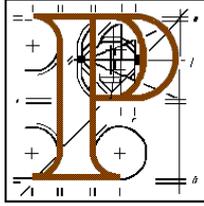


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Kildare County**

**Planning Register Reference Number: 14/728**

An Bord Pleanála Reference Number: PL 09.244102

**APPEAL** by Liam Eves care of Vincent J.P. Farry and Company of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 14<sup>th</sup> day of October, 2014 by Kildare County Council to refuse permission and outline permission.

**PROPOSED DEVELOPMENT:** (A) Outline planning permission for four number houses for local need, (B) planning permission for site development works for the four number above houses, and (C) planning permission for the upgrading of the existing wastewater treatment plant, percolation area and associated site works to serve the existing scheme and the additional four number units at Red Hills Estate, Ellistown, County Kildare.

## **DECISION**

**REFUSE permission and outline 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. It is the policy of the planning authority (RH 22) as set out in the Kildare County Development Plan 2011-2017 to facilitate small scale clusters of dwellings/serviced sites of not more than five housing units in locations classified as “Rural Nodes” such as Ellistown. It is considered by the Board that the principle of the development as proposed does not comprise a cluster of housing units with the meaning of the said policy, but would represent an extension to and the incremental development of an existing residential development, that is, Redmills Park. The proposed development would, therefore, contravene materially Policy RH 22, would set an undesirable precedent for similar such proposals and would be contrary to the proper planning and sustainable development of the area.
  
2. Policy RH 22 as set out in the Kildare County Development Plan 2011-2017 seeks to focus the provision of housing units in “Rural Nodes” for applicants/occupants who comply with the local need criteria set out in Table 4.3 of the development plan. Based on the absence of documentary evidence demonstrating compliance with local need criteria, it is considered that the principle of the development as proposed is unacceptable and would represent speculative development. The proposed development would, therefore, contravene materially Policy RH 22, would set an undesirable precedent for similar such proposals and would be contrary to the proper planning and sustainable development of the area.
  
3. There is ongoing and unresolved non-compliance, operational, maintenance and environmental health issues with respect to the

existing wastewater treatment plan serving Redmills Park. The applicant has not installed this treatment plant in accordance with planning register reference numbers 03/1217 and 04/2390. It is considered, therefore, that the proposal to upgrade and intensify the use of the treatment plant would be premature and unacceptable, would comprise the alteration of a development which has not been authorised, would present a potential risk of pollution and would be prejudicial to public health. The proposed development would, therefore set an undesirable precedent for similar such proposals and would 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            2015.**