

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/1166

APPEAL by Donnington Property Limited care of Hendrik W. van der Kamp of 1 Woodstown Court, Knocklyon, Dublin against the decision made on the 30th day of November, 2021 by Kildare County Council to refuse permission to Donnington Property Limited.

Proposed Development 50 number dwelling units, comprising of 14 number two-storey semi-detached three-bed dwellings (Type A), 21 number two-storey semi-detached three-bed dwellings (Type B), 11 number two-storey semi-detached four-bed dwellings (Type C)), two number two-storey semi-detached three-bed dwellings (Type D), one number two-storey semi-detached three-bed dwelling (Type E) and one number two-storey semi-detached three-bed dwelling (Type F) together with all associated ancillary on- and off-site development works, including outfall foul and surface water sewers, water main, roads, footpaths, landscaping, open spaces, boundary treatments and ancillary services to facilitate the development, with vehicular and pedestrian access for this development through Newbury Park for Units 7 to 50 inclusive and through Dreenane Park for Units 1 to 6 inclusive, Allenwood Road (R403), all on a site of circa 2.22 hectares, Derrinturn, County Kildare (previous planning permission expired register references 06/2337 and 14/380).

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

Having regard to the lack of capacity in the Derrinturn Waste Water Treatment Plant, which is operating over its design capacity and which has the potential to impact on the water quality of the Cushaling River, a tributary of the River Barrow, and notwithstanding the indication from Irish Water of their intention to upgrade the Derrinturn Waste Water Treatment Plant as part of a programme of works to provide additional capacity for the development of new homes, while ensuring that wastewater continues to be treated to an appropriate standard, it is considered that, pending clarity and certainty on the timelines to progress the upgrade through design, planning and all relevant consents, the proposed development would be premature by reason of the existing deficiency in the provision of sewerage facilities in the area, would lead to further overloading of the wastewater treatment plant, with potential risks to the River Cushaling and other water bodies in the vicinity, would not be in accordance with Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended, which requires

that a public authority shall not, in the performance of its functions, undertake those functions in a manner that knowingly causes or allows deterioration in the chemical status or ecological status (or ecological potential as the case may be) of a body of surface water, and would, therefore, be contrary to the proper planning and development of the area.



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 3rd day of March 2022.