

An
Bord
Pleanála

Board Order
ABP-308943-20

Planning and Development Acts 2000 to 2020

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 18th day of December 2020 by Westar Investments Limited care of Hughes Planning and Development Consultants of 70 Pearce Street, Dublin.

Proposed Development comprises of the following:

The construction of a residential development of 333 number residential units (37 number one-beds, 166 number two-beds, 110 number three-beds and 20 number four-bed units) comprising 121 number dwellings, 20 number maisonette units, 48 number duplexes and 144 number apartments, one number childcare facility and one number communal or community building all of which will be provided as follows:

- 121 number two, three and four bed detached, semi-detached, and terraced dwellings ranging in height from two to three storey comprising 23 number two-bed dwellings, 78 number three-bed dwellings and 20 number four-beds dwellings.
- 20 number maisonette apartment units comprising eight number one-bed units and 12 number two-bed units in five number two storey blocks with associated private open space.

- 48 number duplex units as follows:
 - o Duplexes or apartments Type A – eight number duplex units (eight number three-bed units) across two number three storey blocks at north west corner. All units provided with private balconies or terraces.
 - o Block C (duplexes or apartments Type B) – 40 number duplex units (28 number two-bed units and 12 number three-bed units) across three number four storey blocks at eastern boundary). All units provided with private balconies or terraces and shared landscaped courtyard at first floor level.
- 144 number apartment units as follows:
 - o Block A containing a total of 47 number apartments (12 number one-bed units, 31 number two-bed units and four number three-bed units) being four storeys in height surrounding shared landscaped courtyard at first floor level with all apartments provided with private balconies or terraces.
 - o Block B containing a total of 47 number apartments (12 number one-bed units, 31 number two-bed units and four number three-bed units) being four storeys in height surrounding shared landscaped courtyard at first floor level with all apartments provided with private balconies or terraces.
 - o Block C (duplexes or apartments Type B) containing a total of nine number apartments (two number one-bed units and seven number two-bed units) being four storeys in height surrounding shared landscaped courtyard at first floor level with all apartments provided with private balconies or terraces.
 - o Block D - containing a total of 23 number apartments (three number one-bed units, 16 number two-bed units and four number three-bed units) being four storeys in height with all apartments provided with private balconies or terraces.
 - o Block F - containing a total of 10 number apartments comprising (10 number two-bed units) being four storeys in height with all apartments provided with private balconies or terraces.

- o Duplexes or apartments Type A – containing a total of eight number apartments at ground floor level (eight number two-bed units) within two number three storey blocks all provided with balconies or terraces.

The proposed development also provides for the construction of one number childcare facility (part of the ground floor of apartment Block F) adjacent to the site's westernmost entrance (off the Brooklands Residential Estate - the childcare facility is provided with 18 number car parking spaces and 11 number bicycle parking spaces for drop-off and staff parking); construction of one number two storey communal or community building adjoining proposed apartment Blocks A and B; construction of a 1.8 hectare linear or neighbourhood park adjacent to the River Liffey; provision of three number vehicular and pedestrian accesses (with associated works to footpaths and verges), two number off the Brooklands Housing Estate Road and one number off Alexandra Walk, and provision of one number pedestrian only access (with associated works to footpaths and verges) off the Brooklands Housing Estate Road.

The proposed development provides extensive linkages to strategic reserve lands to the north and towards future town park.

A total of 575 number car parking spaces are proposed including 242 number spaces serving the proposed dwellings, 256 number spaces serving the proposed apartments, maisonette units and duplex units (including 60 number spaces at undercroft level at Blocks A and B and 63 number spaces at undercroft level at Block C); 59 number spaces serving visitors to the development; and 18 number spaces serving the proposed childcare facility.

A total of 311 number bicycle parking spaces are proposed, including 300 number spaces serving the proposed apartments, maisonette units and duplex units and 11 number spaces serving the proposed childcare facility.

Planning permission is also sought for all associated site, landscaping and infrastructural works, including foul and surface water drainage, lighting, attenuation areas, bin storage, Electricity Supply Board substation, open space areas including play spaces and playgrounds, boundary walls and fences, internal roads and bicycle paths and footpaths. The subject application is accompanied by an Environmental Impact Assessment Report all located at Capdoo and Abbeylands, Clane, County Kildare, located west of the River Liffey, east of the Brooklands Housing Estate and north of the Abbey Park and Alexandra Walk Housing Estates.

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 policies and objectives as set out in the Kildare County Development Plan 2017-2023, as amended by Variation No.1 (June 2020),
- (b) the policies and objectives as set out in the Clane Local Area Plan 2017-2023,
- (c) the policies and objectives as set out in the Project Ireland 2040 National Planning Framework,
- (d) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (e) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018,
- (g) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended,
- (h) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (i) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020,
- (j) The provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,

- (k) The provisions of section 37(2)(b) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan,
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history of the site and within the area,
- (p) the submissions and observations received,
- (q) the report of the Chief Executive of Kildare County Council, and
- (r) 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 designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening Report for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development 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 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 prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of environmental information in the Environmental Impact Assessment Report, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** Positive impacts due to the increase in the housing stock and subsequent population within Clane.
- **Biodiversity impacts:** Potential impacts mitigated by landscaping, hedgerow enhancement, tree protection measures; survey of trees that are potential bat roosts; Construction Management Plan; surface water management measures during construction and for the completed development and additional bat mitigation measures as outlined in the bat assessment on file.

- **Land and soil impacts:** Potential Impacts on water quality will be mitigated by the implementation of a CEMP.
- **Water impacts:** Potential impacts on water quality in the area will be mitigated by construction management measures and implementation of SUDS measures.
- **Traffic and transportation impacts:** The development will give rise to short-term construction traffic impacts. Longer-term operational traffic impacts will be mitigated by the integration of a Mobility Management Plan, proposed new road infrastructure in the area and creation of new pedestrian/cycle linkages for the benefit of the wider area.
- **Landscape and visual impacts:** which will be mitigated by the retention and enhancement of existing trees and hedgerows, new landscaping, and the overall design of the proposal.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the developer and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation and are incorporated into the Board's decision.

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, as set out in the environmental impact assessment report and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. The Board noted the report submitted from the Chief Executive of Kildare County Council and observers which refers to the material contravention of the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023 relating to the Core Strategy, density, and the provision of a vehicular access route through F2, Strategic Open Space zone lands.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan or the Car Parking Standards, it would materially contravene the Core Strategy of the Development Plan and the Housing Allocation, Density and Heights for Key Development Area 1 as stated in the Local Area Plan.

The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission is a material contravention of:

- Table 3.3 of the Kildare County Development Plan 2017-2023, Settlement Hierarchy - Population and Housing Unit Allocation 2016-2023 and Table 4.1 of the Clane Local Area Plan 2017-2023, in relation to Core Strategy and dwelling unit allocation,
- Table 4.1 of the Clane Local Area Plan 2017-2023, Indicative Density Levels in relation to proposed density, and,
- Section 12.2.1 of the Clane Local Area Plan 2017-2023, in relation to heights in Key Development Area 1,

and would be justified for the following reasons and consideration:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000, as amended:

The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing as set out in Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended:

- It is considered that, in relation to the Core Strategy, the requirement in Policy Settlement Strategy CS4 of the Kildare County Development Plan 2017-2023, to promote a compact urban form, conflicts with the dwelling allocation for Clane in Table 3.3 of the Kildare County Development Plan 2017-2023 and the dwelling allocation for Key Development Area1 as per Table 4.1 of the Clane Local Area Plan 2017-2023.
- It is considered that, in relation to the density requirements for the site there are conflicting objectives in the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023. The proposed density of 41 number units per hectare complies with the range 35 to 50 specified in Table 4.2 of the Kildare County Development Plan 2017-2023 although contravenes the restriction of 26 number units per hectare in Table 4.1 of the Clane Local Area Plan 2017-2023. The Board considers the density requirements of the Development Plan comply with section 5.11 of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009 and a density of 41 number units per hectare on the site is justified.

- It is considered that, in relation to height, Policy Settlement Strategy 5 of the Kildare County Development Plan 2017-2023, promotes the use of Urban Development and Building Height Guidelines for Planning Authorities, in particular Specific Planning Policy Requirement 1 which prevents the use of blanket height restrictions. The Board considers that the restriction on height in section 12.2.1 of the Clane Local Area Plan 2017-2023 conflicts with the development plan policies.

In relation to section 37 (2) (b)(iii) of the Planning and Development Act 2000, as amended:

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in Project Ireland 2040 National Planning Framework in particular Objectives 3(a), 11 and 33, the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy for the in particular Table 6.1, the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, in particular Specific Planning Policy Requirement 1 and Specific Planning Policy Requirement 3), the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, in particular Chapter 5 and 6 and the accompanying Urban Design Manual and 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, in particular section 2.4. These guidelines and policies contain objectives which support the delivery of residential development in appropriate locations through the promotion of appropriate heights and densities. The proposed development is located on a serviced site identified as Key Development Area 1 in the Clane Local Area Plan 2017-2023, contiguous to the town which promotes compact urban form through the use of an appropriate quantum of development, density range and height, consistent with these objectives.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended:

It is considered that, in relation to dwelling allocation and density in excess of the those specified in Table 4.1 of the Clane Local Area Plan 2017-2023, An Bord Pleanála Reference Number ABP-304632-19 was granted permission for 366 number units.

In accordance with section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, the Board considered that the criteria in section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended were satisfied for the reasons and considerations set out in the decision.

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. 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. The proposed development shall be amended as follows:
 - (a) The design of Block C (duplex and apartments) shall be amended to integrate public access to the communal open space, provided for on the podium. Accessibility shall be designed to allow access for all types of mobilities.
 - (b) Privacy screens shall be provided along the ground floor for all units in Block C.

Revised plans and particulars showing compliance 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 residential amenity.

3. All mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment report, bat survey and subsequent reports submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. The developer shall employ a suitably qualified Ecological Clerk of Works to oversee and implement the mitigation measures and other ecological works listed throughout the submitted documentation.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The use of render on the exterior of the apartment blocks shall be replaced with a brick type similar to that used on the dwellings. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings 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 interest of visual amenity.

5. Prior to commencement of development, the developer shall submit to the planning authority a detailed design for a signalised four arm junction of the R403 Regional Road, Brooklands and Capdoo Link Road, including Vulnerable Road Users crossing facilities, in line with current standards. The cost of design, supervision and delivery of these works shall be borne by the developer. These works shall be completed prior to residential units being occupied in Phase A. The developer shall liaise with the Traffic Management Section of Kildare County Council in this regard.

The upgrade works and junction improvements shall be in accordance with the planning authority specifications including:

- (a) The upgrade of the existing traffic signals.

- (b) The upgrade of the existing controller to Extra Low Voltage and Light Emitting Diode signals.
- (c) The installation of Close Circuit Television camera and pole at the junction to assist monitoring of traffic flows.
- (d) The installations of Multimedia over Coax Alliance technology.
- (e) The upgrade of the existing public lighting.
- (f) The upgrade of the road layout and markings.

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

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

Prior to commencement of development the developer shall submit plans, cross sections and maintenance details for the treatment of all drainage ditches on the site, including any proposal to culvert along the south of the site.

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.

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.

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

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. 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.

8. Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

9. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicles ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: To provide for and or future proof the development such as would facilitate the use of electric vehicles.

10. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

11. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

12. The development shall be carried out on a revised phased basis. The first phase shall consist of not more than 101 number dwelling units, together with their associated site development works, and shall include the delivery of the Strategic Open Space along the River Liffey with pedestrian access from Alexandra Walk. Prior to commencement of any development on the overall site, details of all phasing shall be submitted to, and agreed in writing with, the planning authority.



Work on any subsequent phases shall not commence until completion of Phase A or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

13. (a) All screen walls shall be 2 metres in height above ground level, constructed and finished to match external finish of dwellings and building,
- (b) All rear garden walls shall be 1.8 metres in height above ground level and shall be concrete block or concrete post and panel, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. The landscaping works scheme shown on the Landscape Masterplan Drawing, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) The site shall be landscaped, using only indigenous deciduous trees and hedging species and there should be no encroachment during construction on those hedgerows (1 to 15).
- (b) Details of an appropriate design for the access south of Hedge 9.
- (c) Play facilities shall be provided within the communal areas of the apartment development in line with the requirements of section 4.1.3 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020.
- (d) All details of the play facilities and passive recreation facilities shall be submitted to, and agreed in writing with, planning authority prior to commencement of development. The details shall include a multi games area provided as part of the Strategic Open Space Zoned lands and delivered through the required phased development.
- (e) Compliance with the requirements and standards of the planning authority in relation to the lighting and tree planting within the public open space.
- (f) Amendment to the finished topsoil levels shall comply with the requirements of the planning authority.
- (g) The public open space to the south of unit numbers 319 to 322 and unit numbers 323 and 324 shall be integrated into the private open space for these units and the design shall integrate the retention and protection of the hedgerow along the south of the site.
- (h) A dedicated play space shall be provided for the creche.
- (i) The open space between apartments Block C and those dwellings to the west shall be designed to improve active recreational activities and shall integrate a pedestrian and cycle through route.

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 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.

Reason: In the interests of residential and visual amenity.

16. All service cables associated with the proposed development such as electrical, communal television, telephone and public lighting cables shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

17. A plan containing details for the management of waste and, in particular, recyclable materials 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 apartment 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 shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

The Management Company shall include and manage the Community Building for the benefit of the residents of the apartments or the wider community as determined by the planning authority.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

19. The findings of the Stage 1/2 Road Safety Audit, shall be closed out, signed off and incorporated into the development at the developer's expense. Stage 3 Audits shall be conducted. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.

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

20. Proposals for an estate and 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

21. Public lighting shall be provided in accordance with a scheme and comply with the requirements of the submitted bat assessment "An evaluation of Lands at Capdoo and Abbeyland, Clane, Kildare for Potential as Bat Roost Sites and For Feeding and Commuting", details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

22. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 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.

23. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

24. 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.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

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 commencement of construction works. 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.

25. Prior to commencement of development, the developer 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.

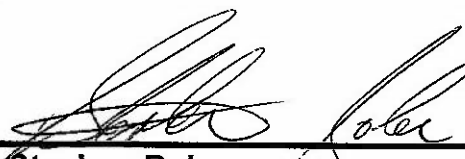
Reason: To comply with the requirements of Part V of the Planning and development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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.

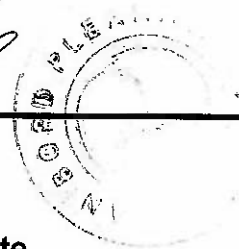
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. 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.



Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 3rd day of April 2021