



An
Bord
Pleanála

Inspector's Addendum Report 313408-22

Development	Use of the site as a therapeutic farm for the provision of a healthcare facility.
Location	Former Portee Stables, Boston, Straffan, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	21/1286
Applicant(s)	Kyrie Therapeutic Farm CLG
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision Third Party v. Condition
Appellant(s)	(1) Bernard J. Durkan TD (2) Mildred Hegarty (3) Aidan Bailey & Others
Observer(s)	(1) Patricia Stacke-Kelly (2) Elizabeth Cullen

Date of Site Inspection

26th May 2023

Inspector

Louise Treacy

1.0 Introduction

- 1.1. This addendum report should be read in conjunction with the original Inspector's report on this appeal case dated 14th July 2023, which recommended that planning permission be refused for the proposed development.

2.0 Board Correspondence

- 2.1. The Board issued a statutory notice on 29th November 2023 under Section 137 of the Planning and Development Act, 2000 (as amended) to the parties to the appeal which stated:

"The Board noted that since the receipt of the appeals and responses to same, including observations on the appeals, that the Kildare County Development Plan 2023-2029 has come into effect. You are therefore invited to provide a commentary in relation to any relevant considerations outlined in the aforementioned Development Plan as they relate to the proposed development subject of this appeal".

- 2.2. Submissions/observations in relation to this matter were requested on/before 20th December 2023.

3.0 Responses to Board Correspondence

3.1. First Party Response

- 3.1.1. A first party response was received from Virtus, 5th floor Glass House, 11 Coke Lane, Smithfield, Dublin 7 on behalf of the applicant on 20th December 2023. The response can be summarised as follows:

- Policy SC P14 of the Kildare County Development Plan 2023-2029 provides support for the development of healthcare facilities and does not preclude their development outside of settlement boundaries. Kildare County Council's Planning Officer noted that the proposed development would not be suitable in an urban setting.
- Several development plan policies and objectives permit additional development in rural areas. Policy RD P1 supports and promotes agricultural

diversification at suitable locations and Objective RD O2 facilitates agriculture in appropriate rural locations.

- The proposed development complies with the requirements of Table 9.1 of the development plan (criteria for the assessment of one-off enterprises in rural areas).
- Objective RET O79 requires a Retail Impact Assessment (RIA) to be undertaken for new garden centre or agribusiness proposals. Such an assessment is not required in this instance.
- The proposed development is supported by Objective RET O13 of the development plan which encourages and facilitates local businesses and trades to develop market products locally.
- The proposed development will not be readily visible from the public road network as required by Objective RD O5 and it complies with Policy LR P1 regarding the protection and enhancement of the county's landscape.
- A design statement was submitted with the planning application in accordance with Section 15.3 of the plan.
- 2 no. upright stones within the site will be retained and incorporated into the development in accordance with Policy AH P2 and Objectives AH O2, AH O4, AH O5 and AH O6 (protection and enhancement of recorded monuments).
- There are no relevant policy changes in relation to access or traffic that would impact the proposed development. There is no change in relation to relevant car parking standards.
- Accessible parking spaces will be provided at a rate of 5% which complies with the development plan. The requirement for EV charging has increased, and the applicant is happy to accept a condition in relation to this matter in line with Objective TM O117.
- SuDS will be used to manage surface water in accordance with the requirements of Objective IN O22.

- There are no policy changes which would change the conclusions of the AA screening report and Ecological Impact Assessment submitted at application stage.

3.1.2. Appendix B of the applicant's submission comprises a comparison of relevant policies in the Kildare County Development Plan 2017-2023 and the Kildare County Development Plan 2023-2029 as they relate to the proposed development. This information has been reviewed and considered in the preparation of this addendum report.

3.2. **Third Party Responses**

3.2.1. Third party submissions were received by the Board from: (1) Elizabeth Cullen, Thomastown, Kilcullen, Co. Kildare, (2) Ger Fahy Planning, Mulhussey, Maynooth, Co. Kildare on behalf of Aidan Bailey & Others, and (3) Bernard J. Durkan TD, Dail Éireann, Leinster House, Kildare Street, Dublin 2.

3.2.2. The issues which are raised can be summarised as follows:

- The proposed development is in accordance with the NPF, the Kildare County Development Plan and HSE policy by providing specialist housing for a diverse population, including those with mental health problems.
- The proposed development will address the continued reduction of horticultural growers in Ireland over the past two decades (section 9.6 of county development plan refers) and counteract increasing greenhouse gas emissions.
- If permitted, the proposed development would be contrary to Section 2.5 of the development plan in relation to compact growth and climate action.
- The proposed development would also be contrary to the RSES Settlement Hierarchy (Section 2.8). The proposed development, due to its remote location outside of any designated settlement, would be contrary to the aim to integrate sustainable land use planning and a high-quality, integrated transport system (Section 5.1).
- The proposed development would be contrary to Section 10.1 of the development plan which notes, inter alia, that healthcare facilities should ideally be located within each town/village.

- Section 10.14 of the development plan notes, inter alia, that proposals relating to healthcare facilities should reflect the county's settlement hierarchy and be accessible and integrated into communities.
- The proposed development would be contrary to Policy SC P14, Objectives SC O88, SC O89 and SC O92 of the plan (integration of healthcare facilities into existing settlements and accessible locations) as it would promote isolation and segregation and is not within walking or cycling distance of any urban centre.
- A social infrastructure audit should have been provided in respect of the proposed commercial development in accordance with Objective SC O94 of the plan.
- There is no justification for an urban development of this nature in the countryside, which completely contradicts all public health and settlement policy and is contrary to the proper planning and sustainable development of the area.
- The Planning Authority has previously refused permission for dwelling houses in this area based on overdevelopment, urbanisation and the impact on the character of the area. The decision to grant permission in this instance is at variance with these decisions.
- Increased traffic on local road network.
- The site is totally unsuitable for a treatment centre and if granted permission, the development will impact negatively on the quality of life of Boston Hill residents.

3.3. Planning Authority Response

- 3.3.1. A submission was received from Kildare County Council on 13th December 2023. The Planning Authority notes that their assessment of the proposed development was carried out under the Kildare County Development Plan 2017-2023. It is noted that the Board will have regard to the Kildare County Development Plan 2023-2029 in determining the appeal.

4.0 Assessment

- 4.1. The Kildare County Development Plan 2023-2029 had been adopted when the Planning Inspector's report of 14th July 2023 was prepared on this appeal case. As such, the proposed development was assessed against the relevant policies, objectives and development management standards of this Plan. Based on the foregoing, a recommendation was made to refuse permission for the proposed development.
- 4.2. I have reviewed and considered the submissions to the Board in response to the Section 137 notice issued on 29th November 2023. In my opinion, no material considerations have been raised therein which would alter my original assessment of this case.
- 4.3. While the applicant's agent argues that the proposed development accords with the relevant provisions of the 2023-2029 county development plan, I consider that the principle of the proposed development would be inappropriate on unzoned, unserviced agricultural land, outside of any designated settlement, with no public transport connections. As such, the proposed development would be contrary to Policy SC P14 of the development plan which seeks, inter alia, to support the provision of healthcare facilities appropriate to the size and scale of each settlement and Objective SC O92 which seeks to support the increased provision of sufficient and accessible mental health services at appropriate locations across the county.

5.0 Recommendation

- 5.1. I recommend that planning permission be refused for the proposed development for the reasons and considerations set out hereunder.

6.0 Reasons and Considerations

- 6.1. The proposed healthcare facility is located on unzoned, unserviced agricultural land, outside of any designated settlement, with no public transport connections, and as such, would be contrary to Policy SC P14 of the Kildare County Development Plan 2023-2029 which seeks, inter alia, to support the provision of appropriate healthcare facilities appropriate to the size and scale of each settlement and Objective SC O92 of the plan which seeks to support the increased provision of sufficient and accessible mental health services at appropriate locations across the county. As such, the proposed development would be inappropriate in this rural area, would set an inappropriate precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Louise Treacy
Senior Planning Inspector

12th January 2024