



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, including an environmental impact assessment report, lodged with An Bord Pleanála on the 22nd day of December 2017 by McCourt Investments Limited care of JFOC Architects, 11A Greenmount House, Harolds Cross, Dublin 6W.

Proposed Development:

A residential development of 130 number dwellings; one number vehicle connection and upgrade works to Kill Hill Lane; two number vehicular connections to The Avenue, Earl's Court; and a further pedestrian link adjacent to number 16 The Green, Earl's Court; and all associated and ancillary site development works all at Kill Hill and Earl's Court, Kill, County Kildare.

The proposed dwelling mix is as follows:

- 18 number, house type A, two-storey, four-bedroom houses, 7 number detached and 11 number semi-detached, 143.0 square metres;
- 77 number, house type B, two-storey, three-bedroom houses, 4 number detached and 73 number semi-detached, 114.0 square metres;
- 6 number, house type C, two-storey, three-bedroom houses, 6 number semi-detached, 110.0 square metres;
- 4 number, house type D, two-storey, three-bedroom houses, 4 number mid-terrace, 100.0 square metres;

- 12 number, house type E, two-storey, two-bedroom houses, 8 number end-terrace and 4 number mid-terrace, 86.9 square meters;
- 4 number, house type F, two storey, four-bedroom houses, 4 number detached, 203.0 square metres;
- 2 number, house type G, one and a half storey, three-bedroom houses, 2 semi-detached dormers, 120.0 square metres;
- 3 number, house type H, one and a half storey, four-bedroom houses, 3 number detached dormers, 134.0 square metres;
- 2 number, house type J, ground floor, one-bedroom houses, 2 ground floor maisonettes, 52.0 square metres;
- 2 number, house type K, first floor, one-bedroom houses, 2 first floor maisonettes, 58.0 square metres.

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. Having regard to the existing deficiency in the provision of adequate sewerage infrastructure serving the subject site, it is considered that the proposed development would be premature pending the carrying out and completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed density of development, at a net density of 26 number units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in land usage given the proximity of the site to the built-up area of Kill village and in close proximity to educational facilities and to the established social and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act, which indicate that net densities less than 30 number dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.
3. It is considered that, having regard to the correspondence and the accompanying map dated 1st day of February 2018, received by An Bord Pleanála from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, regarding the re-classification of Recorded Monument KD020-001-003 from enclosure / ring-barrow / tumulus to hillfort and the resultant expanded buffer that corresponds with the area of archaeological potential around the hillfort and the archaeological complex to

the south comprising sites and monument numbers KD019-010, KD019-056, KD019-057 and KD019-008004 protected by Preservation Order number 3 of 2007 published by the National Monuments Service, the proposed development would be likely to injure or interfere with a historic monument which stands registered in the Register of Historic Monuments under Section 5 of the National Monuments Acts, or which is situated in an archaeological area so registered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for part of the proposed development and to refuse permission for the remainder, the Board considered that to permit houses numbers 1 to 32 (as recommended by the Inspector) would not allow for a comprehensive re-design of the overall lands that would be available for development following from the archaeological constraints outlined in the submission by the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, which comprehensive re-design the Board considers is necessary having regard to the need to provide for an increased residential density (in accordance with national policy), particularly in that part of the site not immediately adjacent to the existing Earl's Court housing development, and the need to provide for pedestrian and cycle, but not vehicular, access from the lands through the adjoining Earl's Court Housing Scheme, in the interests of pedestrian and traffic safety.

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

Dated this day of 2018