

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Kildare County**

**Planning Register Reference Number: 17/37**

An Bord Pleanála Reference Number: PL 09.248323

**APPEAL** by Peter and Lily Boland trading as Boland Steel care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 14<sup>th</sup> day of March, 2017 by Kildare County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Provision of new steel fabrication workshop for the manufacture and fabrication of steel farm buildings, gates and all associated works also an office block to include toilets, changing rooms and canteen including new car parking, new enlarged entrance gate, new effluent treatment system and all associated site works to rear of Cush Inn, Cush, Kildangan, County Kildare the proposed development being a relocation of existing business from location at Harristown, Nurney, County Kildare.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **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. It is the policy of the planning authority, as set out in the current Development Plan for the area, to permit development proposals for business enterprises in the countryside where the proposed use has locational requirements that can only be accommodated in a rural location and where this has been adequately demonstrated. This policy is considered to be reasonable. It is considered that the proposed development of light industry and offices has no specific locational requirements which necessitate its location at this rural, un-zoned and unserviced location and would, thereby, contravene this policy as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the soil conditions, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
3. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the proposed development would not be likely to have a significant effect on a nearby European Site, specifically the River Barrow and River Nore Special Area of Conservation (Site Code 002162) in view of the site's conservation objectives.

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

**Dated this                      day of                      2017.**