

An  
Bord  
Pleanála

**Board Direction**  
**BD-011969-23**  
**ABP-311751-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/03/2023.

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**

- 1.0 Having regard to the zoning of the site for town centre uses in the current Kilcock Local Area Plan which provides, *inter alia*, for residential development, the location of the site close to town centre facilities and community services, to the availability of piped public services to serve the proposed development, to the availability of vehicular and pedestrian access from the R148 and subject to the conditions set out below it is considered that the proposed development would not seriously injure the visual or residential amenity of the area, would not give rise to water pollution or to traffic hazard and would otherwise accord with the provisions of the Kildare County Development Plan 2017-2023, with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and with the proper planning and sustainable development of the area.

The Board noted that the part of the development proposed involved the construction of dwelling houses on lands zoned 'Open Space' in the Kilcock Environs; within the administrative area of Meath County Council. Notwithstanding the inspector's view,

the Board considered that this portion of the development was contrary to the Meath County Development plan, and that the development of residential property on lands zoned 'Open Space' would be contrary to the principles of proper planning and sustainable development.

## 2.0 Conditions

1.	<p>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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development shall be amended as follows:</p> <p>The proposed houses numbered 8, 9, and 10 in Row 2 shall be omitted in their entirety and the lands associated with these shall be incorporated into the adjacent area of public open space. Revised drawings incorporating these changes should be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of amenity, proper planning and sustainable development</p>
3.	<p>The mitigation measures set out in the Natura Impact Statement lodged with the appeal shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> To protect the integrity of the Rye Water Valley/Carton SAC (001398).</p>

4.	<p>Details of the materials, colours and textures of the hard landscaping along with details of the tree and/or other planting of the 2.5m buffer to be provided along the Rye River within the site shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter may be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of residential amenity and to protect the ecology of the Rye River.</p>
5.	<p>(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access road shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>(b) Details of the layout of the junction of the access road with the R148 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of amenity and of traffic and pedestrian safety.</p>
6.	<p>a) All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p> <p>b) Details of all other boundaries within the site, including the boundary with the R148 shall, shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of residential and visual amenity.</p>
7.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interests of clarity and public health</p>
8.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>



9.	<p>Details of the materials colours and textures of all the external finishes to the proposed development shall be submitted for the written agreement of the planning authority, prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
10.	<p>The site shall be landscaped in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.</p> <p><b>Reason:</b> In order to ensure the satisfactory completion of the development</p>
11.	<p>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 employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.</p> <p><b>Reason:</b> 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.</p>
12.	<p>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. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to and agreed in writing with the planning</p>

	<p>authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety</p>
14.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
15.	<p>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.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
16.	<p>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 property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p><b>Reason:</b> To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
17.	<p>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</p>


	<p>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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
18.	<p>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:</p> <p>(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 car parking facilities for site workers during the course of construction;</p> <p>(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;</p> <p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard</p>



	<p>to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.</p> <p>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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and 0800 to 1400 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>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.</p> <p><b>Reason:</b> 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.</p>
21.	<p>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,</p>

	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
22.	<p>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.</p> <p><b>Reason:</b> 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.</p>

Board Member

  
 Stephen Brophy

Date: 30/03/2023