



Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 211033

Appeal by Tom Simpson (administrator of the estate of P.J. Burke) care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 16th day of February, 2022 by Kildare County Council to grant subject to conditions a permission to Thoval Properties Limited care of Matt Barnes Architects of Coolamber, Stocking Lane, Ballyboden, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 87 homes and a creche. The 87 homes consist of 47 number three-bed semi-detached two-storey houses; 12 number two-bed mid-terrace two-storey houses; 21 number three-bed end of terrace two-storey houses; one number four-bed semi-detached two-storey house; three number end of terrace four-bed two-storey houses; three number four-bed detached two-storey homes, and a 228 square metres single storey creche and all associated site development works on lands measuring approximately 3.6 hectares east of the R415 in the townlands of Kildare and Whitelands East, County Kildare.

pm

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND conditions numbers 9 and 35 so that they shall be as follows for the reasons set out.

9. Prior to the commencement of any works on the site, the following details shall be submitted to and agreed in writing with the planning authority.
 - (a) A revised site layout plan that clearly shows proposed vehicular, pedestrian and cycle links associated with roads numbers 1 and 4 continued to the eastern and southern site boundaries, respectively (as outlined in red).
 - (b) A "Taking in Charge" drawing/plan which correlates with the revised site layout plan (under point (a), above) and identifies road numbers 1 and 4 to be taken in charge by the planning authority for its full extent up to and terminating right onto the eastern and southern site boundaries, respectively.
 - (c) In conjunction with (a) and (b) above, a revised site layout plan that clearly shows the utilities infrastructure brought up to the site boundaries with adjoining lands to the south of the development, in conjunction with roads numbers 1 and 4.



Reason: In the interest of proper planning and sustainable development and to ensure sufficient permeability between the site and surrounding lands.

35. The proposed development shall not commence until the required network (water and wastewater) upgrades (IW CDS 21002798 Confirmation of Feasibility 18.06.02) have been sanctioned by Irish Water and the wayleave for the wastewater sewer outfall and watermain through the adjacent third-party property to the west has been legally executed to the satisfaction of Uisce Eireann formerly Irish Water, and Kildare County Council Water Services Department. No units shall be occupied until the required network (water and wastewater) upgrades are completed and commissioned to the satisfaction of Uisce Eireann and Kildare County Council Water Services Department. The required network upgrades shall make allowance for the connection of Phase 2 of the development and the approved houses on the adjacent third-party property to the west (under Kildare County Council planning register reference number 17/1271, and/or any subsequent planning permission relating thereto) and the adjoining third-party zoned residential plans to the south thereof and to the south of the development hereby approved, where deemed necessary by Uisce Eireann.

Reason: In the interest of proper planning and sustainable development and to ensure the proper servicing of the development and surrounding area.



Reasons and Considerations

It is considered that the alteration to condition number 9 is necessary to ensure future unrestricted permeability between the subject site and the residential zoned lands adjoining to the site.

It is considered that the alteration to condition number 35 is necessary to ensure future unrestricted sharing of essential infrastructure between the subject site and the residential zoned lands adjoining to the site.



Peter Mullan

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



Dated this *9th* day of *June*, 2023.