

An  
Bord  
Pleanála

## Board Order ABP-311758-21

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 21/825**

**Appeal** by Tetrarch Property Investments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 24<sup>th</sup> day of September, 2021 by Kildare County Council to refuse permission.

**Proposed Development:** Construction of seven number detached houses (comprising six number four bedroom (including garage) and one number five bedroom houses ranging in size from circa 214.9 square metres to circa 278.1 square metres). Additionally, the proposed development provides for some 1.77 hectares of public open space; a shared access road; a foul pumping station; landscaping and boundary treatments; and all other associated site excavation, infrastructural and site development works, both above and below ground on a site of circa 2.41 hectares at Fishery Lane, Naas, County Kildare.

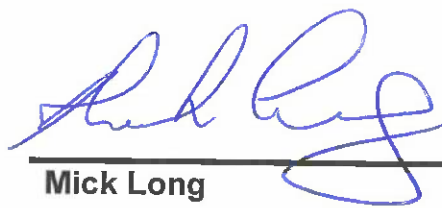
### Decision

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

## Reasons and Considerations

Having regard to the location of the site on the eastern side of the Morrell River, within lands partially designated as Greenbelt in the Naas Local Area Plan 2021-2027 it is considered that the proposed development would be contrary to the zoning designation and related objectives of the current development plan for the area and would injure the residential amenities and character of the area by way of its low density and suburban layout. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In addition, the Board considers that the level of intervention required to mitigate the flood risk to accommodate the proposal would be excessive in terms of flood risk mitigation in accordance with the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities – Technical Appendices issued by the Department of the Environment, Heritage and Local Government/The Office of Public Works in November 2009. Accordingly, the proposed development, would conflict with the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.



**Mick Long**

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

Dated this 9 day of February 2023