

An
Bord
Pleanála

Board Order ABP-317645-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/566

Appeal by Patrick J. Tansey care of Cross Chartered Building Surveyor of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare against the decision made on the 18th day of July, 2023 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: (A) Retention for the use of the site for commercial use for the parking of trucks and refrigerated container trucks, (B) the retention for boundary fencing and electric gates at Naas Industrial Estate, Maudlins, Fishery Lane, Naas, County Kildare.


Decision

REFUSE permission for the above development for the reasons and considerations set out below.

Reasons and Considerations

1. The development proposed to be retained is located in an area which is zoned for F: Open Space and Amenity in the Naas Local Area Plan 2021-2027 where it is an objective 'to protect and provide for open space, amenity and recreation provision'. The provision of commercial parking of trucks/refrigeration trucks are neither permissible nor open for consideration within the zoning matrix as indicated in Table 11.3 of the local area plan. The development proposed to be retained would materially contravene the Naas Local Area Plan 2021-2027 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development proposed to be retained is located in an area which is at risk of flooding as indicated in the Naas Local Area Plan 2021-2027, Strategic Flood Risk Assessment. In the absence of a site-specific flood risk assessment, as required by Objective IO 3.1 of the Naas Local Area Plan 2021-2027, the applicant has not demonstrated to the satisfaction of the Board that the development proposed to be retained would not itself be at risk of flooding, or that it would not give rise to an increased risk of flooding in the area. It is considered that the development proposed to be retained would be contrary to the provisions of Section 28 of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009), Policy IO 3.1 of the Naas Local Area Plan 2021-2021, and would be contrary to the overarching flood risk management strategy as set out within the Strategic Flood Risk Assessment of the Naas Local Area Plan 2021-2027. The development proposed to be retained would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Bohan

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

Dated this *3rd* day of *April* 2024