



An
Bord
Pleanála

Board Direction
BD-004084-19
ABP-304632-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/09/2019.

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

Having regard to the following:

- (a) the location of the site, on lands c. 500 m north of Clane town centre, with a zoning objective for residential development and policy provisions in the Clane Local Area Plan (LAP) 2017 – 2023 which identify the lands as Key Development Area 2 (KDA2) to 'promote new residential development',
- (b) the delivery of the Link Road required under the Clane LAP which is a critical piece of road infrastructure for the town of Clane,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) 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,

- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018,
- (g) the nature, scale and design of the proposed development,
- (h) the availability in the area of a wide range of social, community and transport infrastructure,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received, and
- (k) the report of the Inspector.

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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

- The nature, scale and extent of the proposed development;

- The environmental impact assessment report and associated documentation submitted in support of the planning application;
- The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes 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 planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population due to the increase quantum and variety in the housing stock.
- Potential direct effect on the landscape by the change in the use and appearance of a relatively large site from greenfield suburban to residential. Landscape and visual impacts will be mitigated by the retention of certain existing trees and elements of hedgerows and new landscaping throughout the site. Given the location of the site within the development boundary of Clane and the distance from the town centre, the landscape and visual impact is considered a moderate positive effect and is considered acceptable.
- Biodiversity impacts.
 - Potential direct effects with regard to loss of habitat and green infrastructure. To offset the loss of higher significance hedgerow and treelines it is proposed to create new biodiversity planting within areas of public open space and along both margins of the new Link Road. This

planting will effectively create a new biodiversity corridor which will provide connectivity for the species which are currently recorded in this location. While this planting will take time to mature it will ultimately compensate for the loss of hedgerows and green infrastructure arising from the development.

- Potential indirect effects to species including bats during construction and operational phases which will be mitigated through appropriate construction management measures and lighting on the site which will conform to Bat Conservation Ireland's Guidance Note on Bats and Lighting, 2010, for minimising impacts to bats from artificial lighting This will include minimising light spatially and temporally and avoiding the use of high-pressure sodium or metal halide bulbs. Planned planting will include species attractive to wildlife, and will provide new foraging habitat for bats
- Potential effects arising from noise and vibration and air during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.
- Potential indirect effects on hydrology and hydrogeology during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public foul sewerage system and flood mitigation measures and which will be mitigated by appropriate management measures.
- Traffic and transportation impacts, which will be mitigated by the management of construction traffic and by the construction of the new Link Road between the R403 Celbridge Road and the R407 Kilcock Road, which will provide a benefit to the town.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, 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.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location located within the development boundary of Clane, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars, including 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: In the interest of protecting the environment and in the interest of public health.

3. The gardens of all neighbouring dwellings adjoining the site shall be bounded by block walls, 1.8 metres in height, capped and rendered, to the written satisfaction of the planning authority. The rear boundary walls of dwellings within the proposed development shall be bounded with either block walls, 1.8 metres in height, capped, and rendered, or concrete post and panel fencing to a similar height, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

4. Prior to the commencement of development the developer shall submit, for the written agreement of the planning authority, a detailed design for the proposed Link Road between the R403 Celbridge Road and the R407 Kilcock Road, including the proposed roundabout on the R407, as shown on Drawing number PL02 - Residential Development Site Layout and the delivery of agreed accommodation works including boundary treatment, entrance gates, access for severed lands onto the new Link Road, access for non-severed lands onto Capdoo Lane and transfer of certain lands. Details of the design, implementation, costing, phasing and site supervision (by a full-time resident engineer) of these works shall be included. The cost of the design, implementation and site supervision of these works shall be borne solely by the developer. The agreed road realignment shall be constructed and implemented in accordance with the development phasing plan as shown on Drawing Number PL84- Phasing Plan Site Layout.

Reason: in the interests of traffic safety and convenience and to comply with the Clane LAP.

5. (i) The internal road network, public footpaths within and outside the proposed development site, including car parking provision and cycle parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

(ii) Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a detailed design for the upgrade of the traffic signals at the junction of the R403/Link Road / Brooklands Estate.

Upgrade works and junction improvements shall include:

- a) The upgrade of the existing traffic signals.
- b) The upgrade of the existing controller to ELV and LED signals.
- c) The installation of traffic CCTV camera and pole at the junction.
- d) The installation of MOVA technology for future linkage with other signal controlled junctions.

All installations shall be connected to the County Council's Traffic Management Centre. The cost of the system shall be borne solely by the developer. The agreed junction improvements shall be constructed and implemented in accordance with the development phasing plan as shown on Drawing Number PL84 - Phasing Plan Site Layout.

(iii) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority and all measures recommended by the Auditor should be undertaken unless the Planning Authority approves any departure in writing. A feedback report shall also be submitted providing a response to each of the items.

(iv) A full-time resident engineer shall be provided and funded by the developer to supervise the road project works on site and to liaise with landowners, stakeholders and the planning authority.

(v) A legal agreement for the delivery of the Link Road shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

(vi) A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

(vii) The developer shall provide disabled car parking for the apartment and creche elements of the development in accordance with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

6. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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

Reason: In the interest of public health and to ensure a proper standard of development.

8. A suitably qualified Ecological Clerk of Works (ECoW) shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ECoW shall be present on-site during construction works. The ECoW shall ensure the implementation of all proposals contained in the Schedule of Ecological proposals. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ECoW and submitted to the County Council to be kept on record.

Reason: In the interest of biodiversity.

9. The site shall be landscaped in accordance with the submitted scheme of landscaping, Landscape Plan 1 Drg. No. Ar.07-DR-201 Rev C and Landscape Plan 2 Drg. No. Ar.07-DR-202 Rev C. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

12. Proposals for an apartment, street and 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 apartment, street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of orderly development.

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground

within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

15. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

16. The submitted phasing programme for the development shall be strictly adhered to, unless otherwise agreed in writing with the planning authority.

Reason: To provide for the orderly development of the site

17. Prior to occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

Reason: In the interest of visual amenity.

18. Details of the materials, colours and textures of all the external finishes, including pavement and road finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. There shall be no render

finish on the apartment/duplex blocks.

Reason: In the interest of visual amenity.

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

20. 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 a demolition management plan, together with details of intended construction practice for the development, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

21. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

22. 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 maintenance of any part of the development. 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.

23. 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: 20/09/2019

Terry Prendergast