

An  
Bord  
Pleanála

**Board Direction**  
**BD-009562-21**  
**ABP-310990-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/12/2021.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

#### **Reasons and Considerations**

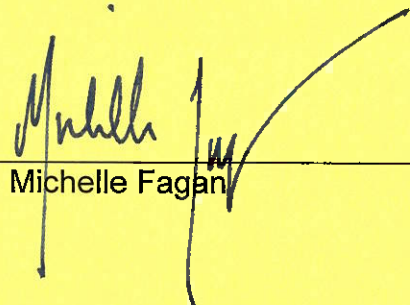
1. On the basis of the information provided with the application and the appeal, particularly in relation to the lack of details on the provision of a headwall and the assurance of the developer to be able to provide essential surface water drainage measures, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the River Barrow and River Nore SAC (Site Code: 002162) in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.
2. The site of the proposed development is located upslope and to the east of Ballyragget public water supply source and within the 200 metre buffer zone for this supply. Having regard to the deficiencies in details provided in relation to surface water drainage, including the necessity to provide a headwall at the existing stormwater outfall, the need to acquire a wayleave over lands outside of the applicant's control, and the need to obtain other third party consents, it is considered that the proposed development would be premature in isolation of these surface water drainage arrangements necessary to serve the

proposed development, would be prejudicial to public health due to the risk of pollution of a source of public water supply, and would, therefore, be contrary to the proper planning and sustainable development of the area,.

3. Having regard to the location of the proposed development in close proximity to the town centre, the policies and objectives of Kilkenny County Development Plan 2021-2027, the Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas, the existing character of Ballyragget, and the design, character and layout of the proposed development, the Board considered that the proposed development would have a negative impact on the character of the small town of Ballyragget, by reason of the generic suburban nature of the design and layout of the proposed development, and would therefore, seriously injure the visual amenities of the area.

**Note:** Having regard to the location of the proposed development on serviceable lands, within the development boundary of Ballyragget, and in close proximity to the town centre, the policies and objectives of Kilkenny County Development Plan 2021-2027, the Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas, the board considered that at a density of less than 14 residential units per hectare, would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage. However, the Board decided that, given the substantive nature of the reasons for refusal set out above, not to include it as a reason for refusal.

Board Member



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Michelle Fagan

Date: 01/12/2021