 'Zone 1'. In order for an Applicant to be considered for a one-off dwelling in the rural area of Kildare, an Applicant must demonstrate compliance with the policy outlined in Section 3.13.3 (Compliance with the Rural Housing Requirements). In addition, the following policies are relevant to the consideration of this appeal:

- **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.
- **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.
- **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.
- **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.
- **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.
- **HO O47:** Recognise that exceptional health circumstances, supported by relevant documentation from a registered medical specialist, may require a person to live in a particular environment. Housing in such circumstances will generally be encouraged in areas close to existing services and facilities and in Rural Settlements. All planning permissions for such housing granted in rural areas shall be subject to a ten-year occupancy condition.

In terms of siting and design, polices are included within Section 3.13.4 of the current CDP. Policies of note include:

- **HO P12:** Ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment. Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.
- **HO P15:** Preserve and protect the open character of transitional lands particularly the approach roads to towns and villages and areas immediately outside of settlement boundaries in order to prevent linear sprawl near towns, villages and settlements and to maintain a clear demarcation and distinction between urban areas and the countryside and to protect the integrity of the agricultural uses in these areas.

In addition to the foregoing, relevant objectives of the CDP include:

- **HO O50** Require that new dwellings incorporate principles of sustainability and green principles in terms of design, services and amenities with careful consideration in the choice of materials, roof types (i.e. green roofs), taking advantage of solar gain/passive housing and the provision of low-carbon and renewable energy technologies as appropriate to the scale of the development and to support microgeneration in all residential, commercial, agricultural and community development planning. Other sustainable principles could include the use of Sustainable Urban Drainage Systems (such as attenuation ponds and grass lined swales), the use of gravel or grasscrete rather than permanent paving/tarmac for driveways, landscaping and planting for biodiversity/pollinators and adequate waste segregation and storage space, as set out in Section 15.4 of Chapter 15 (Development Management standards) and the Rural House Design Guide contained in Appendix 4.
- **HO O51:** Require all applications to demonstrate the ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees All applications will be considered on a case-by-case basis, having regard to, the quality of the hedgerow, age and historical context, if an old town boundary hedgerow, species composition, site context

and proposed mitigation measures.

- **HO O52:** Recognise the biodiversity and ecosystem services value of established hedgerows within rural and urban settings and where hedgerow must be moved to achieve minimum sight lines, a corresponding length of hedgerow of similar species composition (native and of local provenance) shall be planted along the new boundary, while allowing occasional hedgerow trees to develop.
- **HO O53:** Retain, sensitively manage and protect features that contribute to local culture heritage and distinctiveness including;
 - o heritage and landscape features such as post boxes, pumps, jostle stones, etc.
 - o hedgerows and trees,
 - o historic and archaeological features and landscapes,
 - o water bodies,
 - o ridges and skylines,
 - o topographical and geological features and
 - o important scenic views and prospects.
- **HO O54:** Protect and maintain all surface water drainage within the curtilage of the site. Where site works impact on surface water drainage effective remedial works will be instated.

Section 3.14 (Rural Residential Density) of the current CDP is relevant to the consideration of the proposal and the following policies and objectives are of relevance:

- **HO P26:** Sensitively consider the capacity of the receiving environment to absorb further development of the nature proposed through the application of Kildare County Councils 'Single Rural Dwelling Density' Toolkit (see Appendix 11) and facilitate where possible those with a demonstrable social or economic need to reside in the area. Applicants will be required to demonstrate, to the satisfaction of the planning authority that no significant negative environmental effects¹⁰ will occur as a result of the development. In this regard, the Council will:
 - o examine and consider the extent and density of existing development in

the area,

- the degree and pattern of ribbon development in the proximity of the proposed site.
- **HO O59:** Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.

In terms of wastewater treatment, Section 3.15.1 of the CDP is relevant to the consideration of the appeal and Policy **HO P27** is included as follows:

- Require all applications to demonstrate, to the satisfaction of the Planning Authority that the proposed development site can accommodate an on-site wastewater treatment system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2021), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period.

Policy objectives for site access and entrances are contained within Section 3.16 of the CDP and include:

- **HO P28:** Avoid the creation of new accesses for one-off dwellings onto national roads, to comply with the requirements of the Spatial Planning and National Roads Guidelines, DECLG (2012).
- **HO P29:** Restrict new accesses for one-off dwellings onto regional roads, where the 80km/hr speed limit applies in order to avoid the premature obsolescence of regional roads, (see Chapter 5), through the creation of excessive levels of individual entrances and to secure investment in non-national roads.
- **HO P30:** Require that proposals retain and maintain existing hedgerows in all instances, with the exception only of the section required to be removed to provide visibility at the proposed site entrance. On such cases, proposals for replacement hedgerows, including details of composition and planting must be submitted with any application which requires such removal.
- **HO P31:** Strictly control developments which require vehicular access from

public roads that were formerly towpaths or from existing towpaths along the Grand Canal and Royal Canal. This is in addition to restrictions relevant to the Canals' designation as Proposed Natural Heritage Areas (pNHAs). It is policy to consider housing applications for established families only along roads that were formerly towpaths along the Canals and that such developments will be strictly controlled.

- **HO P32:** Require that the design of entrance gateways should be in keeping with the rural setting. All applications for a dwelling in a rural area should include detailed drawings and specifications for entrance treatments. The roadside boundary should ideally consist of a sod/earth mound/ fencing planted with a double row of native hedgerow species.

Relevant appendices of the CDP include:

Appendix 4 – Rural House Design Guide

‘When considering building a new home in rural County Kildare, the approach to site selection is crucial.’

This includes refining the location and Applicants considering if they comply with the Rural Housing Policy pertaining to the area.

Appendix 11 – Single Rural Dwelling Density Toolkit

‘National guidelines and the County Development Plan policy has generally been formulated to manage rural housing to avoid a proliferation of one-off houses, extensive ribbon development, piecemeal and haphazard development...’

‘When the density or intensity of one-off houses becomes overly concentrated in any one particular area, the rural character of the area is gradually eroded... The intrinsic rural character is gradually transformed into a suburban, peri-rural character.’

3.2. National Policy

3.2.1. Climate Action Plan 2024 (CAP24)

3.2.2. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

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

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

3.2.4. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of a rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

3.2.5. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

3.3. Natural Heritage Designations

3.3.1. There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Ballynafagh Lake Special Area of Conservation (Site Code: 001387), c. 1.5km to the north-east of the site. I note that the site is partially located (vehicular entrance) within the 'Proposed Natural Heritage Area: Grand Canal' which is located to the south of the site.

3.4. EIA Screening

3.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

4.0 Assessment

The following assessment has considered the proposed development in the context of the provisions of the current County Development Plan (i.e. 2023-2029). In addition, regard is given to the submissions of both the Applicant and the Planning Authority. The issue of appropriate assessment also needs to be addressed. The core issues associated with the proposed development can be dealt with under the following headings:

- Compliance with Rural Housing Policy,
- Rural Residential Density, and,
- Appropriate Assessment.

4.1. Compliance with Rural Housing Policy

4.1.1. Compliance with rural housing policy is a core consideration for any planning application for a one-off house in a rural area. Section 3.13.3 (Compliance with the Rural Housing Requirements) of the current CDP notes that rural generated housing demand will be managed having regard, inter alia, to an Applicant's genuine local

need, together with the protection of key economic, environmental, natural and heritage assets, such as the road network, water quality, important landscapes, habitats and the built heritage. This section of the current CDP notes that the Department of Housing, Local Government and Heritage have indicated that new Rural Housing Guidelines are being prepared to address rural housing issues and to take account of the Flemish Decree, the NPF and broader settlement context. In the interim, it is stated that the Local Authority must establish a policy to facilitate those who can demonstrate a genuine housing need and a social and/or economic need to live in rural County Kildare. The policy also clearly stipulates that urban generated rural housing will not be considered.

4.1.2. In order to be considered for a one-off dwelling in the rural area of Kildare, an Applicant must either have 'economic' or 'social' need to live in the area. An 'economic' need is defined as 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. The Plan notes that 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. In terms of 'social' need, the Development Plan defines this as 'A person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build.'

4.1.3. As per Map 3.1 of the current CDP, the appeal site is located within 'Zone 1' (Areas under Strong Urban Influence). In 'Areas under Strong Urban Influence', the CDP notes that it will be an objective of the Council to facilitate the provision of single housing in the countryside based on the core considerations of:

- demonstrable 'economic or social' need to live in a rural area and build their home, and
- siting, environmental and design criteria for rural housing in statutory guidelines and plans.

It is also policy under HO P11 of the Plan to facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open

Countryside in conjunction with the rural housing policy zone map (Map 3.1), the accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the relevant objectives (i.e. HO O43 – HO O49) of the Plan.

- 4.1.4. In terms of economic need, the Planning Authority have indicated that, whilst the Applicant has submitted documentary evidence to demonstrate that they are involved in agriculture on a part time basis, no further details have been submitted. Notwithstanding this, I note that the provisions of the current Plan (i.e. Table 3.4) no longer require persons to be engaged full time in agriculture when a landholding in their ownership exceeds 15ha. Documentary evidence has been submitted with the planning application and appeal to demonstrate that the Applicant currently farms the land (inclusive of the appeal site), and the size of their landholding is in excess of 15ha. I am therefore satisfied that the Applicant satisfies this criterion, and an economic need has been established as per the specific provisions of the current Plan.
- 4.1.5. On the basis of the documentary evidence on file (i.e. letter from national school, utility bills, folio details etc.), I am satisfied that Applicant has spent substantial periods of their life in this rural area and the Applicant is one who could be considered to qualify for a house in this rural area, as per the requirements of this specific policy of the current Plan. The Planning Authority have also indicated in their recent correspondence on file that the Applicant meets the housing need based on social connection to the area, subject to other planning development considerations. Therefore, it is my view that a social need as per the provisions of the Plan have been demonstrated (i.e. Table 3.4).
- 4.1.6. Although the Applicant has demonstrated a social and economic need for a dwelling in this rural area, I note that the Planning Authority has indicated that the Applicant has failed to comply with Objective HO O43 of the current Plan. This policy objective seeks to 'require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare'. The Planning Authority have indicated that the Applicant was previously granted planning permission for a rural dwelling (Ref. PL00/1352) which she owns, and which is located

c. 500m from the appeal site. Under the policy provisions of the previous Plan (2017-2023), Policy RH3 also required Applicants to demonstrate that they do not own or have not been previously granted permissions for a one-off rural dwelling in Kildare and have not sold this dwelling or site to an unrelated third party, save in exceptional circumstances. Although I acknowledge the Applicant's rationale for a new dwelling at this location (i.e. a matrimonial break-up), the exceptional circumstances as afforded under the previous policy (i.e. RH 3) no longer applies under the provisions of current Plan. As the Applicant owns and has been previously granted permission for a one-off rural dwelling in Kildare, the proposed development is considered to be contrary to Objective HO O43 of the current Plan. Whilst I acknowledge that Table 3.5 (Technical Considerations for Rural Housing Proposals in County Kildare) includes a reference to exceptional circumstances, the Plan (Section 3.18) notes that the principles set out in Table 3.5 are intended to be a high-level checklist for Applicants to consider when determining the suitability of a site or applicant for a new rural dwelling. As this is intended to be a high-level checklist only, it is reasonable to conclude that any proposal for a dwelling in a rural area must foremost comply with the relevant policies and objectives of the Plan. In this regard, the proposal fails to comply with Policy HO P11 and Objective HO O43 of the Plan and should therefore be refused planning permission. Should the Board come to a different conclusion on this matter, I recommend the inclusion of a condition restricting occupancy of the house specifically to the Applicant as set out in Objective HO O45.

4.2. Rural Residential Density

- 4.2.1. It is an objective under HO O59 of the CDP to 'Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding'. Appendix 11 of the current CDP provides a 'Single Rural Dwelling Density Toolkit'. It states that national guidelines and Development Plan policy has generally been formulated to manage rural housing to avoid a proliferation of one-off houses, extensive ribbon development, and piecemeal and haphazard development. When the density or intensity of one-off houses becomes overly concentrated in any one particular area, the rural character of the area is gradually eroded. The intrinsic

rural character is gradually transformed into a suburban, peri-rural character and the critical question, therefore, becomes “at what point does that the character change” i.e., “what is the tipping point”?

4.2.2. Appendix 11 states that one of the evaluation criteria in this regard is the examination of ‘Rural Residential Density’ (RRD) at the scale of a square kilometre surrounding the site for a proposed one-off house. It reflects the policy approach to rural and one-off houses set out under Section 3.14 of the Development Plan, which is entitled ‘Rural Residential Density’ and the following categories are referenced:

- In general, RRDs of less than 15 units per sq. km will be acceptable.
- In very enclosed landscapes with well-defined hedgerows and/or mature trees, which would partly screen or enclose one-off houses, RRDs of c. 15 – 25 per square kilometre may be open for consideration.
- Where the RRD exceeds 30 units per sq. km there will be a presumption against further one-off houses. However, in certain circumstances the above limits on RRD may be exceeded, subject to the exceptions outlined in section 3.14 of Chapter 3 of Volume 1 (of the Development Plan).

4.2.3. Upon reviewing the file and online mapping systems, I have calculated approximately 8 no. existing dwellings within a c. 1km radius of the subject site, thereby resulting in an RRD per square kilometre that is generally considered to be acceptable. During my physical inspection of the site, I also observed that the appeal site is substantially setback from the public road and is enclosed by mature trees and hedgerows to the south and west. This would act to largely screen the proposed dwelling when viewed from the site surrounds. The proposed development is therefore considered to be in compliance with Objective HO O59 of the Plan.

4.3. Appropriate Assessment

4.3.1. The nearest designated site is the Ballynafagh Lake Special Area of Conservation (Site Code: 001387) which is located c. 1.5km to the north-east of the site. I note the un-serviced nature of this rural location which means that the site does not benefit from access to public mains drainage or water supply. I also acknowledge the prevalence of agricultural activities in the site’s vicinity. Despite these factors, I am

nonetheless of the opinion that taking into consideration the modest nature, extent and scope of the proposed development, alongside having regard to the documentation on file which includes a Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

5.0 Recommendation

5.1. Having considered the proposed development in the context of the provisions of the current County Development Plan (i.e. 2023-2029) and submissions of both the Applicant and the Planning Authority, I recommend that the planning application be refused for the following reasons and considerations.

6.0 Reasons and Considerations

1. It is an Objective (HO O43) under the Kildare County Development Plan, 2023-2029, to 'Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare'. Having regard to the totality of the information on file and the previous permission granted to the Applicant for a rural one-off dwelling within which they reside, the proposed development would fail to accord with Policy HO P11 and Objective HO O43 of the current Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Enda Duignan

Planning Inspector

04/01/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318024-23		
Proposed Development Summary	Erection of a single storey house and garage.		
Development Address	Lowtown, Robertstown, Naas, Co. Kildare.		
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	Yes
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			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			Conclusion
			No EIAR or Preliminary Examination required
Yes	X	500 residential units	Class 10(b)(i) Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 4th January 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318024-23	
Proposed Development Summary	Erection of a single storey house and garage.	
Development Address	Lowtown, Robertstown, Naas, Co. Kildare.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
•	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> • Nature of the Development • Is the nature of the proposed development exceptional in the context of the existing environment? • Will the development result in the production of any significant waste, emissions or pollutants? 	<p>The proposed development is for a single storey, one-off dwelling within the rural area of Co. Kildare where there are examples of developments of a similar nature in the surrounding hinterland.</p>	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> • Size of the Development • Is the size of the proposed development exceptional in the context of the existing environment? 		<p>No</p>

<ul style="list-style-type: none"> • Are there significant cumulative considerations having regard to other existing and/or permitted projects? 		No
<ul style="list-style-type: none"> • Location of the Development • Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? • Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>No designations apply to the subject site.</p> <p>The proposal includes the provision of a secondary treatment system and soil polishing filter (Oakstown Effluent Treatment System and Percolation). Overall, I am generally satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable subject to compliance with separation distances prescribed under Table 6.2 of the Code of Practice. Should the Board be minded to grant permission for the proposed development, In the event of a grant of permission, it is recommended that a condition be included requiring the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).</p>	<p>No</p> <p>No</p>

• Conclusion		
<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA not required. 		

Inspector: _____

Date: 4th January 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)