



An  
Bord  
Pleanála

**Board Order**  
**ABP- 314690-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/567**

**Appeal** by Eugene Fleming of Old Caragh Road, Naas, County Kildare against the decision made on the 1<sup>st</sup> day of September, 2022 by Kildare County Council to grant permission subject to conditions to Keava McAuley care of Martin Kelly Planning of 104 Greenpark Meadows, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** To construct a dwellinghouse with new entrance and to connect to the main sewer, mains water and surface water sewer with all ancillary site works at Jigginstown Court, Old Caragh Road, Naas, 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 nature and extent of the proposed development, the pattern of development in the area and the 'B – Existing Residential/Infill' zoning of the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would accord with the policy provisions of both the Kildare County Development Plan, 2023-2029 and the Naas Local Area Plan, 2021-2027, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and 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 to the planning authority as amended by the further plans and particulars received by the planning authority on the 11<sup>th</sup> day of August, 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 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 and agree in writing with the planning authority a revised Site Layout Plan clearly indicating all existing and proposed boundary treatments and the development shall be carried out and completed in accordance with the details agreed.

**Reason:** In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.

3. The developer shall submit to the planning authority a section diagram, clearly showing the relationship between the proposed dwelling, the modified site levels across the site and the existing body of water which runs along the site's eastern boundary. The plans shall also provide details of all hard and soft landscaping treatments within this portion of the site. The revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

4. The design and layout of the proposed vehicular entrance shall comply with the requirements of the planning authority. The developer shall ensure that electrical charge points are provided at the driveway of the new dwelling to allow for the nighttime charging of electric vehicles, linked to the individual domestic electricity meter. The EV charger should be compatible with the Sustainable Energy Authority of Ireland's Triple E Register.

**Reason:** In the interest of proper planning and sustainable development and to promote the use of night-time renewable energy.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreements with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards, codes and practices.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 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.

8. 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 the 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 the Board 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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Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 30 day of August 2023