



An
Bord
Pleanála

**Board Order
PL 09.248357**

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/701

Appeal by Dermot Tighe of 31 Castlebridge, Maynooth, County Kildare against the decision made on the 24th day of March, 2017 by Kildare County Council to refuse permission to the said Dermot Tighe.

Proposed Development Construction of two detached, two-storey dwelling houses with garages served by individual Aquamax Bison Treatment systems and polishing filters and all ancillary site works.

Decision

REFUSE permission for the above proposed development in accordance with 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. Part of the site of the proposed development is indicated as being at risk of flooding on the flood risk maps prepared by the Office of Public Works. On the basis of the documentation submitted with the current application and appeal, the high water table observed on site, and in the absence of a site specific flood risk assessment, the Board is not satisfied that the development would not be at risk of flooding or that the proposed wastewater treatment system would operate in a sustainable manner at times of high rainfall. Accordingly, it is considered that the proposed development would be prejudicial to public health by reason of flood risk at the site and would materially contravene the national guidelines in relation to flooding and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is located in the Rural Housing Policy Zone 1, as per Map 4.4 of the Kildare County Development Plan 2017-2023. Having regard to the location of the site in 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, where it is policy to distinguish between rural-generated housing need and urban-generated housing need, and in an area where housing is restricted to persons demonstrating local need in accordance with the Policy RH 25 of the current Kildare County Development Plan, it is considered that the applicant has not demonstrated compliance with the scope of the rural-generated housing need criteria, as set out in the Guidelines, nor with the local need criteria, as set out in the Development Plan, for housing at this Rural Node. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017