



An
Bord
Pleanála

Board Direction
BD-005976-20
ABP-306792-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/06/2020.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for remove an existing septic tank and replace with a secondary effluent treatment system for the existing house on site and all associated works based on the reasons and considerations.

and

- (2) 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

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

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. \leq 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. PA reason 1
2. PA reason 2

Board Member:

Date: 19/06/2020

Michelle Fagan

Note : The subject site is located in area under significant pressure for rural housing, as identified in the Kildare County Development Plan 2017 - 2023. Furthermore, the site is located in an area that is designated as under urban influence in the Sustainable Rural Housing Guidelines and in the National Planning Framework, where National Policy Objective 19 aims to 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. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Kildare County Development Plan, 2017 - 2023 or in national policy for a house at this location. The proposed development would, therefore, contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would negatively impact on the viability of smaller towns and villages.

Please attach a copy of the Board Direction with the Board Order