

An
Bord
Pleanála

Board Direction
BD-016928-24
ABP-319625-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2024.

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

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

- a) the location of the site within the settlement boundaries of Leixlip with a land-use zoning objective for 'C – New Residential' under the Leixlip Local Area Plan 2020-2023 (as extended);
- b) the policies and objectives of the Leixlip Local Area Plan 2020-2023 (as extended);;
- c) the policies and objectives of the Kildare County Development Plan 2023-2029;
- d) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- e) the pattern of existing and permitted development in the area;
- f) the provisions of *Housing for All – A New Housing Plan for Ireland*, 2021;
- g) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;

- i) the provisions of *Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities, 2024*;
- j) the submissions and observations received; and
- k) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which is situated on the edge of an urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application and appeal documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the thresholds in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the location of the proposed housing development on lands zoned within the Leixlip Local Area Plan 2020-2023 as 'C – New Residential' with a stated objective 'to provide for new residential development';
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Archaeological Assessment, Resource and Waste Management Plan, Operational Waste & Recycling Management Plan, Hydrogeological Risk Assessment Report, Ecological Impact Assessment, Flood Risk Assessment Report and the Engineering Assessment Report

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board 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, would be acceptable in terms of impacts on traffic and would be compliant with the provisions of the Leixlip Local Area Plan 2020-2023 (as extended), and 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, as amended by the further plans and particulars received by the planning authority on the 12th day of March 2024, 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. This permission authorises the construction of 227 no. units. The development shall be amended as follows:
 - (a) Proposed unit numbers 17 and 18 shall be omitted and revised drawings indicating any amendments required to unit numbers 19, 20 and 21 shall be submitted prior to the commencement of development, for the written agreement of the Planning Authority.
 - (b) Within six months of the final grant of permission, the developer shall lodge a separate application for a crèche facility in place of proposed unit numbers 17 and 18, or on an alternative suitable location within the red line boundary of the development site.
 - (c) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and to ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

3. Mitigation and monitoring measures outlined in the plans and particulars submitted with the application, including the Construction Environmental Management Plan, the Ecological Impact Assessment and the Flood Risk Assessment, 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.
4. Prior to the commencement of any house or duplex unit in 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 house and duplex unit), pursuant to section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex 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.
Reason: 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.
5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.
Reason: In the interest of visual amenity.
6. Proposals for an estate / street name, house and apartment numbering scheme and any 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 / apartment 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. The proposed temporary advertisement / marketing signage relating to the name of the development shall not be erected until the developer has obtained the planning authority's written agreement for the proposed name, and the proposed temporary

advertisement / marketing signage shall be removed prior to the expiration of the three-year period, unless subject to a further grant of permission.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

8. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

(d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

Reason: In the interest of public health and surface water management.

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) Details of the management company contract, and drawings / particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

(c) Details shall include the management of any communal car parking areas

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. (a) The developer shall comply with all requirements of the Planning Authority in relation to roads, access, cycling infrastructure and parking arrangements.
- (b) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.
- (c) All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

11. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor(s) shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted to and agreed with the planning authority prior to the commencement of development.

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

12. Prior to the commencement of development, the Developer shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan indicating all haul routes to and from the site and for the delivery of the development. Haul routes cannot be changed unless approved by the Planning Authority in advance. Pre- and post-conditions survey of haul routes shall be submitted prior to

and post development. Prior to commencement of development the developer shall install a temporary wearing course layer on the haul route at Green Lane if it is used by construction delivery traffic.

Reason: In order to safeguard the residential amenity of properties in the area.

13. The developer shall submit for the written approval of the Planning Authority, a vulnerable road users permeability link to the R449 regional road from the site. In the detailed solution, the developer shall consider the following: personal security, legibility, quality of the environment, maintenance, lighting and passive surveillance. The developer shall refer to the document Permeability Best Practice Guide issued by the National Transport Authority. The permeability link shall have a cross section of a 3 metre wide footpath and cycle track or a similar approved cross section by the Planning Authority and no gates shall be installed as this facility shall be fully accessible to vulnerable road users and open prior the occupation of Units 122-127 inclusive.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

14. Prior to the commencement of development, the Developer shall obtain a licence for the erection of any fencing/hoarding on the public footpath network serving the proposed development pursuant to Section 254 of the Planning and Development Act 2000, as amended.

Reason: In the interests of orderly development.

15. 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.

16. The landscaping scheme shown on the Landscape Layout (drawing no. 60672634-SHT-20-L-1002) and the Landscape Strategy, as submitted to the Planning Authority as part of the application, shall be carried out on a phased basis within the first planting season following substantial completion of respective phase external construction works.

All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and the areas shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In the interest of environmental, residential and visual amenity.

17. Prior to commencement of development, all trees, groups of trees, hedging and shrubs that are to be maintained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be maintained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. This schedule shall cover a period of at least three years for each phase of the development and shall include details of the arrangements for its implementation.
Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.
19. All service cables associated with the proposed development, such as electrical, telecommunications and communal television cables, and the 38kv overhead electricity powerlines shall be located underground. Ducting shall be provided by the developer in accordance with the detailed standards of the planning authority for such works to facilitate the provision of broadband infrastructure within the proposed development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
Reason: In the interests of visual and residential amenity.
20. A plan containing details for the management of waste and recycling within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular recyclable materials, and for the ongoing operation of these facilities for each proposed residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste and recycling shall be managed in accordance with the agreed plan.
Reason: In the interest of residential amenity, and to ensure the provision of adequate waste and recycling storage.
21. 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 for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects', published by the Environmental Protection Agency in 2021.
Reason: In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a final project Construction and Environmental 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 the construction practice for the development, including:
- (b) Location of the site and materials compound(s), including areas identified for the storage of construction waste;
 - (c) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of 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;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
 - (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (i) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;
 - (k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
 - (l) 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;

- (m) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;
 - (n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;
- Reason: In the interest of amenities, public health and safety.

23. Site development and building works shall be carried out only between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and 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 proposals have been submitted and agreed in writing with the Planning Authority.

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

24. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Assessment Report (IAC Ltd., Licence No. 23E0573, dated February 2024) shall be implemented in full.
- (b) The developer is required to retain/employ a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out the following on the site and three to four weeks should be allowed to facilitate processing and approval of the required archaeological licence renewal request / licence application and method statement. No groundworks shall take place within the site in the absence of the archaeologist and advance written notice regarding the commencement of works on this site shall be submitted to the Planning Authority and to the National Monuments Service in the Department of Housing, Local Government and Heritage.
- (c) All archaeological features that cannot be preserved in situ shall be fully archaeologically excavated according to best archaeological principles and practice. Proposals for resourcing of the excavation and strategies for environmental sampling, finds retrieval / conservation and subsequent dissemination and publication of results shall be submitted to the National Monuments Service as part of the licence application and associated method statement. An appropriate timeframe shall be applied to allow for possible delays / constraints arising where the discovery of additional archaeological remains are made.

(d) The developer shall facilitate topsoil stripping of appropriate areas surrounding the identified archaeological remains under the strict direction of the archaeologist and using suitable methodologies, in order to ensure that the full nature and extent of the archaeology identified within the site to date is established prior to excavation.

(e) Where significant additional archaeological features are identified during the course of archaeological excavation, work on site may be suspended pending further advice from the Planning Authority, in consultation with the National Monuments Service, which may require redesign of the proposed development to allow for preservation in situ and / or additional excavation.

(f) Upon completion of the above, and submission of an Archaeological Report detailing the excavation of the archaeological features, all remaining groundworks on site shall be archaeologically monitored as outlined below. Further topsoil stripping and the monitoring of same should only be carried out upon completion of the above excavation works and the submission of the resultant report to the Planning Authority and to the National Monuments Service for review.

(g) The Construction Environmental Management Plan shall be updated to include the location of all archaeological constraints relevant to the proposed development, as set out in the Archaeological Assessment Report (IAC Ltd; February 2024 - Licence No. 23E0573). The Construction Environmental Management Plan shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(h) The developer shall retain / engage a suitably qualified archaeologist licensed under the National Monuments Acts) to monitor all remaining site clearance works, topsoil stripping, groundworks and/or the implementation of agreed preservation in situ measures associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the archaeologist without his / her express consent.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

25. Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public open spaces, communal spaces and parking / servicing

areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided on a phased basis prior to the making available for occupation of any unit within the respective phase.

Reason: In the interests of amenity and public safety.

26. 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.

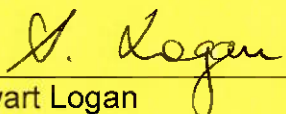
27. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

28. 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


Stewart Logan

Date: 05/07/2024