

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/345

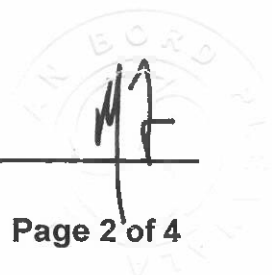
APPEAL by Orchard County Residential Estates Limited care of Genesis Planning Consultants of 27 Patrick Street, Newry, County Down against the decision made on the 12th day of May, 2021 by Kildare County Council to refuse permission.

Proposed Development: The development will comprise as follows: (a) site excavation works to facilitate the proposed development to include general site preparation works; (b) the provision of a total of 72 number residential units which will consist of the following unit mix:- four number four bed three-storey semi-detached dwellings, eight number three bed two-storey semi-detached dwellings, 16 number two bed ground/first floor duplex apartments with 16 number three bed first/second floor duplex apartments in four number split level two/three-storey blocks, eight number two bed ground floor apartments with eight number three bed first/second floor duplex apartments above in two number three-storey blocks, six number one bed ground floor apartments with six number one bed apartments over in three number two-storey blocks; (c) provision of new access from Carlow Road with associated works to facilitate vehicular, pedestrian and cycle access to include provision of a right turning lane; (d) provision of a footpath and cycle lane alongside the

Carlow Road including an extension of the public footpath from the site to Ardreich Cross; (e) provision of internal access roads, footpaths and open spaces area to include all hard and soft landscape works with public lighting, planting and boundary treatments to include boundary walls, fencing and railings and play areas; (f) provision of associated car parking; (g) provision of associated electric vehicle charge points with associated infrastructure; (h) provision of associated bicycle and bin storage areas with associated enclosure buildings; (i) provision of a riparian buffer park along the Barrow Navigation (canal); (j) all other associated site excavation, infrastructural and site development works above and below ground including surface water drainage, foul sewerage networks, foul pumping station and associated rising main, petrol oil interceptor and associated soakaway, roads and footpaths and all ancillary site development works. A Natura Impact Statement (NIS) has been prepared and will be submitted to the Planning Authority with the application on lands at Coneyburrow, Carlow Road (R417), Athy, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

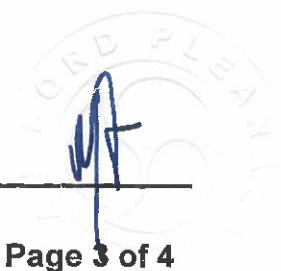


Matters Considered

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

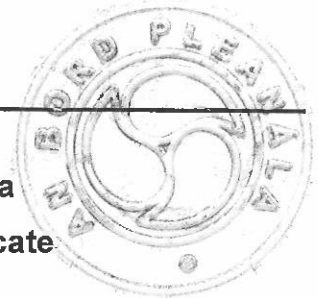
1. The proposed development, by reason of its bulk and massing and heights on a site with steep gradients with site levels varying by up to 9 metres and requiring substantial engineering intervention works, would be out of character with the pattern of development in this vicinity and would constitute a visually discordant feature when viewed from the River Barrow watercourse and amenity walkway. These form an integral part of the Green Infrastructure network of the town, which is to be protected under Policy GI 1 of the current Athy Local Area Plan. The proposed development would, therefore, be detrimental to the character of this area and to the visual and recreational amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.



2. Having regard to the open space provision which includes a Riparian Park/buffer area located in flood zones A and B which is likely to be submerged in floodwaters for a period each year, the design and disposition of the remaining open spaces, specifically spaces A, B, C and D, as set out within the layout plan, which are ancillary in nature and not usable by reason of their design and configuration within the overall site layout. The resulting useable open space is significantly below the recommended standards as set out within the Kildare County Development Plan 2017-2023 - Development Management Standards, Section 17.4.7, where a minimum of 15% of public open space is required for greenfield developments. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.



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



Dated this 16th day of March 2022