

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

## Kildare County

**Planning Register Reference Number: 09/835**

An Bord Pleanála Reference Number: PL 09.235082

**APPEAL** by Joseph Conway care of Vincent J.P. Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 16<sup>th</sup> day of September, 2009 by Kildare County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Construction of 65 dwellings consisting of 44 number House Type A – three bed terraced two-storey in 10 blocks, four number House Type B – three bed semi-detached bungalows, one number House Type C – four bed detached two-storey, 16 number Apartment Type D – two bed units in one two-storey block and all associated site development works, all on a site of 7.2 acres at Downings North, Prosperous, County Kildare.

## DECISION

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

1. The Osberstown Waste Water Treatment Plant has no capacity to cater for flows generated from the proposed development. Osberstown Waste Water Treatment Plant is upstream of Leixlip water treatment works where sewage overflows could cause serious health problems. Osberstown Waste Water Treatment Plant has exceeded its capacity both hydraulically and biologically and the proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the submissions made in connection with the planning application and the appeal, it is considered that the proposed development would be premature by reference to an existing deficiency in the sewerage facilities and network in the area and the period within which such deficiency may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.
3. The proposed development, by virtue of the encroachment of a section of the proposed residential development onto an area zoned for open space and amenity, would materially contravene 'zoning objective E - open space and amenity' indicated in the Prosperous Local Area Plan 2007 and would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development, by virtue of its layout and design, is such that it would detract from the amenity, character and integrity of Prosperous Village, would seriously injure the visual amenity of the area and would set an undesirable precedent for further similar developments in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2010.**