



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1282

APPEAL by Mark Gavin of Punchestown Upper, Rathmore, Naas, County Kildare against the decision made on the 3rd day of July, 2019 by Kildare County Council to grant subject to conditions a permission to Mulrines Irish Orchards Limited care of Carr Architects of Unit 1, Northern Point Business Park, Ballybofey, County Donegal.

Proposed Development: The provision of an apple storage, sorting and dispatch facility associated with an existing orchard to include modification and extension of existing agricultural buildings as well as the construction of a new adjoining agricultural apple storage building with associated site works and upgrade to existing wastewater treatment system at Rathbane, Killeel, County Kildare. The proposed development was revised by further public notices received by the planning authority on the 6th day of June 2019. The revised information consisted of the provision of a new proprietary packaged wastewater treatment system and sand polishing filter to replace existing septic tank and percolation area.

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

The proposed development is located within an area designated as 'Eastern Uplands Landscape Character Area' and identified as a 'high sensitivity' landscape, in the Kildare County Development Plan 2017-2023. Such areas are described as 'areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to the prevalent sensitivity factors'. The proposed development may also impact on views to and from the ridgeline on the East Kildare Uplands, as set out under Scenic Route Number 33 at Section 14.6 of the development plan. The stated policy in relation to Scenic Routes as set out in Section 14.9.1 of the development plan is, 'to protect views from designated scenic routes by avoiding any development that could disrupt the vistas or disproportionately impact on the landscape character of the area, thereby affecting the scenic and amenity value of the views'. It is considered that the proposed development, by reason of its nature, scale, height, massing and positioning on the site, would interfere with the character of the landscape and would seriously injure the visual and landscape amenities of the area and of

property in the vicinity and would be contrary to the relevant landscape provisions of the Kildare County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019