



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/1385**

**Appeal** by Michelle English care of Derek Whyte Planning Consultant of Great Connell, Newbridge, County Kildare against the decision made on the 11<sup>th</sup> day of February, 2020 by Kildare County Council to refuse permission to the said Michelle English for development comprising the sub-division of existing site for the construction of a single storey detached bungalow, secondary effluent treatment system and all associated site works. Permission required to remove existing septic tank and replace with secondary effluent treatment system for existing house on site and all associated site works at Raheen, Rathcoffey, County Kildare in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission for the removal of existing septic tank and replacement with secondary effluent treatment system for existing house on site and all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for the construction of a single storey detached bungalow, secondary effluent treatment system and all associated site works based on the reasons and considerations marked (2) under.**

## **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)**

Having regard to the nature and small scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area or be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out and completed 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. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the installation of the system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

## **Reasons and Considerations (2)**

1. Having regard to Policy RH9(iv) of the Kildare County Development Plan 2017-2023 which seeks to ensure that, notwithstanding compliance with the local need criteria, the developer shall comply with all other siting and design considerations, including the capacity of the area to absorb further development, and having regard to the extent of the existing development in the immediate area of the subject site, it is considered that the proposed development would exacerbate an excessive density of development in this rural area, would contribute to the increasing suburbanisation of the area, would materially contravene Policy RH9(iv) of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Policy RH10 of the Kildare County Development Plan 2017-2023 which seeks to control the level of piecemeal and haphazard development of rural areas close to designated settlement centres, it is considered that the proposed development, having regard to its location in close proximity to the designated rural settlement of Rathcoffey, would further exacerbate the level of development in proximity to this settlement. Furthermore, it is considered that the proposed development would set an undesirable precedent for further piecemeal development in this area, would contribute to the further unsustainable development of this rural area, would materially contravene Policy RH10 of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

---

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

**Dated this            day of            2020.**