

An  
Bord  
Pleanála

**Board Direction**  
**BD-015273-24**  
**ABP-312671-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/01/2024.

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 designation of Maynooth as a “key town” at the top of the settlement hierarchy of County Kildare, the housing targets for the town to 2028 as set out under the Kildare County Development Plan 2023-2029, the pattern of residential development adjoining the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 10 <sup>th</sup> day of September 2021 and 10 <sup>th</sup> day of December 2021, except as may otherwise be required in order |
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	<p>to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<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.</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>
3.	<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, 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

4.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
5.	<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>
6.	<p>The developer shall show compliance with the signed letter of undertaking between the developer and Kildare County Council dated 25<sup>th</sup> October 2017, or any subsequent superseding written agreement, prior to the occupation of the housing in the proposed development, unless otherwise agreed in writing with Kildare County Council.</p>

	<p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
7.	<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 of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
9.	<p>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. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
10.	<p>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:</p> <p>(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</p> <p>(b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.</p>

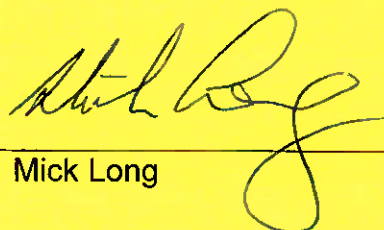
	<p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report containing the results of the assessment shall be submitted to the Planning 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 the commencement of construction works.</p> <p><b>Reason:</b> 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.</p>
11.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, drawings showing all development works to be taken in charge designed to meet the standards of the Planning Authority.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
12.	<p>The proposed car parking serving the housing and apartment units shall comply with the maximum car parking standards identified in Table 15.8 of the Kildare County Development Plan 2023-2029. Drawings demonstrating compliance with this requirement shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> To ensure an appropriate standard of development.</p>
13.	<p>The proposed development shall make provision for the charging of electric vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of charging points and in the case of visitor spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these</p>

	<p>requirements, shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transport.</p>
14.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, design details of the proposed pedestrian and cycle paths within the site boundary adjacent to Celbridge Road.</p> <p><b>Reason:</b> To ensure an appropriate standard of development in the interest of pedestrian and cyclist safety.</p>
15.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, design details for an upgrade to the signalised toucan crossing on Celbridge Road at Rockfield Park in accordance with the detailed standards of the Planning Authority. The upgraded toucan crossing shall be operational prior to the occupation of the permitted development. All costs associated with these works shall be borne by the developer.</p> <p><b>Reason:</b> In the interest of pedestrian and traffic and safety.</p>
16.	<p>The internal road network serving the proposed development shall comply with the detailed standards of the Planning Authority for such road works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
17.	<p>Prior to the commencement of development, the developer shall submit a Stage 1/2 Road Safety Audit, carried out by an independent, approved and certified auditor, for the written agreement of the Planning Authority. The audit recommendations shall be incorporated into the detailed design of the proposed development.</p> <p><b>Reason:</b> In the interest of pedestrian and traffic safety.</p>
18.	<p>Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor.</p>

	<p>The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team.</p> <p><b>Reason:</b> In the interest of pedestrian and traffic safety.</p>
19.	<p>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. All existing overground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
20.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
21.	<p>The landscaping scheme shown on drawing no. 101 (Landscape Design – Phase 1), as submitted to the planning authority on the 10<sup>th</sup> day of September, 2021 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interests of residential and visual amenity.</p>
22.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to the</p>

	<p>commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
23.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
24.	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
25.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0900 to 1300 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>

Board Member



Mick Long

Date: 30/01/2024