

An
Bord
Pleanála

Board Direction
BD-015445-24
ABP-314153-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation.

With regard to reason number two, the Board agreed with the inspector's assessment that residential units were located within flood zones A & B and considered in the absence of a drawing it was not appropriate to be specific with regard to the number of units that are impacted.


Reasons and Considerations

1. The majority of the appeal site is zoned C: 'New Residential', with the associated land use objective '*to provide for new residential development*'. Given the nature and scale of the development, the sites urban location and its proximity to public transport the Board considered the development of the site to be acceptable and appropriate in principle. However, the proposed development seeks to provide a portion of the residential development on lands zoned for 'Open Space and Amenity' with the associated land use objective to '*protect and provide for open space, amenity and recreation provision*' as identified in the Kildare County Development Plan, 2023-2029. 'Dwelling' is listed as a use which is not permitted on lands zoned for "Open Space and Amenity". The proposed development would, therefore, contravene materially the zoning objective

pertaining to the north eastern and south western portions of the site. Therefore, the Board considered that the proposed development as submitted would not be in accordance with the proper planning and sustainable development of the area.

2. The north eastern and south western portions of the appeal site are at risk of pluvial flooding from the Slate River to the north of the site and the Curryhills Stream to the west of the site. The proposed layout provides for houses and a portion of the internal access road, footpaths and car parking, which are an intrinsic element of the residential development, within Flood Zone A and B. The proposed development is a highly vulnerable use as defined in the 'Planning System and Flood Risk Management Guidelines'. It is considered that proposed development does not satisfy the criteria of the justification test as the proposed development would be a risk to people and property and prejudicial to public health. The proposed development would, therefore, be contrary to Planning System and Flood Risk Management Guidelines' and Objective IN O33 of the Kildare County Development Plan 2023 – 2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Mary Henchy

Date: 15/02/2024