

An
Bord
Pleanála

Board Direction
BD-009954-22
ABP-311764-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/02/2022.

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

Reasons and Considerations

The site of the proposed development is located within an "Area Under Strong Urban Influence" as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February 2018), to facilitate the provision of single housing in the countryside, based upon the core consideration of demonstrable economic or social need to live in a rural area, and in an area where housing is restricted to persons demonstrating compliance with Local Need Criteria in the Kildare County Development Plan 2017 – 2023, and where it must be demonstrated that the development would not prejudice the environment and the rural character of the area, and to the prevailing pattern and density of development in the 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 Sustainable Rural Housing Guidelines and in national policy for a house at this location. It is further considered that the applicant has not demonstrated compliance

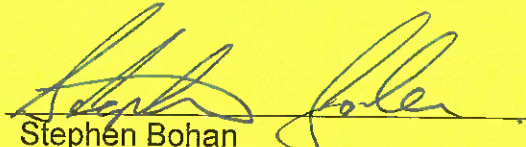
with Policies RH3 and RH4 in the Kildare County Development Plan 2017 – 2023 which seek to restrict speculative development or Policy RH9 which seeks to ensure that development complies with all other normal siting and design considerations, including the capacity of the area to absorb further development. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy having regard to the provisions of the current Kildare County Development Plan 2017 – 2023 and would be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the reason for refusal recommended by the Inspector relating to groundwater pollution and noted the proliferation of individual private effluent treatment systems serving development in the area, the poor soil conditions and water levels observed on and in the vicinity of the site, and the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board shared the view of the Inspector on this and considered that it was not satisfied, notwithstanding the proposal to use a tertiary wastewater treatment system and infiltration treatment area, that effluent from the development can be satisfactorily treated and disposed of on site and would not give rise to a risk of groundwater pollution and that the proposed development would, therefore, be prejudicial to public health. However, as this is a new issue within the context of the appeal and given the substantive reasons for refusal above it was decided not to pursue this matter further in the current appeal.

Furthermore, in conjunction with the substantial amount of one-off housing already existing in this rural area, it was considered that the proposed development would exacerbate an excessive density of development in a rural area lacking certain public services and community facilities and would give rise to an over-concentration of residential development in a rural area. However, the Board decided not to include this as an additional reason having regard to the substantial reasons for refusal above.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member


Stephen Bohan

Date: 07/02/2022

