



An
Bord
Pleanála

Board Order

ABP-301230-18

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th day of March 2018 by Cairn Homes Properties Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

A strategic housing development on a site at located on the Moyglare Road and Dunboyne Road within the townland of Mariavilla, Maynooth, Co. Kildare and bounded generally by an existing residential development 'Moyglare Hall' and agricultural lands (including Maria Villa a protected structure) to the north and west, the 'Divine Word Missionaries complex' undeveloped lands to the south and east, and the Dunboyne Road undeveloped lands to the east, all on an application site of circa 21.26 hectares. The site includes works to a protected structure (Maria Villa House Gate Lodge Kildare County Council Record of Protected Structures Reference B05-09).

The proposed development relates to a mixed-use development of 462 number dwellings comprising:

- 219 number three-bedroom houses;
- 100 number four-bedroom houses;
- 26 number one-bedroom apartments,
- 55 number two-bedroom apartments,
- five number three-bedroom apartments,
- 28 number two-bedroom duplex apartments,
- 28 number three-bedroom duplex apartments,
- one number two-bedroom refurbished Gate Lodge (a protected structure Kildare County Council Record of Protected Structures Reference B05-09);
- student accommodation consisting of 106 number student accommodation units (483 number bed spaces);
- a local neighbourhood node to include a crèche of circa 601 square metres (including storage five square metres - with outdoor play area of circa 277 square metres),
- café of circa 191 square metres,
- gym of circa 1,010 square metres, and
- retail unit of circa 438 square metres.

The development will consist of:

- (a) The provision of:
- (i) a new circa 800 metres link street with one number vehicular / pedestrian bridge across the Lyreen River (to include services and rerouted underground Electricity Supply Board and utilities) between Moyglare Road and Dunboyne Road,
 - (ii) vehicular, pedestrian and cyclist access to the proposed development via new access junctions on the Dunboyne Road and Moyglare Road, and
 - (iii) internal road network including four number culverts and pedestrian bridge (across the Crewhill stream), and associated junctions;

- (b) Demolition of the existing vacant two-storey building (circa 564 square metres) adjacent to the 'Divine Word Missionaries' on the Moyglare Road;
- (c) Provision of 462 number residential dwellings comprising two storey and 2.5-storey detached / semi-detached and detached dwellings along with seven number three-storey duplex apartment buildings and four number four-storey apartment buildings as follows:
- (i) 46 number four-bed 2.5-storey semi-detached [Types A1, A1(D)A1(V)];
20 number four-bed two-storey end of terrace [Types A3, A3(V)];
five number four-bed two-storey detached [Types A4(D), A5, A3(D)];
29 number four-bed two-storey semi-detached [Types A2, A2(V)];
three number three-bed two-storey detached [Types B1(D)];
110 number three-bed two-storey end of terrace [Types B1, B1(V)];
36 number three-bed two-storey wide fronted [Types B3, B3(V)];
56 number three-bed two-storey mid-terrace (Type B2);
14 number three-bed two-storey semi-detached (Type B4);
 - (ii) 28 number two-bed duplex apartments and 28 number three-bed duplex apartments (in seven number three-storey buildings, numbered three to nine [four number two-bed duplex apartments and four number three-bed duplex apartments in each block]);
 - (iii) four number four-storey apartment buildings;
Block 1 (six number one-bed apartments, fifteen number two-bed apartments, one number three-bed apartment),
Block 2 (eight number one-bed apartments, eight number two-bed apartments, eight number three-bed apartments),
Block 3 (six number one-bed apartments, 12 number two-bed apartments, two number three-bed apartments),
Block 4 (six number one-bed apartments, 12 number two-bed apartments, two number three-bed apartments);
 - (iv) The refurbishment / restoration works (as well as associated internal and external alterations) to the single storey Gate Lodge (a protected structure Kildare County Council Record of Protected Structures

- Reference B05-09) to include removal of existing rear (modern) extension of circa 15 square metres and conversion into a two-bedroom dwelling (with new single storey extension circa 74 square metres and two number parking spaces) to provide an overall floor area of 106 square metres;
- (v) 979 number car parking spaces and 706 number bicycle spaces to serve the overall development as well as solar panels on roofs of houses / apartments and duplexes) along with balconies / terraces for all apartments and duplex apartments;
- (d) Student accommodation of 106 number units (483 number bed spaces) and ancillary / services / plant floorspace (use to include short term letting outside academic term time), bin storage and amenity spaces (to include basketball court) as well as a local neighbourhood node (including 91 number car parking spaces and 538 number cycle spaces) located in seven number buildings (circa 19,160 square metres) as follows:
- (i) Block A is a part three-storey (fronting onto Moyglare Road) and four-storey building and comprises a retail unit (438 square metres), gym (1,010 square metres), and student accommodation of 115 number bed spaces along with landscape garden at first floor level;
- (ii) Block A1 is a part single storey / two storey building fronting onto the Moyglare Road and comprises a crèche of 601 square metres (over two floors including storage of five square metres) and a single storey café of 191 square metres, with entrance clock tower feature of two storeys in height;
- (iii) Block A2 comprises a three-storey building and consists of four number own door, four-bed student units (16 number bed spaces);
- (iv) Blocks B-E (352 number bed spaces) comprise three-four-storey blocks of student accommodation with internal courtyards consisting of:
- Block B (67 number bed spaces),
Block C (128 number bed spaces),
Block D (77 number bed spaces),
Block E (80 number bed spaces);

- (e) Approximately 7.7 hectares of open space (including playground areas), to include new Lyreen Riverside Park of circa 4.78 hectares along the Lyreen River / Crewhill Stream as well as all residential open space areas, communal open space area, including all ancillary landscape works with public lighting, planting and boundary treatments (internal and external [to include boundary wall of circa two metres to Divine Word Missionaries' lands] and for new boundary along Moyglare Road to tie into Gate Lodge entrance), as well as regrading / re-profiling of site and stream / ditch banks where required as well as provision of cycle paths.
- (f) One number Electricity Supply Board substation in Block B of student accommodation, four number Electricity Supply Board kiosks as well as bicycle / bin stores, and plant room buildings to serve apartment and duplex apartment buildings.
- (g) Surface water attenuation measures and underground storm cell attenuation systems as well as all ancillary site development / construction works as well as connection to existing public water supply and drainage services and provision of construction access from Dunboyne Road and Moyglare Road.
- (h) One number single storey marketing suite and signage (including hoarding) during the construction phases.

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

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

- (a) the location of the subject site adjoining the established settlement of Maynooth, County Kildare;
- (b) the policies and objectives as set out in the Kildare County Development Plan 2017-2023 and in the Maynooth Local Area Plan 2013-2019;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009, and the accompanying Urban Design Manual;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018;
- (f) Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (g) the nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received, and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate density of residential development having regard to the location of the site close to the town centre of Maynooth, would provide for an acceptable level of student accommodation proximate to the university, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not lead to a risk of flooding and would be acceptable 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.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites:- Ballynafagh Lake Special Area of Conservation (site code 001387), Ballynafagh Bog Special Area of Conservation (site code 000391), in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, the Rye Water Valley / Carton Special Area of Conservation (site code 001398), the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), the South Dublin Bay Special Area of Conservation (site code 000210), the North Dublin Bay Special Area of Conservation (site code 000206) and the North Bull Island Special Protection Area (site code 004006).

Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura Impact Statement submitted by the applicant (including the mitigation measures set out in this Statement, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on these five European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of these European sites, in view of the conservation objectives of these sites.

Environmental Impact Assessment

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

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;

- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

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

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Landscape and visual impacts, which will be mitigated by the retention and enhancement of existing trees and hedgerows, new landscaping and the creation of a new riverside park on the banks of the Lyreen River and a civic open space at Moyglare Road.
- Traffic and transportation impacts, which will be mitigated by the construction of a new link street between the Moyglare Road and the Dunboyne Road as per Local Area Plan objective TRO2(g) and by the provision of pedestrian and cycle facilities in conjunction with the Kildare County Council approved works on the Moyglare Road, together with the use of Mobility Management Plans including parking management and a Go Car service.
- Water impacts, which will be mitigated by construction management measures; bridge and culvert designs and construction method in accordance with Inland Fisheries Ireland's publication "Guidelines on Protection of Fisheries During Construction Works In and Adjacent to Waters"; together with attenuation of surface water runoff to greenfield rates and the installation of interceptors on roads within the scheme; ongoing monitoring of the hydrological environment.

- Biodiversity impacts, which will be mitigated by landscaping or replacement of native hedgerow including the re-establishment of native vegetation along the Lyreen River; measures to avoid disturbance to animals during construction including badgers and bats; construction of a new badger sett; bat box scheme; lighting control measures; bat tubes in culverts and the bridge; tree protection measures during construction; post construction bat and badger monitoring.
- Land and soils impacts, to be mitigated by construction management measures including controlled stripping of topsoil and management of topsoil stockpiles; design of road levels and finished floor levels to minimise cut / fill operations; material removed from south of the Crewhill Stream and east of the Lyreen River to be classified to ensure that it is disposed of appropriately in accordance with the Waste Management (Hazardous Waste) Regulations. 1998.
- Cultural heritage impacts, which will be mitigated by pre-construction surveys and site investigations; avoidance and protection during construction works and archaeological recording prior to construction, wade surveys at the Lyreen River and monitoring of ground works.

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

Conditions

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

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, as set out in Volume II Chapter 15 of the EIAR “Summary of Mitigation Measures”, 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 proposed development shall be amended as follows:-
 - (a) Proposed student accommodation Block E shall be relocated to the east/north-east of the proposed position by 12 metres. The area thus released shall be laid out as additional landscaped open space to serve the student accommodation and for the provision of a future pedestrian route from the development to the adjoining lands to the south.
 - (b) The proposed junctions at the Moyglare and Dunboyne roads shall be modified by the removal of the turning pockets, and the footpath widths shall be increased, and the curve radii shall be reduced, to conform to the standards set out in the Design Manual for Urban Roads and Streets. In

the case of the junction at the Moyglare Road, this shall be so designed as to provide for a continuation of the cycle tracks and pedestrian footpaths that are part of the approved County Council scheme for the Moyglare Road.

- (c) The design of unit type A5 on site number 232 in the Lyreen / Mariavilla neighbourhood shall be amended to provide a more active frontage to the local road.
- (d) The design of unit type B1V on site number 52 in the Moyglare neighbourhood shall be revised such that a dual fronted house is provided at this location.
- (e) The layout of the neighbourhood node shall be revised to provide for a bus stop / lay-by along the Lyreen Avenue link street. Additional cycle parking shall be provided to comply with the cycle parking standards specified in the Kildare County Development Plan.
- (f) The road at the north-eastern edge of the site, between sites numbers 441 and 442 in the Mariavilla neighbourhood, shall be extended up to the site boundary, leaving no intermediate grassed or open space area, so as to allow for future connection to adjoining lands.
- (g) All rear gardens of houses shall be bounded with concrete block walls, which shall be a minimum of 1.8 metres high, and shall be suitably capped and rendered on both sides, except where bounding public open spaces or roads, when the walls shall be 2 metres in height. Post and timber fences shall not be used for any rear garden boundaries.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to facilitate pedestrian permeability in accordance with national policy, in the interests of pedestrian safety and sustainable transportation, and in order to ensure the provision of durable boundary treatment in the interest of residential amenity.

4. (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of the planning authority for:
 - (i) A tree protection plan.
 - (ii) A programme of tree surgery works.
 - (iii) A detailed landscaping plan including specific details as to the plant sizes and species to be used.
 - (iv) Details of root zone design and specification for street trees proposed.
 - (v) Detailed design proposals for natural and local play areas proposed.
- (b) All front and rear private garden spaces shall be soiled and seeded prior to the occupation of any dwelling unit within each phase.
- (c) The central public open space / pocket parks shall be developed for and devoted to public use. They shall be free from any development and shall not be enclosed by any means, except where otherwise agreed. When the development is being taken in charge, the open spaces shall be vested to the Planning Authority, at no cost to the Planning Authority, as public open space.
- (d) The establishment of new hedgerow, hedge boundaries and public open space areas shall take place at an advanced or initial stage of each phase of the proposed development. Such measures shall include

a three-year maintenance or aftercare contract for all landscape elements, hedgerow, tree planting and open spaces on an on-going basis. All defects would be identified and corrected as necessary.

- (e) A suitably qualified Landscape Architect or Arborist shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development in regard to the implementation and monitoring of tree protection measures outlined in the environmental report received by the Planning Authority.
- (f) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 4(a) above and shall be carried out and completed prior to the completion of each phase. The completion of landscaping and boundary treatments with respect to each phase of development shall be completed in full post the construction of the relevant phase and prior to the occupation of any units within the following phase.

Reason: To protect the amenity value of existing trees and ensure a high quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

- 5. 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 any development. In particular, the 'Lyreen Avenue' link street, including both junctions at Dunboyne Road and Moyglare Road and the bridge over the Lyreen River, shall be completed in Phase 1 prior to the making available by the developer for occupation of any residential units or student accommodation units. The student accommodation units may be carried out within any phase, but shall not be

made available for occupation until the entirety of the “Lyreen Avenue” link street and associated junctions and bridge is completed.

Reason: To ensure the timely provision of services, and the provision of the link street, for the benefit of the occupants of the proposed units.

6. The proposed development shall be modified as follows with regard to pedestrian/cycle and roads requirements:
 - (a) The roads and traffic arrangements serving the site (including road signage), shall be in accordance with the detailed requirements of the planning authority for such works, subject to full compliance with the requirements of condition 3 (b) of this permission, and shall be carried out at the developer’s expense.
 - (b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to commercial parking shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
 - (c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
 - (d) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at his expense.

(e) A Mobility Management Plan for the development, to include parking management at the neighbourhood node, and a separate Mobility Management Plan for the student accommodation shall be prepared and submitted to the Planning Authority for its written consent prior to the commencement of development.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety.

7. The proposed student accommodation shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of this portion of the proposed development to that for which the application was made.

8. The proposed retail unit and the proposed café shall not be used for the sale of hot food for consumption off the premises, without a separate planning permission for change of use.

Reason: In the interests of residential amenity and of pedestrian and traffic safety, and to allow the planning authority to assess any such development through the statutory planning process.

9. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The applicant shall comply with the following particular requirements:
 - (a) The applicant shall satisfy the planning authority that all new culverts including Moyglare Road culvert extension and pedestrian bridge have adequate capacity to carry the predicted flood flows of relevant return periods and that all appropriate consents from statutory bodies including the Office of Public Works and Inland Fisheries Ireland have been obtained.
 - (b) The applicant shall satisfy the planning authority that discharge of surface water run-off to the Lyreen River and Crewhill Stream and the construction of a new road bridge and a pedestrian bridge and culverts thereon are fully compliant with all relevant statutory requirements that apply thereto following consultation with the relevant statutory bodies including the Office of Public Works and Inland Fisheries Ireland regarding inter alia temporary channel diversions during construction, hydraulic capacity and flood impact and the planning authority regarding the pollution prevention requirements during and after construction.

- (c) The applicant shall satisfy the planning authority that adequate drainage provision is being made for the Mariavilla stream and the associated network of detains / ditches traversing the development site.
- (d) The applicant shall submit full details of the proposed surface water attenuation system to the planning authority for consent in writing prior to the commencement of development, to include details of outflow rates, design calculations to allow for a 20% climate change factor, SUDs measures, storm attenuation storage chambers, pipe network design and connections to the existing surface water network in the area.
- (e) The developer shall submit a revised Site Specific Flood Risk Assessment, to provide the OPW 'future scenario' fluvial flood mapping to take account of the effects of climate change and increasing urbanisation, to the planning authority prior to the commencement of development.

Reason: In the interest of public health and in order to address flood risk.

11. The development, including all roads, footpaths, cycle paths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, and as amended by the conditions of this permission, shall be carried out and completed in accordance with the "taking-in-charge" standards of the planning authority. The entire development, including all open spaces, with the exception of the neighbourhood node, of the student accommodation and of the communal areas directly associated with the four apartment blocks, shall be maintained by the developer until such time as it is taken in charge by the planning authority and shall not be operated or maintained by a private management company (and not as per the taking in charge drawing submitted with the application). The communal areas directly associated with the four apartment blocks, the neighbourhood node and the student accommodation shall be maintained by private management companies, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the

making available by the developer of these parts of the development for occupation.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the housing part of the overall development, when completed, and all of the open spaces, can be taken in charge by the planning authority.

12. The developer shall undertake a review of all historic boundaries at the site. Details of all boundaries to be removed / amended shall be submitted to, and agreed in writing with, the planning authority in writing prior to the commencement of development. Boundaries should be retained where possible, particularly along the boundary with Maria Villa. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of protecting the amenities of the area.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces (other than along the Lyreen River), and pedestrian lighting for the full extent of the proposed plaza at the neighbourhood node, 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 by the developer for occupation of any house / unit within the relevant phase of the development.

Reason: In the interest of amenity and public safety.

14. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house / unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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.

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

15. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In the case of the houses and duplex blocks, the roof colour shall be blue-black or slate grey only, including ridge tiles.

Reason: In the interest of the visual amenities of the area.

16. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development, as inadequate details have been provided with the application in relation to signage, and to permit the planning authority to assess any such development through the statutory planning process.

17. All works to the Maria Villa gate lodge (protected structure), shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

18. 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. The existing 10 kV overhead power line crossing the site shall be undergrounded, as part of the site development works, and at the expense of the developer.

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

19. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:
- (a) Soil and subsoil cross-sections.
 - (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.

- (c) The relationship of the proposed mounding to the Lyreen River, to existing vegetation and to woodland areas.

Development, including landscaping required by condition number 4 of this order, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of residential and visual amenity.

20. 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 including the removal of topsoil in all areas identified during the geophysical survey (licence no. 17R0066) and confirmed by archaeological test excavations (licence no. 17E0208) to be archaeological in nature. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent. Full archaeological excavation of these features shall be carried out in accordance with the terms of an excavation licence issued by the Department of Culture, Heritage and the Gaeltacht.

The applicant shall submit the following to the planning authority and the Department of Culture, Heritage and the Gaeltacht:

- A report, containing the results of the monitoring to include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which the photographs were taken should be included with the report (an annotated site location map will suffice for this purpose).

Where archaeological material is shown to be present, further mitigatory measures will be required; these may include redesign (in whole or in part) to allow for preservation in situ, and/or additional excavation or monitoring. The Department will advise the Planning Authority and the applicant with regard to these matters.

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.

21. 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 noise management measures and off-site disposal of construction/demolition waste. No plant compounds, material storage areas or site offices shall be located on the open space areas.

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

22. 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 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.

Reason: In the interest of sustainable waste management.

23. 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.

24. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

25. 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 and parking for construction workers during the construction phase, and arrangements for delivery of abnormal loads to the site. Construction access shall be from the Moyglare and Dunboyne Roads only, and no construction traffic shall use Maynooth town centre.

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

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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 by the developer 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.

