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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 21/156**

**Appeal** by High Degree Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin and by Kevin and Anita Shortall care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin and by Other against the decision made on the 14<sup>th</sup> day of January, 2022 by Kildare County Council to grant subject to conditions a permission to the said High Degree Developments Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (Phase II) Construction of a residential development comprising 47 number dwellings in total, consisting of 11 number two-bedroom two-storey houses and 10 number three-bedroom three-storey houses (21 number houses in total) including rear private open spaces; 13 number one-bedroom apartments and 13 number two-bedroom apartments (26 number three-storey duplex apartments in total), including balconies and a single storey crèche facility (circa 261 square metres). The development will also include: new vehicular, cyclist and pedestrian access from Celbridge Road via currently undeveloped lands to the south-west



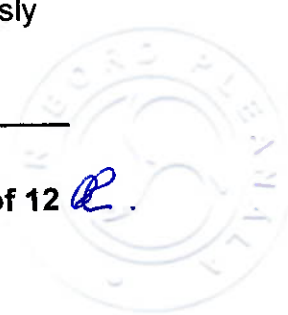
(Phase 1); a new pedestrian footpath and bicycle track along the site frontage to Celbridge Road; the provision of future access connection points to adjacent lands to the south-west (Phase 1), north and the south-east; works to facilitate connections to existing services infrastructure in Rockfield Park to the west. The development will also comprise internal roads, footpaths, cycle tracks, public open spaces, children's play area and bicycle store areas; parking at surface level (95 number total spaces for car parking and 33 number bicycle spaces); drainage attenuation; all hard and soft landscaping; boundary treatments; removal of the existing hedgerows adjacent to Celbridge Road; changes in levels; and all ancillary site development works and site services provision (including wayleave to the north-east) above and below ground on this 1.99 hectare site, approximately at lands adjoining an existing residential development (Rockfield Court), Railpark, Celbridge Road, 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.**

## **Reasons and Considerations**

Having regard to the designation of Maynooth as a "key town" at the top of the settlement hierarchy of County Kildare, the housing targets for the town to 2028 as set out under the Kildare County Development Plan 2023-2029, the pattern of residential development adjoining the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of



property in the vicinity. The proposed development 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 submitted to the planning authority on the 10<sup>th</sup> day of September, 2021 and the 10<sup>th</sup> day of December, 2021, 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. The developer shall show compliance with the signed letter of undertaking between the developer and Kildare County Council dated the 25<sup>th</sup> day of October 2017, or any subsequent superseding written agreement, prior to the occupation of the housing in the proposed development, unless otherwise agreed in writing with Kildare County Council.

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

3. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility.

4. (a) Details of the signage for the proposed crèche facility shall be submitted for the written agreement of the planning authority prior to its occupation.
- (b) The proposed crèche facility shall be operational prior to the occupation of the housing units within the proposed development.
- (c) The proposed crèche facility shall not operate outside of 0800 to 1800 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.

**Reason:** In the interests of residential amenity and the proper planning and sustainable development of the area.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and crèche facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

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

7. 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 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 the commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

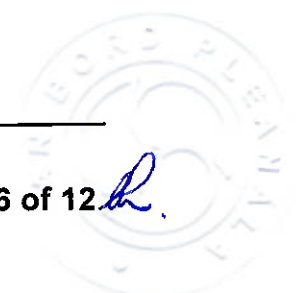
**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, drawings showing all development works to be taken in charge designed to meet the standards of the planning authority.

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

9. The proposed car parking serving the housing and apartment units shall comply with the maximum car parking standards identified in Table 15.8 of the Kildare County Development Plan 2023-2029. Drawings demonstrating compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To ensure an appropriate standard of development.



10. The proposed development shall make provision for the charging of electric vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of charging points and in the case of visitor spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of sustainable transport.

11. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, design details of the proposed pedestrian and cycle paths within the site boundary adjacent to Celbridge Road.

**Reason:** To ensure an appropriate standard of development in the interest of pedestrian and cyclist safety.

12. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, design details for an upgrade to the signalised toucan crossing on Celbridge Road at Rockfield Park in accordance with the detailed standards of the planning authority. The upgraded toucan crossing shall be operational prior to the occupation of the permitted development. All costs associated with these works shall be borne by the developer.

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

13. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.





14. Prior to the commencement of development, the developer shall submit a Stage 1/2 Road Safety Audit, carried out by an independent, approved and certified auditor, for the written agreement of the planning authority. The audit recommendations shall be incorporated into the detailed design of the proposed development.

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

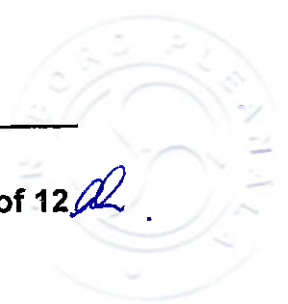
15. Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team.

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

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.





**Reason:** To ensure the satisfactory completion and maintenance of this development.

18. The landscaping scheme shown on drawing number 201 (Landscape Design – Phase 2), as submitted to the planning authority on the 10<sup>th</sup> day of September, 2021 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 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.

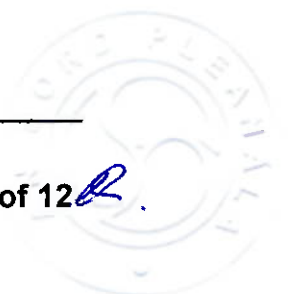
**Reason:** In the interests of residential and visual amenity.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste.

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

20. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.



21. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

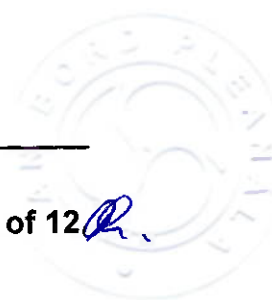
**Reason:** In the interest of public health.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 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. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**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.

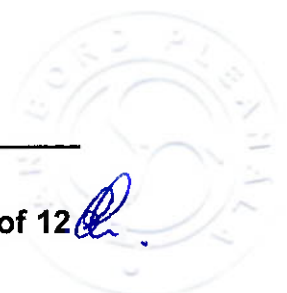


24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section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


25. 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.



26. 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.

  
  
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**Mick Long**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 3<sup>rd</sup> day of February 2024.