



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/1370

Appeal by Justin Moran of Moneycooley, Maynooth, County Kildare against the decision made on the 6th day of February, 2018 by Kildare County Council to grant subject to conditions a permission to Maynooth Business Campus Owners' Management Company Limited by Guarantee care of NRB Consulting Engineers Limited of 8 Leopardstown Business Centre, Ballyogan Avenue, Leopardstown, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new gated vehicular access onto the L5054 Ballygoran Local Road along the southern boundary of the existing business campus development and all associated site works, all at Moneycooly, Maynooth, County Kildare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan, 2017-2023, and to the submissions made in connection with the planning application and the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience 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, 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. There shall be no right turn exiting the hereby permitted gated access. Prior to the commencement of development, full details of the layout of the access, including signage to prevent right turns on exit, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

3. The landscaping scheme shown on drawing number NRP-PA-003, as submitted to the planning authority on the 5th day of December, 2017 shall be carried out within the first planting season following the commencement of the development 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 five 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.

Reason: In the interest of residential and visual amenity.

4. Prior to the commencement of any development, full details and specifications of public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority. The access shall not be used until the approved lighting system has been fully implemented and is functioning to the satisfaction of the planning authority.

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

5. 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.

Eugene Nixon
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.