



An  
Bord  
Pleanála

**Board Direction**  
**BD-001439-18**  
**ABP-302141-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/10/2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the site's location adjoining the existing built up area of Newbridge, a settlement designated as a Large Growth Town in the Kildare County Development Plan 2017-2023, on land zoned primarily for residential development under the Newbridge Local Area Plan 2013-2019,
- (b) the nature, scale and design of the proposed development,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018,

- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (g) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009,
- (h) the extant planning consents and compulsory purchase order for the Phase 2A of the Upper Liffey Valley Sewerage Scheme and the timeline for its completion,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received, and
- (k) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would have the benefit of adequate wastewater drainage and treatment through the public sewerage system, would include proper measures for the attenuation and drainage of storm water runoff and would not give rise to an undue risk of flooding on the site or other lands, would not injure the amenities of the area or of property in the vicinity, would respect the character of the area and achieve an acceptable standard of urban design, would provide a reasonable standard of amenity for its occupants, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board noted the Stage 1 – Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening determination carried out in the Inspector's report in respect

of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on those European sites in view of the sites' conservation objectives.

The proposed development is not directly connected with or necessary for the management of a European site. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Poulaphouca Reservoir Special Protection Area (site code 004063), Pollardstown Fen Special Area of Conservation (site code 000396), Mouds Bog Special Area of Conservation (site code 002331), Ballynafagh Lake Special Area of Conservation (site code 001387), Ballynafagh Bog Special Area of Conservation (site code 000391) and River Barrow and River Nore Special Area of Conservation (site code 002162), or any other European site, in view of the sites' conservation objectives.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Potential negative effects on the cultural heritage of the area which will be mitigated by archaeological monitoring of construction phase groundworks. Any excavation work will be carried out by a suitably qualified archaeologist under licence to the Department of Culture, Heritage and the Gaeltacht in consultation with the National Museum of Ireland. Should archaeological material be recorded in the course of monitoring, further consultation with the Department of Culture Heritage and the Gaeltacht should be undertaken in order to allow for its appropriate treatment. This may comprise preservation-in-situ or preservation by record (archaeological excavation) of any archaeological remains.
- A significant direct effect on land by the change in the use and appearance of a relatively large site from agricultural to residential will be mitigated by a diverse range of housing types to satisfy different elements of housing demand and to ensure that the development is attractive to a varied cross section of the population.
- Potential significant effects on soil during construction due to the excavation and filling required to carry out the development, which will be mitigated by the re-use of excavated material on the site, the sourcing of imported material from authorised sources and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.

- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system after it has been upgraded in accordance with Phase 2A of the Upper Liffey Valley Sewerage Scheme, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the landscape because the proposed development would improve the amenity of the land along the Liffey and public access to it.

The proposed development is not likely to have significant adverse effects on human health or biodiversity.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Mitigation Measures section which is numbered 18 in the hard copy of the of the environmental impact assessment report and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity

2. No works shall commence until the Liffey Valley Regional Sewerage Scheme Contract 2A Newbridge Eastern Interceptor Sewer has commenced and no units shall be made available for occupation until the Liffey Valley Regional Sewerage Scheme Contract 2A Newbridge Eastern Interceptor Sewer has been commissioned to the satisfaction of the Planning Authority.

**Reason:** To ensure proper wastewater drainage facilities are available to serve the proposed development.

3. The mitigation and monitoring measures outlined in section 17 of the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.

4. The proposed development shall be amended as follows-

- House type C (No's 36 & 62 in Phase II) that side onto the proposed pedestrian link shall be re designed to ensure passive surveillance along the proposed pedestrian link.
- The alleyways to the rear of houses shall be omitted and proper bin storage facilities shall be provided to the front of terraced houses and other houses as required. The layouts of the rear gardens following the omission of the alleyways shall be regularised to account for this omission.
- All rear gardens shall be bounded by concrete block walls 1.8m high rendered and capped, or by concrete post and concrete panel walls 1.8m high. The proposed timber fences shall not be used

Revised plans showing compliance with these requirements shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To avoid pedestrian routes that are not properly overlooked and the consequent issues of maintenance and management in the interests of residential amenity and to provide for permanent boundary treatment to rear gardens.

5.
  - i Lines of sight at the entrances shall be provided strictly in accordance with DMURS
  - ii Roads , footpaths , turning areas and corner radii at junctions shall be designed and constructed in accordance with DMURS for the development; corner radii of 4.5 m shall be provided.
  - iii All footpaths shall be dished at junctions and road crossings to facilitate the disabled. All footpaths within the site shall be a minimum of 2m in width.
  - iv Bus stops shall be provided along the Athgarvan Road frontage of the site, at locations to be agreed in writing with the Planning Authority.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

6. Apart from the provisions of condition 5, the internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission

**Reason:** In the interests of visual and residential amenity

8. The proposed works to the Athgarvan Road and the Liffey Hall Road, the construction of the proposed part of the southern relief road and the diversion of the surface water sewer that crosses the site shall be carried out in accordance with the specific requirements of the planning authority which shall be ascertained and agreed in writing prior to the commencement of development. The remainder of the land on the application site that is required to complete the southern relief road in accordance with objective SRO(a) of the Newbridge Local Area Plan 2013-2019 shall be maintained as open space pending the construction of the remainder of the road.

**Reason:** In the interests of orderly development

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health



12. Standard Landscaping Condition
13. Open space upon taking in charge condition & Development to be carried out in full to taking in charge standard of the Planning Authority.
14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
  - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
  - (f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
  - (g) The protection of trees on the site in accordance with the tree protection plan submitted with the application

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to

make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

**Reason:** In the interest of amenities, public health and safety

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or until taken in charge. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the

planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

**Board Member**

**Date:** 25/10/2018

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Paul Hyde