



An
Bord
Pleanála

Board Order
ABP-314412-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/237

Appeal by Angela Feeney of Straffan Road, Maynooth, County Kildare and by David Kelly of 12 Parklands Rise, Maynooth, County Kildare against the decision made on the 25th day of July, 2022 by Kildare Council to grant subject to conditions a permission to Cairn Homes Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Provision of a shared pedestrian/cycle path between the permitted residential development under An Bord Pleanála reference number ABP-310865-21 and the Limewalk to include stone bridge and all associated layout and site development and landscape works, all at site within the townland of Maynooth adjacent to the Limewalk (also known as Carton Avenue), Maynooth, County Kildare, as revised by the further public notices received by the planning authority on the 29th day of June, 2022 which provided for the reduction in width of the pedestrian/cycle path to two metres along with revised bridge design, lighting and associated changes to planting.

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 planning history of the site, the Kildare County Development Plan 2023-2029, and the design, scale and nature of the proposed pedestrian and cycle pathway, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, the character and setting of Carton Avenue, or 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 proposed 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 received by the planning authority on the 24th day of June, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit to the planning authority for written agreement revised details of the orientation of the proposed hedging on drawing number 20337A-2-401 as submitted on the 24th day of June, 2022. The hedging shall run perpendicular to reinforce the existing hedgerow on either side of the proposed bridge.

Reason: In the interest of visual amenity.

3. (a) 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, and shall be sensitive to the receiving environment and ecology. Such lighting shall be provided prior to commencement of use of the proposed development.
- (b) The developer shall appoint a suitably qualified ecologist to verify that the proposed lighting plan complies with the recommended mitigation measures of the updated Bat Survey.
- (c) The approved lighting system shall be fully implemented prior to commencement of use of the proposed development.

Reason: In the interest of wildlife protection and public safety.

4. Drainage arrangements for the site shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.

5. The construction of the proposed 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 proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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



Martina Hennessy

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

Dated this ^{7th} day of January 2024.