



An  
Bord  
Pleanála

## Inspector's Report PL09.247909.

---

<b>Development</b>	200 Dwelling units, comprising 170 houses, 30 apartments in two blocks and a childcare facility.
<b>Location</b>	Townland of Easton, Green Lane, Leixlip, Co Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	16/282.
<b>Applicant</b>	Kilross Properties Limited.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party versus decision. First Party versus conditions.
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Conor and Karen Lyons.</li><li>2. Conrad Burke.</li><li>3. D and S McGee and Others.</li><li>4. Julie and Kevin Hickey and Others.</li><li>5. Susan Donaghy.</li><li>6. Paul and Regina Keogan.</li></ol>

	<ol style="list-style-type: none"><li>7. Nigel and Renee Brennan and Others.</li><li>8. Jim and Helen Walsh.</li><li>9. Carl and Kiara Crehan.</li><li>10. Kilross Properties Limited.</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Catherine Murphy TD.</li><li>2. Councillor Joe Neville.</li><li>3. Colm and Vera Fitzsimons.</li><li>4. Irish Rail.</li><li>5. Irish Water.</li><li>6. Inland Fisheries Ireland.</li></ol>
<b>Date of Site Inspection</b>	5 April 2017.
<b>Inspector</b>	Stephen Rhys Thomas.

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	6
3.0 Planning Authority Decision .....	7
3.1. Decision .....	7
3.2. Planning Authority Reports .....	8
3.3. Prescribed Bodies .....	11
3.4. Third Party Observations .....	12
4.0 Planning History.....	12
5.0 Policy Context.....	13
5.1. Development Plan.....	13
5.2. Regional Guidelines .....	16
5.3. National Guidelines .....	16
5.4. Natural Heritage Designations .....	17
6.0 The Appeal .....	17
6.1. Grounds of Appeal .....	17
6.2. Applicant Response .....	24
6.3. Planning Authority Response .....	26
6.4. Observations.....	27
6.5. Further Response of the Planning Authority .....	28
6.6. Further Responses from Third Parties .....	29
7.0 Assessment .....	31
8.0 Recommendation.....	44
9.0 Reasons and Considerations.....	44
10.0 Conditions .....	45



## 1.0 Site Location and Description

- 1.1. The appeal site is located on the edge of the outer suburbs of Leixlip, 2.8 kilometres west of Leixlip village centre. The site is adjacent to the R449 that links the M4 with the Intel Campus to the north and the site fronts on to Green Lane to the south.
- 1.2. The site is positioned to the south of the Dublin to Sligo rail line, to the west of Glen Easton housing estate, to the north of Green Lane and to the east of the R449. The Dublin to Sligo railway in the vicinity of the site comprises a two track formation and accommodates intercity and suburban rail services. Glen Easton is a conventional housing estate comprising detached and semi-detached two storey houses with a small number of apartments arranged around a cul-de-sac layout with vehicular access taken from Green Lane. Green Lane is a wide single carriageway road, with a grass margin, cycle lanes and footpath. The 66x bus route passes along this road. The R449 is a dual carriageway providing a link to the M4 motorway. Leixlip Louisa Bridge Train Station is located a 1.6 kilometre walk from the southern boundary of the site and a 1.1 kilometre walk from the northern boundary. There are pedestrian linkages throughout Glen Easton.
- 1.3. In the wider context, rich agricultural lands are located west of the site beyond the R449. Across Green Lane is Beechpark housing estate which comprises a combination of semi-detached houses and a three storey apartment block at the entrance to the site. It also includes a crèche facility. Playing pitches are located to the east of Beechpark. To the north of the appeal site beyond the railway line is the Royal Canal, playing fields and industrial/commercial units. Eastwards of the site, is almost entirely comprised of conventional housing estates in cul-de-sac layouts to Leixlip village with its shops, commercial premises and other services and facilities.
- 1.4. The appeal site has a level topography and currently comprises a single large agricultural field in tillage. The boundaries of the field comprise: a watercourse and remnant field boundary to the south western quadrant, a landscaped earthen bank, hedge and mature tree boundary to Green Lane, a strong mature hedgerow and two metre high concrete panel fence to the back of houses at the Glen Easton Estate, a landscape boundary to the R449 and a mature hedgerow to the railway line to the north. The site is notable for the high voltage powerlines (110kV) which criss-cross the site and imposition of towers.

## 2.0 Proposed Development

2.1. Permission was initially sought for 195 dwellings comprising:

- A five bedroom detached two storey house.
- A four bedroom detached two storey house.
- 22 four/five bedroom semi-detached three storey houses.
- 39 four bedroom semi-detached two storey houses.
- 126 three bedroom semi-detached and terraced two storey houses.
- 6 two bedroom apartments in a two storey block.
- 390 car parking spaces.
- A new junction onto Green Lane.
- All on a stated site area of 8.13 hectares.

2.2. As a result of revised plans submitted as further information, the amended proposal before the Board is now for 200 dwellings and a crèche, the detail is as follows:

- 6 four bed detached houses.
- 3 four bed detached corner house.
- 2 four bed semi-detached houses.
- 15 four bed gable entry semi-detached houses.
- 15 four bed semi-detached houses.
- 28 four bed semi-detached houses.
- 10 4/5 bed semi-detached houses.
- 49 three bed semi-detached houses.
- 10 three bed gable entry semi-detached houses.
- 26 three bed terrace houses.
- 2 three bed wide fronted semi-detached houses.
- 2 three bed corner dormer houses.

- 2 three bed wide front dormer units.
- 30 two bed apartments, in two apartment blocks.

The application was supported by a Planning Report, Traffic Impact Assessment, Appropriate Assessment Screening Report, Design Statement, Engineering Services Report, Ecological Impact Assessment, Noise Impact Assessment, Leixlip Social Infrastructure Assessment Report, Archaeological Impact Assessment and a Preliminary Construction Waste Management Plan.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to grant permission subject to 59 conditions, the relevant conditions are set out below:

- Condition 2, restricts the development to 195 dwelling units in total and a crèche.
- Condition 3, refers to archaeological assessments and any redesigns will be the subject of a new application.
- Condition 4, details which units are to be omitted and which units are to be re-designed or amended. All to be agreed with the planning authority prior to the commencement of development.
- Conditions 5, 6 and 7 refer to corrected drawings, crèche details/finishes and roof finishes.
- Conditions 9, 10, 11, 12, 13 and 14, refer to public realm and landscaping requirements.
- Condition 15, restricts the use of all attics for storage purposes apart from where indicated otherwise on submitted drawings.
- Condition 16, refers to Part V requirements.
- Conditions 18, 19, 20, 21, 49, 50, 51, 52, 53 and 54 relate to foul and surface water requirements.

- Conditions 22, 23, 24, 25 and 26, refer to emissions, construction and operational waste management.
- Conditions 27, 28 and 29, refer to ecological requirements during construction.
- Conditions 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47 and 48 refer to general public lighting, road design, traffic and car parking considerations.
- Conditions 37, 38 and 39, require the relocation of a pedestrian linkage onto the R449, land transfer and details regarding other possible future pedestrian linkages to the east.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The initial planning report can be summarised as follows:

- The relevant policies, objectives and design guidance contained in the Collinstown Local Area Plan 2010 for the area are set out. The report states that the LAP has expired, as of January 2016. Relevant policies contained in the County Development Plan 2011-2017 are also included.
- The proposed development must address a number of issues under Policy R11 of the County Development Plan with regard to the production of a masterplan for the Collinstown lands.
- A broad range of issues which include; public open space provision and specifically the design treatment around electricity pylons, housing density, noise impact assessment in relation to the adjacent R449, the provision of a crèche, information concerning adjacent development, overshadowing and overlooking of adjacent residences is lacking.
- Pedestrian linkages to the R449 require clarity and so too do the provision of pedestrian linkages eastwards towards Glen Easton housing estate.
- No Social Infrastructure Assessment, as required by Policy C2 of the CDP was submitted.



- Landscaping which takes account of level changes in the vicinity of the R449 and existing planting to be retained requires clarity.
- A mix of house types and sizes is required.
- EIA screening is examined in relation to the quantum of development and the overall area of the site, for the purposes of the relevant schedule of the Planning and Development Regulations 2001 (as amended). No conclusion reached.

The Area Planner's report is annotated by handwritten notes which are not legible in the copies of the report I have to hand. Further information is requested with regards to: Masterplan for the area, ESB pylons/powerlines, a visual impact assessment, childcare facilities, a social infrastructure assessment, residential amenity, noise impact assessment, housing mix and numbers, site layout, site area, transportation and traffic, water services and environment, appropriate assessment screening, archaeology and comments invited in relation to third party submissions.

Given the extent of the further information received, the planning authority required the applicant to re-advertise the proposed development. A revised newspaper and site notice outlining the revisions was submitted.

The final Area Planner's report addresses the further information submitted and Appropriate Assessment Screening and can be summarised as follows:

- In response to the issue of a masterplan for the area, the Planner assesses the information in the context of the draft Leixlip Local Area Plan 2017-2023. The revised information broadly accords with the provisions of the draft LAP.
- The distance from powerlines and pylons is in accordance with section 19.9.2 of the CDP 2011-2017.
- Public open spaces are better located and configured. House orientation and has been amended to avoid direct views of pylons. The layout is acceptable subject to conditions.
- A 52 space childcare facility has been proposed, subject to clarity with regard to design and building finishes, the proposal is acceptable.
- The Social Infrastructure Assessment is acceptable.

- Information submitted to address residential amenity, has resulted in a number of unit omissions, the introduction of new apartments, amendments to the design of other units, revised landscape/boundary treatments and open spaces; recommended as conditions.
- Other aspects to do with transportation and water services, are broadly acceptable to the relevant departments of the Council.
- Given the information submitted, it is concluded that EIA is not required.
- The inclusion of an Appropriate Assessment Screening report was found to be acceptable, which concluded no potential significant affects, no AA required.
- The recommendation of the Area Planner was to refuse permission for a lack of archaeological testing and assessment reasons.

The Area Planner's recommendation to refuse permission was not accepted by the Director of Planning, who under Section 34(10)(b) of the Planning and Development Act 2000 (as amended), outlined the main reasons for recommending a grant of permission, summarised as follows:

- The long standing zoning of the lands for development under the Collinstown LAP and the draft Leixlip LAP.
- The zoning of lands (KDA 3) for new residential under the draft LAP.
- The need to provide residential development in the GDA as set out in the Regional Planning Guidelines.
- The designation of Leixlip as a designated growth town in the CDP 2011-2017.
- The proposed development represents a sequential growth of existing residential development.
- The location of development close to existing facilities.
- The acceptable scale and design of units.
- With specific reference to archaeology, it is noted that there are no registered historic monuments on the site and appropriate conditions can be attached with regards to testing and monitoring.

Subsequently, conditions were drafted to reflect the Section 34(10)(b) direction and permission was granted.

### 3.2.2. Other Technical Reports

**Transportation Department.** The initial report required the submission of further information regarding: a relocated vehicular entrance, traffic counts, pedestrian/cycling permeability to the east and west, auto-tracking and road layout redesigns, a road safety audit, phasing, construction management plan, additional visitor parking and the relocation of a bus stop.

The final report of the Transportation Department finds no objections with the further information submitted and outlines conditions which should be attached to a grant of permission.

**Housing Section.** The report outlines the requirement for Part V agreements.

**Water Services.** The report recommends the attachment of conditions with regard to design calculations for surface water and technical requirements with regard to foul water.

**Environment Section.** The report outlines requirements to ensure that foul and surface water is separated. Requirements to do with pollution avoidance and waste management are recommended.

**Environmental Health Officer.** The report outlines requirements with regard to childcare facilities, specifically with regard to food preparation and ventilation.

**Heritage Officer.** The report recommends a refusal of permission based upon archaeological shortcomings. However, in the event of a grant of permission conditions are recommended with respect to ecology and archaeology.

### 3.3. Prescribed Bodies

**National Transport Authority.** Consistency with regional transport strategies is required. The timing of the proposal contravenes the Collinstown LAP in relation to the provision of a train station on the LAP lands. Connections to existing public transport should be provided.

**An Taisce.** The report highlights inconsistencies in relation to the statutory bodies who should have been referred to during the planning application process. The proximity of a pNHA is noted. A query is raised as to why the application was not screened for EIA and criticism of the AA screening assessment. The project needs to be assessed in relation to the Water Framework Directive and broad sustainability. Part V requirements should be applied to the applicant.

**The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.** The report requires the submission of test trenching in advance of a planning decision.

The Planner's Report refers to external reports received since the receipt of further information, I have not seen these reports:

- National Transport Authority.
- Transport Infrastructure Ireland.
- ESB Networks.

### 3.4. **Third Party Observations**

A large number of third party submissions were received in relation to the initial proposal, and the subsequent amended proposal, the issues are similar to those raised in the grounds of appeal.

## 4.0 **Planning History**

Appeal Site

**AN Bord Pleanála reference RL3113.** Temporary 110 kV electricity transmission line at Easton, Leixlip, County Kildare is development and is exempted development. April 2014.

There are no recent planning applications on the appeal site or of relevance in the vicinity.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Collinstown Local Area Plan 2010**

The Collinstown LAP came into force in January 2010 and continues to guide development in the area. The appeal site is located entirely within Site A7 and partially A6 of the LAP. Specific design briefs outline the type and form of development for each site and are detailed below:

#### **Site A7**

Site sensitivities: Need to protect the amenities of existing residential properties in the area; Existing high voltage power-lines crossing the site.

Development Density: Indicative net development density of 25 units per hectare to protect the amenities of existing properties at Gleneaston.

Access: Direct access from the R449 into the site is proposed and there will be a restriction to one single vehicular opening onto that road to service both the A6 and A7 site.

Building Form and Height:

- Residential units will predominantly be in the form of houses.
- Buildings will be of a low scale and typically limited to two storey in height. Single storey buildings may be appropriate where specialised housing needs such as housing for the mobility impaired, older persons, etc. are being met.
- A three storey 'edge' may be provided along the frontage with the R449 subject to compliance with Development Plan standards and the principles of good design.

Public Open Space: 15% of the overall site shall be reserved for the provision of open space.

Private Open Space: Development Plan standards apply.

Street Frontage: Creation of a strong frontage onto the R449 may be appropriate where this can enhance the approach into Leixlip.

Circulation / Permeability: Pedestrian and cycle routes should be integrated into site design and layout and comply with Council standards. Links and routeways should be designed having regard to the Council's requirements with respect to road safety and passive design to control speeds and create safe 'home zones'.

### **Site A6**

Site sensitivities: The road frontage onto the R449 establishes the character of the entrance to Leixlip.

Development Density: Net development density shall have regard to the proximity to public transport.

Access: Direct access from the R449 into the site is proposed and there will be a restriction to one single vehicular opening onto that road.

Building Form and Height:

- Residential units will predominantly be in the form of houses.
- Buildings will typically be two to three-storey in height.

Public Open Space: 15% of the overall site shall be reserved for the provision of open space.

Private Open Space: Development Plan standards apply.

Street Frontage: Creation of a strong frontage onto the R449 may be appropriate where this can enhance the approach into Leixlip.

Circulation / Permeability: Pedestrian and cycle routes should be integrated into the site design and layout and comply with Council standards. Links and routeways should be designed having regard to the Council's requirements with respect to road safety and passive design to control speeds and create safe 'home zones'.

Other relevant sections include:

Site A6 and A7 – Major Town Centre Zoning and indicative Footpath and Cycle Track Objective.

Reference Zoning A - To provide for major town centre facilities comprising an appropriate mix of employment, office, warehousing, retail, recreational, civic,

cultural and residential uses within a high quality urban environment linked to the local community, town and Leixlip, and wider County and Region.

**Kildare County Development Plan 2017-2023**, is the operative development plan.

Leixlip (including Collinstown) is a designated Large Growth Town II. The site is within the Conical Surface associated with Weston Aerodrome.

Given the documentation available to me, it would appear that there are no mapped objectives or zoning maps for the wider Leixlip area contained in the County Development Plan.

The Development includes chapters on relevant topics including housing, urban design, infrastructure, movement/transport, landscape and development management standards. Relevant extracts include:

*Section 17.11.2 Applications proximate to overhead powerlines* - In determining applications proximate to overhead power lines the planning authority will have regard to the clearance distances as recommended by the Electricity Supply Board (ESB):

- For development in proximity to a 10kv or a 38kv overhead line, no specific clearance is required by the ESB.
- For development in proximity to a 110kv overhead line, a clearance distance of 20 metres either side of the centre line or 23 metres around a pylon is recommended.
- For development in proximity to a 220kv overhead line, a clearance distance of 30 metres either side of the centre line or around a pylon is required.

#### *17.2.4 Overlooking*

In general, a minimum distance of 22 metres between opposing above-ground floor level windows is required for habitable rooms. In cases of innovative design where overlooking into habitable rooms does not occur, this figure may be reduced.

A separation distance of 35 metres will normally be required in the case of overlooking living room windows and balconies at upper floors.

Adequate separation distances will be required for buildings overlooking school playgrounds or other sensitive uses. These will be determined at planning application stage. Innovative design solutions to avoid undue overlooking will be encouraged.

Sections 17.2.1 Building Heights, Section 17.2.5 Overshadowing and Section 17.4 Residential Development are also of relevance.

### **Leixlip Draft Local Area Plan 2017-2023**

The Draft Local Area Plan is currently on public display from Monday 10th April 2017 to Monday 22nd May 2017.

The appeal site is located in an area identified as an area of consolidation and within the catchment of a key transport hub.

Section 12.1.3 *Key Development Area 3: Easton (off Green Lane)*, sets out the Vision, Connectivity/Movement, Built Form, Landscape and Spaces objectives for lands in the vicinity of the appeal site. It is planned to accommodate medium to low-density residential development in the order of 30 units per hectare and to design around high voltage powerlines which cross the site.

## **5.2. Regional Guidelines**

Regional Planning Guidelines for The Greater Dublin Area 2010-2022.

Retail Strategy for the Greater Dublin Area 2008-2016.

## **5.3. National Guidelines**

**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 2013



#### 5.4. Natural Heritage Designations

Rye Water Valley/Carlton SAC (site code 001398) is located approximately 800 metres to the north and east of the site. The Rye Water Valley/Carlton is also a pNHA.

The Royal Canal pNHA is located approximately 15 metres to the north of the site, beyond the Dublin to Sligo rail line.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The proposed development is the subject of a first party appeal which concerns certain conditions and third parties who oppose the granting of permission.

#### 6.1.1. First Party versus conditions.

The first party appeal for the removal of condition 4(i) and amendment to condition 2 is made by Declan Brassil and Company Ltd Chartered Planning Consultants on behalf of Kilross Properties Limited. The main points can be summarised as follows:

- With respect to the removal of units along the eastern boundary of the site, it is stated that further information drawings had addressed any concerns with regard to the residential amenities associated with properties at Glen Easton.
- Specifically, units 106 and 107 maintain a minimum separation distance of 2.5 metres from the adjacent gables of existing dwellings at Glen Easton. Unit 106 is 14.8 metres from the rear of number 2 Glen Easton. Given the orientation and separation distances from existing development, units 106 and 107 do not impact upon residential amenities.
- Unit 118 was added to the development at the request of the planning authority to deliver a mix of house types. Given the separation distances involved, the two storey design of the proposed dwelling and the oblique siting no loss of residential amenity will occur
- Unit 176 and 177 are of a similar height to comparable dwellings to the east. The nearest dwelling at Glen Easton will be 14.3 metres from the gable ends

of both units 176 and 177. In combination with obscured glazing to gable windows and a 2 metre high concrete block wall, no loss to residential amenity will occur.

- In relation to condition 2, given the considerations associated with the retention of the units referred to in condition 4(i), the Board is requested to amend condition 2 to state the permission relates to 200 units.

#### 6.1.2. Third Parties versus Decision

A total of nine third party objections were received, most of which are appeals made by named parties and on the behalf of named others. There is a high degree of repetition and similarity to each appeal and there is a formulaic approach to the layout and content. However, there are also a number of issues which are site and appellant specific. The appellants express support for appropriate development at the site and there is an analysis of local and county wide plans for the area in terms of policies and objectives. I have summarised the relevant planning issues and highlighted where there is repetition. In general concern revolves around the interface between the new development and the existing Glen Easton Estate. Each third party appeal is summarised below:

**Carl and Ciara Crehan**, the background to the appeal can be summarised as follows:

- Broad support for the right form of development on the site.
- The lack of a current LAP for the area should have resulted in Kildare County Council refusing permission for the development. This has resulted in a complete lack of local involvement in the wider planning process.
- Concern that the decision to overturn the case officer's recommendation resulted in a lack of regard for the issues raised in relation to the Glen Easton residents, archaeology and the draft LAP.
- The site is constrained by flooding to the north of the site and the occurrence of electricity pylons.
- In accordance with County Development Plan objectives, the appropriate density of development for the site, protection of residential amenity and the layout and design of residential development should be carefully considered.

The argument is supported by reference to various policies contained within the CDP 2011 and draft CDP 2017-2023. The draft Leixlip Local Area Plan 2017-2023 is referenced, with regard to the Urban Design Concept Map KDA3 Easton.

The specific grounds of appeal can be summarised as follows:

- Apartment Block B and the proposed houses along the eastern boundary of the site are too close to houses at Glen Easton and impact upon residential amenity. The scale and height of the proposed houses is at variance to that requested by Kildare County Council in their request for further information. This can be resolved by the relocation of Apartment Block B and greater separation distances between properties.
- Having reviewed the applicant's response to further information; no shadow analysis was conducted, not all separation distances are provided, surrounding development is inaccurately shown, apartment block increased in height and not relocated, no single storey units provided along the boundary with Glen Easton and the number of units was increased not reduced.
- Overlooking will result from windows incorporated into the gables of proposed two storey houses bordering Glen Easton, they should be replaced with single storey houses.
- The high ridge heights associated with many of the dwellings which border Glen Easton will result in overbearing and visual intrusion, especially at The Park and The Rise. Though not three storey in design the attic spaces could be used for residential accommodation in the future.
- The location of a bin store at the back of a boundary wall with The Woods, would impact upon residential amenity.
- Screen planting in addition to the restoration of the existing high value hedgerow along the entire eastern boundary should be required.
- Gardens and living areas of existing houses will be significantly overshadowed by the height and proximity of development proposed along the boundary with Glen Easton. The applicant should respond by providing greater separation distances and shadow analysis drawings.

- The imposition of Apartment Block B is out of character with the prevailing character of development the area, set by housing at Glen Easton.
- Vehemently opposed to pedestrian linkage with the new development at The Woods and onward connections to the R449 which will encourage children to venture further afield. A pedestrian linkage will result in antisocial behaviour, change the character of the existing cul-de-sac, serve no greater strategic pedestrian permeability purpose and encourage visitor car parking at The Woods. Condition 38(i) and condition 39 should be removed.
- In order to preserve the strategic importance of ESB powerlines which cross the site, the appropriate separation distances should be maintained. Units 103, 182, 183, 184, 185 and Apartment Block B are in close proximity to powerlines. Houses which impinge on clearance areas should be removed. Powerlines should be undergrounded.
- With regard to archaeology, by not carrying out test trenching before the application was decided, the overall layout of the scheme cannot be determined.
- The traffic assessment did not take account of surrounding development areas and the timing of the count in school holidays did not produce indicative traffic patterns and volumes. Given the lack of any new school planning in the area, children will be brought to school by car along Green lane which is already heavily congested.
- There are concerns that the existing foul sewerage system cannot accommodate the level of development proposed and leave a sufficient margin of error in the calculation of peak flows.

The grounds of appeal are accompanied by an appendix - Traffic Issues, with tables and photographs.

**Jim and Helen Walsh and Others**, broadly support the delivery of plan led development in the area. Concerns raised are similar to those outlined above. Additional grounds of appeal can be summarised as follows:

- The lack of a filter lane for Beechpark and the position of a Dublin Bus terminus could present risk to parents dropping off children to the proposed crèche.
- The proposal fails to provide accommodation for older people wishing to downsize.
- There is ambiguity over lands between 9 Glen Easton Park and the proposed development boundary, how will this impact on the provision of adequate screen planting and protection of hedgerows.
- The occurrence of Bats has not been considered.
- The identification and provision of car parking shown on drawings for Glen Easton Estate are not accurately represented.
- Adequate design measures should be followed to ensure that children do not climb pylons.
- Unsure why Kildare County Council failed to follow through on the further information request which required a number of design changes in the vicinity of Glen Easton, yet granted permission regardless.

The grounds of appeal are supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site. In addition, the grounds of appeal include the comments of Colm and Vera Fitzsimons and Matt and Sinead Masterson, residents of Glen Easton Park. Their concerns not already covered, relate to the physical appearance of the proposed development approaching Leixlip, a lack of planned public transport for the area, land ownership and the inappropriate location and design of the crèche.

**Nigel and Renee Brennan and Others**, express general support for the delivery of plan led development in the area. Concerns raised are similar to those outlined above, additional grounds of appeal can be summarised as follows:

- The draft LAP provides for generous set-backs between proposed and existing development. Higher density development is shown for the south western end of the overall site at the roundabout junction of Green Lane with the R449.

- In relation to the design of proposed dwellings along the eastern boundary of the site, proper side profile drawings should be submitted.
- The ecological importance of the existing boundary along the eastern boundary of the site has been ignored.

The grounds of appeal are supported by extracts from the draft Leixlip LAP 2017. In addition, the grounds of appeal include submissions from Chris Kearney and Geraldine Ridge, David and Janet Delaney, Dan and Gillian O’Sullivan, Stephen Dooley, John and Edel Kelly, all residents of Glen Easton. Specific objections not already raised relate to the position of unit 175, structural integrity of boundary walls, that the Board refer to previous submissions on the planning file and that the proposed landscaping and vegetation may cause blockages to gutters and drains.

**Paul and Regina Keogan and Others**, broadly support the delivery of plan led development in the area. Concerns raised are similar to those outlined above, additional grounds of appeal can be summarised as follows:

- The Board should have regard to the items of further information requested by Kildare County Council but not responded to by the applicant, with regard to the removal of dwellings and the re-design of others.
- Issues which will impact upon residential amenity along the boundary of Glen Easton and the proposed development, including overshadowing, overlooking and loss of privacy.
- Specifically, concerns are raised in relation to the relative height of numbers 135/136 and number 10 Gen Easton Rise, given the proximity of an existing rear extension to the shared boundary.
- The accuracy of drawings in relation to distances between buildings is questioned and proposals for the existing hedgerow screening is unclear.

The grounds of appeal is supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site. In addition, the grounds of appeal include submissions from John and Roisin Mooney, Shauna Kinsella and Darragh O’Regan, all residents of Glen Easton. Specific objections not already raised relate to the relative height between existing and proposed dwellings.

**Aileen and Jason Mc Carthy and Susan Donaghy and Others**, broadly support the delivery of plan led development in the area. Concerns raised are similar to those outlined above, additional grounds of appeal can be summarised as follows:

- The proposed pedestrian entrance to Glen Easton will not improve linkages, will be unsafe and as the train station for Collinstown previously planned for will not now happen a pedestrian linkage will not be strategic.
- Concerns are raised in relation to sewerage capacity and drainage works which may have to occur in Glen Easton and that such works have not been adequately surveyed.

The grounds of appeal is supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site, summary of issues in relation to pedestrian access linkages in other parts of Kildare, pedestrian routes to Railway Station and traffic counts and photographs. In addition, the grounds of appeal include submissions from Susan Donaghy, Aileen Mc Carthy and Jason Mc Carthy, all residents of Glen Easton.

**Julie and Kevin Hickey and Others**, broadly support the delivery of plan led development in the area. There are no new issues raised in this objection which have not been raised by others already outlined above.

The grounds of appeal is supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site, summary of issues in relation to pedestrian access linkages in other parts of Kildare and traffic counts and photographs. In addition, the grounds of appeal include submissions from Bernie and Bobbie Harpur and Karen and Paul Farnan, all residents of Glen Easton, whose concerns relate to condition 25(i) bring bank facilities and how construction works will impact upon existing boundary walls with shallow foundations.

**Mr and Mrs D McGee and Others**, broadly support the delivery of plan led development in the area. There are no new issues which have been raised in this objection which have not been raised by others already outlined.

The grounds of appeal are supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site, traffic counts and photographs. In addition, the grounds of appeal include submissions from Sarah and Brendan McGee, Una and

Ray Duke, Louise and Colin Norton, Tony and Mary Murray, all residents of Glen Easton.

**Conrad Burke and Others**, broadly support the delivery of plan led development in the area. There are no new issues raised in this objection which have not been raised by others already outlined.

The grounds of appeal are supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site, traffic counts and photographs. In addition, the grounds of appeal include submissions from Jean O'Hara, Mary Roche Kelly, residents of Glen Easton.

**Connor and Karen Lyons**, broadly support the delivery of plan led development in the area. Concerns raised are similar to those outlined above, additional grounds of appeal can be summarised as follows:

- The proximity of new development to the rear their existing dwelling is of concern with regard to overshadowing, overlooking and loss of amenity.

The grounds of appeal are supported by an extract from the draft Leixlip LAP 2017, Urban Design concept for the site.

## 6.2. Applicant Response

The applicant references relevant plans such as the Kildare County Development Plan 2011-2017, the Draft Kildare County Development Plan 2017-2023, the Collinstown LAP 2010 and the Draft Leixlip LAP 2017. The applicant's response to the appeals is grouped into headings and can be summarised as follows:

- *Pattern of development* – the proposed development has regard to an increased number of statutory plans, both draft and adopted; the density (24.6 units per hectare) attempts to accord with Development Plan standards set for outer for suburban sites (30-50 houses per hectare); the density of Glen Easton is in the region of 19 units per hectare and to match this would contravene Development Plan objectives for the efficient use of land; the site is constrained and the provision of apartment units is an attempt to raise densities appropriately.



- *Residential Amenity* – in order to prevent overlooking, 22 metre separation distances between opposing first floor windows has been maintained; in one instance a balcony is located 38 metres from a living room and this is greater than the 35 metres required by the CDP; gable ends have been located greater than 2.5 metres from shared boundaries, in excess of CDP standards; in cases where gable ends are located proximate to existing dwellings, obscured glazing to landings and bathrooms is proposed; to minimise overshadowing houses were reduced to 1.5 and 2 storeys in height adjacent to existing dwellings; there are no tall buildings in the proposed development, shadow analysis is not necessary.
- *ESB Power Lines* – the possibility of undergrounding or diverting transmission lines was explored with ESB/Eirgrid and is respectively either not technically feasible or involves other landowners and would be a lengthy process to complete; the design of the layout has accorded with the technical and safety requirements regarding transmission lines.
- *Archaeological Potential* - an Archaeological Impact Assessment was prepared and submitted as further information and no potential for archeologically significant remains was concluded; the applicant intends to comply fully with condition 3 with regard to test trenching prior to development.
- *Traffic and Car Parking* – the applicant defends the survey times in order to allow the assessment of the highest traffic speeds along Green Lane and states that traffic surveys were conducted in accordance with industry standards; car parking has been provided in excess of Development Plan standards.
- *Sewerage Capacity and Flood Risk* – in response to further information requested by the Council, sewerage capacity was found to be sufficient; the Flood Risk Assessment carried out concluded that the site was not subjected to flooding events and the provision of an on-site attenuation tank would ensure prevention of downstream flooding.
- *Hedgerows and Site Boundaries* – based upon specialist ecological assessment the existing hedgerow to Glen Easton is of lower significance; the

removal of lower significance hedgerows will have a minor negative impact upon flora and fauna; bat surveys were not carried out because there will be no significant impacts arising from the development nor will bat roosts be disturbed; the applicant intends to comply with all the conditions required in relation to landscape and boundary treatments.

- *Pedestrian and Cyclist Access* – the connection to the Glen Easton Estate was not proposed by the applicant; the provision of other pedestrian/cycle links is however, supported by the applicant.

The applicant's response is supported by a submission concerning foul sewerage capacity and transportation issues prepared by Cronin and Sutton Consulting Engineers, a submission with relation to Bats prepared by Openfield Ecology Services and a correspondence from ESBI Energy International concerning clearance distances from 110kV lines and lattice steel towers.

### 6.3. **Planning Authority Response**

The planning authority have prepared a response in relation to both the first party appeal and the third party appeals, summarised as follows:

- In the context of the Planner's Report and in the interests of reserving residential amenity 5 residential units were omitted along the eastern boundary. A map showing an overlay of the proposed development, existing development and permitted development is submitted.
- The Roads, Transportation and Public Safety Department of the Council, are satisfied that the proposed pedestrian linkages are acceptable and DMURS compliant; such linkages will reduce vehicular traffic; the linkages will be properly design and safe; the traffic impact of the proposed development has been properly surveyed and assessed.
- The Water Services Department of the Council, state that surface water discharge run-off on the site will be restricted to the pre-existing greenfield rate; the 4.8% increase in the use of the surface water sewer will not impact upon its capacity; no surface water sewers will require third party permission as KCC have taken in charge all relevant sewers; there is foul water

sewerage capacity existing immediately downstream of the site and other issues to do with infrastructural deficiencies have been addressed by conditions attached by Irish Water.

The planning authority's response is supported by an overlay map showing proposed and existing development. I note that overlay drawings show the initially proposed development rather than the permitted development.

#### 6.4. Observations

**Deputy Catherine Murphy** reiterates the concerns of the local residents, as follows:

- The status of the draft LAP for the area is uncertain, and a copy of the Collinstown LAP is included.
- Queries are raised in relation to the traffic impact assessment and that there is only a single vehicular entrance to the development.
- A road linkage to Glen Easton will not provide a shorter link and will greatly impact local residents.

**Councillor Joe Neville** reiterates the concerns of local residents, as follows:

- The height of buildings will impact upon the current housing at Glen Easton, through overshadowing, lack of privacy and loss of light. The Board should have regard to the further information request issued by Council, many items of which were not complied with.
- Large pylons will be located in open spaces, has maintenance and proximity to houses been considered. Clearance distances for houses should be met, drawings submitted appear to apply a different set of clearance distances.
- There are no schools or other facilities close by, this will impact upon parking at schools and elsewhere.
- The proposed development will add to traffic dangers, and overall traffic solution for the area is required.
- Linkages will increase traffic and be dangerous to children at play.
- Overall support for residential development as long as it is similar in design and form to Glen Easton.

- Given the constraints of the site in relation to pylons, the overall density should be lower.
- The observation is supported by reference to and extracts from the Kildare County Development Plan 2011, Draft Kildare County Development Plan 2017, Draft Leixlip LAP 2017-2023 and Collinstown LAP.

**Colm and Vera Fitzsimons**, raise issues in common with the residents of Glen Easton's grounds of appeal.

**Irish Rail.** The primary concerns of Irish Rail are in relation to trespass and boundary treatment concerning the Rail Line and reiterate their original comments.

**Irish Water.** The submission states that there is sufficient capacity in the local distribution network to accommodate the proposed development. Other comments relate to the standard technical requirements of Irish Water.

**Inland Fisheries Ireland.** The observation highlights the importance of the River Ryewater, River Liffey and Royal Canal with respect to fisheries. The recommendations of Inland Fisheries Ireland are that the Loughnamona pumping station should be upgraded to ensure capacity for the new and future development, that works comply with a Construction Management Plan with regard to surface water management and that the owner enter into an annual maintenance contract with respect to petrol/oil interceptors.

## 6.5. Further Response of the Planning Authority

- 6.5.1. **Roads, Transport and Public Safety.** Further to previous comments the report states that traffic surveys were conducted in accordance with best practice methodologies, car parking should be in compliance with condition 40 or a similar condition, commitment to the provision of five future pedestrian/cycle linkages in accordance with condition 38 and satisfied that the traffic impact of the proposed development has been adequately addressed.
- 6.5.2. **Water Services.** The first party has adequately dealt with sewerage capacity and flood risk, no further comments.

## 6.6. Further Responses from Third Parties

- 6.6.1. Further responses have been submitted by third parties in which common themes area raised and include a reiteration of the grounds of appeal, incorrect drawings submitted by by Kildare County Council when comparing permitted and proposed development, increased opposition to linkages, clarification of the height of apartments in Glen Easton, a criticism of the planning process and procedures and the publication of the Draft Leixlip LAP.

**Susan Donaghy** reiterates their concerns as submitted in the initial grounds of appeal, together with questions about the overall development and general observations in relation to planning application procedures.

**Jason and Aileen Mc Carthy**, criticise the submissions made by the County Council in relation to pedestrian access and accordance with the Design Manual for Urban Roads and Streets. The appellant reiterates their grounds of appeal and notes that the applicant has failed to address any of their concerns. The issue of 110kV powerlines and contravention of the County Development Plan standards has not been addressed.

**Carl and Ciara Crehan**, reiterate their grounds of appeal in relation to the issues responded to by the applicant and the Council. There are no new issues raised in their submission.

**Paul and Regina Keogan**. There is disagreement with the case put forward by the applicant in relation to the pattern of development, residential amenity and hedgerows. There are no new issues raised.

**Jim and Helen Walsh and Others**. The appellant reiterates their original grounds of appeal, there are no new issues of substance. However, mention is made of the applicant meeting with some home owners and discussion building height and strong opposition to future pedestrian linkages, which if desired should be the subject of a future planning application.

**Colm and Vera Fitzsimons**. Amongst issues already raised the appellant highlights the submission by Kildare County Council to the wrong drawing when comparing permitted and proposed development.

**Conor and Karen Lyons.** The submission states that there is still concern with regard to unit 139 and apartment block B. Concerns too in relation to the traffic impact of the development. Other comments reiterate the original grounds of appeal, with specific reference to their house and garden.

**Julie and Kevin Hickey.** The appellant reiterates their original grounds of appeal, there are no new issues relevant to planning.

**Conrad and Sandra Burke.** The submission is critical of the Kildare County Council response to the grounds of appeal and reiterates previous concerns.

**David and Sharon McGee.** The appellant reiterates their original grounds of appeal, there are no new issues relevant to planning matters.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The key issue before the Board as I see it, is the forward planning status of the appeal site and whether or not the proposed development is consistent with approved policy objectives for the area. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Planning Context
- Nature and Principle of Development
- Residential Amenity
- Boundary Treatment
- Layout – Constraints
- Pedestrian/Cyclist Linkages
- Roads and Traffic
- Flooding, Wastewater and Surface Water Services
- Archaeology
- First Party Appeal against Conditions
- Procedural Issues
- Appropriate Assessment

### 7.2. Planning Context

7.2.1. The appeal site is located at the edge of Leixlip, a designated Large Growth Town II in the Regional Planning Guidelines for the Greater Dublin Area and a Level 2 major town centre in the Retail Strategy for the Greater Dublin Area. The growth of Leixlip is predicated on the proximity of a heavy rail line and local industry.

7.2.2. Collinstown Local Area Plan 2010 is the current LAP for the appeal site and the lands are zoned 'Major Town Centre'. It is envisaged that the Collinstown area would become a major town centre with national, regional and local catchments. A railway station is planned west of the R449 and given the character of existing housing

estates to the east, an indicative net residential density of 25 units / hectare is proposed for the site. The existence of high voltage powerlines is seen as a limiting factor across the plan area. The overall aim of the LAP in the context of the appeal lands is to guide growth based on the availability of public transport, sensitivity towards adjacent housing estates and the management of powerlines.

- 7.2.3. The LAP is divided into 7 Sites. The appeal site is entirely within Site A7 and partially within Site A6. Despite the 'Major Town Centre' zoning attributed to the appeal site, the LAP states that Site A7 should have an indicative net residential density of 25 units / hectare, with a combination of single, two and three storey buildings. The applicant has proposed a gross residential density of 24 units / hectare. When open space and roads are discounted, this equates to a net density of approximately 29 units / hectare. Of interest, the recently published Draft Leixlip Local Area Plan 2017-2023, envisages a residential density in the region of 30 houses per hectare, net or gross density is not specified. Given the foregoing, it is my opinion that the proposed development is in accordance with the objectives of the Collinstown LAP, the operative plan for the area.

### **7.3. Nature and Principle of Development**

- 7.3.1. Third party appellants are concerned that the proposed development was lodged at a time when County Development Plan and Local Area Plan policies were in a draft stage. Specifically, issues are raised in relation to the form of development not being in accordance with the indicative layout maps shown in the Draft Leixlip LAP. Third parties also criticise the layout as being out of kilter with the prevailing form and design of housing layouts in the vicinity. There is concern too that the density of the development has not been fully considered.
- 7.3.2. The proposed development comprises a mixture of two bedroom apartments and three/four/five bed houses in a terraced, detached and semi-detached format. This provides a variety of housing units for various household compositions. The houses are arranged around a standard cul-de-sac layout with a gross residential density of 24 house per hectare. Particular attention has been applied to the separation distance and height of houses planned for the eastern boundary of the site and next to existing development at Glen Easton. A crèche has been proposed close to the Green Lane entrance to the site. Public open space is provided throughout the



development. Pedestrian/cycle access points have been planned for at the western and eastern boundaries of the site.

7.3.3. I have had regard to guidance provided in various documents published by the Council in relation to appeal site – the Collinstown LAP and the Kildare County Development Plan 2017-2023. I also note the recent publication of the Draft Leixlip LAP. In terms of the broad principle and nature of the development I see no obvious inconsistencies with the planning guidance available to me during my assessment. Therefore, the principle and general form of residential development is acceptable. I do, however, have concerns about a number of residential amenity issues raised in the grounds of appeal and these are examined in more detail below.

#### **7.4. Residential Amenity**

7.4.1. All objections from the residents of Glen Easton relate to impacts upon residential amenity. These range from the lack of shadow analysis drawings to the location of bin stores. In broad terms, residents believe that the proximity of dwellings along the eastern boundary of the appeal site will result in overshadowing, loss of privacy through overlooking and a sense of overbearing appearance.

7.4.2. In the interests of clarity, the Board should note that in the notification to grant permission the planning authority omitted five units that were closest to the eastern boundary of the site and required design amendments to other units in order to preserve the existing residential amenities of the Glen Easton residents. Moreover, the applicant insists that further information design amendments addressed all residential amenity concerns and that all units should remain. It is unfortunate that the applicant failed to supply a shadow analysis or greater illustrative detail concerning adjacent development. However, I consider that the drawings submitted by the applicant are sufficient to allow me to assess the potential for adverse impacts upon residential amenity.

7.4.3. I note that on the whole there is support amongst the third party appellants for the appropriate development of the farmland next to Glen Easton. However, there are specific concerns from a number of residents who feel that the proposed dwellings will be just too close and will compromise the enjoyment of their property. Generally, the County Development Plan recommends a separation distance of 22 metres between opposing above-ground floor level windows for habitable rooms. This is to

ensure that overlooking of habitable rooms does not occur, but it can also act as a benchmark for managing overbearing appearance and overshadowing.

- 7.4.4. The five dwellings omitted in the planning authority decision were units 106, 107, 118, 176 and 177, minor amendments were required in relation to units 135, 138 and 139. The remaining units along the eastern boundary, which include one and a half and two storey semi-detached houses would result in no first floor windows closer than 22 metres. As most if not all dwellings are located greater than 22 metres from the first floor elevations of existing dwellings, there is no requirement for innovative design responses, in what is essentially a standard suburban housing development. Of note, however, is the large landing window 1.6 metres above ground level and fitted with obscure glazing associated with house type C2 at site 135. The landing window would be approximately 18 metres from the rear elevation of 10 Glen Easton Rise. However, given the height above ground level of the window, the obscured glazing and the fact that it lights a landing not a habitable room, I anticipate no impact to residential amenities. Unit 134 would present first floor windows approximately 20 metres from the first floor windows of number 9 Glen Easton Rise. Again, however, given the distance involved and the slightly lower level of the appeal site, I do not consider that the omission of or amendment to unit 134 would necessarily enhance residential amenity.
- 7.4.5. I find that the separation distance of 22 metres between opposing above ground floor windows set out in the County Development Plan has for the most part been maintained by the applicant and amended by condition by the planning authority. Future amendments to houses concerning attic conversions would be a matter for a separate planning application. Condition 15 of the planning authority's decision confirms the use of attic spaces for storage or as otherwise indicated on drawings. I consider that overlooking of adjacent residential development has been satisfactorily dealt with.
- 7.4.6. In terms of overbearing appearance and overshadowing I note that the appeal site is at a lower level than that of Glen Easton. The changes in level are shown in section drawing number FI-004 and my own experience of the site confirms that the appeal site is slightly lower than gardens of Glen Easton. House types D, E and G predominate along the eastern boundary of the site and are marginally taller than existing houses to the east. I do not, however, consider that overshadowing or

overbearing appearance is a material consideration for the majority of the eastern boundary of the site. The only consequential site is the gable of unit 134 house type D1, approximately 20 metres west of the rear elevations of 9 and 10 Glen Easton Rise. However, given the lower level of site 134, the separation distance between rear elevations, the orientation of the site and the design of unit D1, I anticipate no adverse impact of overshadowing and no overbearing appearance will occur.

- 7.4.7. Concerns have been raised with regard to the impact that the three storey apartment block B will have on houses at Glen Easton Woods and Gardens. Specifically, the eastern elevation which presents habitable room windows and balconies facing onto the rear and side elevations of houses at Glen Easton Woods. The closest houses to the proposed apartment block are numbers 9, 12 and 13 Glen Easton Woods. Number 9 presents a side elevation and the rear elevations of numbers 12 and 13 face on to the proposed apartments. In the case of overlooking the County Development Plan states that a separation distance of 35 metres will normally apply to balconies and windows at upper floors. In this case more than 35 metres is achieved with respect to numbers 12 and 13 Glen Easton Woods and with regard to the side elevation of number 9, there are no windows which will be closer than 35 metres. I consider that there will be no loss of privacy due to overlooking of habitable rooms. However, I do acknowledge that rear gardens may be overlooked unless existing hedgerow screening is adequately protected and bolstered with new planting.
- 7.4.8. Apartment block B is located approximately 20 metres from the boundary between the appeal site and the gardens of properties at Glen Easton Woods. The boundary between the appeal site and rear gardens comprises a mature hedgerow with mature Ash trees and a 1.8 metre high concrete panel fence. The existing boundary treatment already casts shadow onto the gardens at present. It is likely that the proposed 10.5 metre high apartment block will cast some shadow in addition to that cast by the existing boundary in the evenings of certain periods of the year. Given the separation distances involved and the orientation of the site I consider that the shadow impact of the apartment block will not be so great so as to be noticeable in the rear gardens of those properties which anticipate an impact.
- 7.4.9. The addition of a three storey 10.5 metre high apartment block to the rear of properties at Glen Easton Wood will introduce a new element to the previous vista of

open farmland. However, the overall height is no greater than the proposed two storey houses elsewhere along the eastern boundary of the site. It is the three storey elevation that creates apprehension for existing residents in terms of the appearance and perception of overbearing. I consider that given the separation distance involved and the overall height of the apartment block, that no adverse issues of overbearing appearance will result. Furthermore, additional boundary planting will assist in screening the apartment building, further eliminating any perceived impact.

7.4.10. Given the foregoing, I consider that the planning authority's requirements in relation to the omission of five units and the redesign of others generally addresses issues to do with overshadowing, overlooking and overbearing appearance. However, I consider that in order to fully ensure that the residential amenities of existing residents are preserved, a number of additional requirements are necessary. In relation to site 139, I consider its complete removal is necessary and its garden incorporated into site 140. Amendments to Site 138, house design C2 are unnecessary and its passive supervision of the open space to the north is useful. Site 135, house type C2 should be replaced with a handed version of type F2 (dormer semi-detached house). As required by the planning authority, units 106, 107, 118, 176 and 177 should be omitted and appropriate side elevation plans provided. I do not consider it necessary to restrict exempted development rights as they pertain to private dwellings, the gardens are large enough and separation distances are adequate.

## 7.5. **Boundary Treatment**

7.5.1. Of particular concern to the residents of Glen Easton, whose properties back or side onto the appeal site is the proposed boundary treatment. In addition, there are concerns that the existing mature hedgerow and trees will be removed or damaged, impacting upon wildlife and the loss of natural screening.

7.5.2. The interface between new and existing development is often difficult to reconcile. Within the appeal site and running along the length of the boundary with The Glen Easton Estate is a mature and substantial hedgerow comprising mainly ash and hawthorn. The hedgerow provides a significant buffer between existing houses and farmland.

- 7.5.3. Firstly, I note that the applicant submitted an Ecological Impact Assessment prepared by Openfield Ecology Services. The report states that there will be some habitat loss and that there will be some disruption to fauna during the construction phase. In relation to boundary treatments, two drawings submitted by the applicant in response to further information are also relevant: MCORM drawing number FI-002 and TBS drawing number 300. Both drawings detail the proposals for the existing hedgerow boundary to The Glen Easton Estate. It should be noted that in addition to the existing hedgerow the entire eastern boundary also comprises a 1.8 metre high concrete panel fence which is generally in good repair. The applicant proposes to retain the majority of the existing hedgerow and erect a 1.4 metre high paladin fence to the boundaries.
- 7.5.4. There is however, a lack of certainty in the plans in relation to the exact boundary treatment at sites 106, 107, 118, 139, 176 and 177, together with entrance points and future connections. In relation to the proximity of some proposed houses and their impact upon the hedgerow, this can be addressed by general requirements in relation to existing hedgerow management and retention. The removal of some units and the reversion of their plots to gardens should result in the retention of the hedgerow as located along the remainder the boundary length.
- 7.5.5. In order to address uncertainties in relation to the retention of good mature hedgerows, to accord with County Development Plan policies and objectives with respect to biodiversity and hedgerows, the applicant should be required to retain, reinstate and bolster screen planting along the eastern boundary of the site.

## 7.6. **Layout - Constraints**

- 7.6.1. Criticisms have been levelled by third parties at the layout of the proposed development and the way in which the impact of electricity pylons have been addressed. In addition, there is concern that powerline separation distances detailed in the County Development Plan have not been applied correctly. There is concern too at the lack of detail concerning the landscape treatment at the base of the pylons.
- 7.6.2. Three large lattice framed towers/pylons and 110kV overhead powerlines are located within the site. The County Development Plan recommends a clearance distance of 20 metres either side of the centre line or 23 metres around a pylon. A letter supplied

by ESB International which refers to specific powerlines crossing the site sets out the following: 23 metre radius from the centre of towers, 15 metres from the centreline of the southern powerline and 13 metres from the centreline of the northern powerline. The site specific clearance distances differ to those required by the County Development Plan and it is the site specific clearance distances that I have had regard to. In this context I find that the clearance distances shown on the layout plans have been adhered to and are therefore adequate.

- 7.6.3. The applicant has submitted a landscape design which outlines areas of public open space. Appellants have raised concerns at the location of the open spaces in relation to existing pylons and powerlines. A large portion of open space is located in the northern section of the site, two pylons are located in this area and a powerline runs along the access roadway and through open space. A central portion of open space is located under a powerline which traverses north west to south east.
- 7.6.4. The applicant has stated that for technical reasons, the powerlines cannot be laid underground and that appropriate separation distances have been maintained between centrelines and proposed buildings. The applicant has not detailed the technical difficulties in relation to the undergrounding of powerlines, nor has the relevant statutory undertaker - Eirgrid. I would have preferred more information in this respect, in order to entirely dismiss the notion of undergrounding powerlines; as their impact has dictated the layout of the scheme.
- 7.6.5. For the most part, either roadway or parking spaces are provided beneath powerlines and this is satisfactory. However, the north eastern segment of the central open space and sections of the northern open space are beneath powerlines. Private gardens and other incidental and kick-about open spaces are not affected by traversing high voltage powerlines. There is no specific guidance in relation to the provision of public open spaces and powerlines. However, in my opinion the provision of public open space beneath high voltage powerlines is not an ideal situation. In this instance, given the large proportion and configuration of public open spaces, the limited degree to which the path of powerlines impacts upon open spaces and the fact that most dwellings have unaffected rear gardens, I am satisfied that the provision of public open spaces is broadly acceptable from an amenity perspective.

7.6.6. There is specific concern at the location of apartment block B and its attendant bin store. The proposed bin store is located along the boundary with the rear gardens of property at Glen Easton Woods and disconnected from the apartment block across a road. It appears to me that the location of the bin store is an afterthought and perhaps there is a more useful location closer to the future residents of the apartment block. For instance, the bin store associated with apartment block A is located adjacent to the building. With this in mind, I consider that the applicant should be required to find a more suitable location for the bin store.

### **7.7. Pedestrian/Cyclist Linkages**

7.7.1. Strong opposition has been raised in relation to the proposed pedestrian/cyclist linkages between the appeal site and Glen Easton. In addition, concerns are raised at the proposal to provide a pedestrian/cyclist from the new development to the R449 to the west.

7.7.2. Permeability and linkages are key to ensuring that a residential development has a sustainable level of connection to public transport, shops and community facilities. The applicant has sought to provide a variety of linkages to the wider area and provide the option of alternative travel modes for future residents. This is in accordance with national urban design guidance and local planning documents. I see no reason why suitable pedestrian/cyclist linkages cannot be provided.

7.7.3. However, the provision of pedestrian/cyclist linkages to existing residential estates can prove problematic and this is borne out by the level of opposition to this aspect of the development. This does not mean that such linkages should not be attempted. The connection from apartment block B to Glen Easton would provide a quicker walking route to Leixlip (Louisa Bridge) Railway Station, the commercial and leisure facilities to the north of the Royal Canal and benefit the residents of Glen Easton. However, the provision of such a linkage cannot be solely governed by a grant of permission, as the lands beyond the appeal site may be in a separate ownership. In this respect I find that it is sufficient to require the applicant to plan for and design an access point to the east and any subsequent throughway would be the matter for a future planning application.

7.7.4. In relation to pedestrian/cyclist linkages which can be achieved, I see no reason why the connections from the appeal site to the R449 should not be provided. In this

regard the applicant should be required to ensure connections are provided prior to the occupation of units.

## **7.8. Roads and Traffic**

- 7.8.1. Appellants have raised concerns with regard to the likely impact upon the existing road network in terms of turning movements and additional traffic generated by the development. The methodology behind the Traffic Impact Assessment (TIA) supplied by the applicant and the assessment by the Council is criticised. The single access point serving 195 dwellings and the relocation of a bus terminus is also raised as an issue.
- 7.8.2. The applicant supplied a TIA prepared by CS Consulting Group, which concluded that there would be some queuing at various junctions in the vicinity as a result of the proposed development. In addition, adequate car parking has been provided within the scheme and design measures outlined in the Design Manual for Urban Roads and Streets have been incorporated. Council Officials accepted the findings of the report and subsequent further information and were satisfied that the proposed development would not impact significantly on the wider road network.
- 7.8.3. The applicant discussed their TIA assessment methodology with Kildare County Council prior to the submission of the planning application. The traffic modelling took into account existing and committed development at Beech Park and LAP zoned lands. The TIA was primarily concerned with the impacts of the development on the operational functionality of Green Lane, the Beech Park junction, the R449 and its roundabout junction with Green Lane. Traffic counts were generated on the 3<sup>rd</sup> September 2015 between 7am and 7pm. In addition, a 7 day automatic speed survey was conducted between 19<sup>th</sup> and 25<sup>th</sup> August 2016, in order to produce a response to a further information request. I consider that the TIA and subsequent surveys have utilised appropriately sourced data and adequately assessed the traffic conditions in the area.
- 7.8.4. The appeal site is an adjunct to existing suburban development land which has either already been developed or has been zoned for residential and industrial uses. The road network in the vicinity has been designed and constructed with an anticipated increase in the levels of traffic generated by planned development. In this respect I can see no reason why the moderate level of development proposed on



zoned land cannot be successfully accommodated within the wider road network. Issues to do with the single vehicular access point to serve up to 200 dwellings and a crèche, is not contrary to any design guidance and the relocation of a bus terminus is a matter for detailed design considerations. Though the location of the proposed Green Lane entrance is currently within the 60kph to 50kph speed limit changeover zone, I anticipate that the speed limits on Green Lane will be adjusted accordingly. Given the location of the proposed entrance, the traffic calming measures already in place, the repositioned bus terminus and the established residential uses at this location, I am satisfied that the vehicular movements generated by the proposed scheme would not have a significant material impact on the residential estates in the vicinity or conflict with traffic or pedestrian movements in the area. The proposal to develop zoned land for lower density development from the existing road network is therefore acceptable.

#### **7.9. Flooding, Wastewater and Surface Water Services**

- 7.9.1. The capacity of the existing foul sewer system was queried by some appellants. In addition, surface water issues and the potential for flooding were highlighted.
- 7.9.2. I note that Council Officials raised no issues in relation to surface and foul water constraints. Their recommendation was the attachment of standard technical conditions in relation to surface and foul water services. In addition, there is no objection from Irish Water. Subsequent responses to the appeal from the Water Services section of the Council and observations from Irish Water have raised no new issues with regard to sewerage capacity or flood risk and express satisfaction with the proposed development. The applicant identified a section of foul sewer with a low capacity to convey effluent. However, it is stated that even with effluent generated from existing residential units and combined with peak flow generation from the proposed development, this would still fall below the lowest capacity of the sewer.
- 7.9.3. The proposed development will utilise existing water services. The possibility of connection has been accepted by the relevant authorities. The site is not located in a flood risk area. Surface water attenuation on the site was redesigned on foot of a further information request and is satisfactory with respect to sensitive receiving waters in the vicinity. In this regard I note that Inland Fisheries Ireland have

recommended a number of measures to ensure the protection of important local fisheries. I am satisfied that the proposed development has addressed the potential for flood risk and is acceptable with respect to surface water and foul water management.

#### **7.10. Archaeology**

7.10.1. Appellants have raised concerns at the impact the proposed development will have on the archaeology of the site. There is concern that the views of The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and the resultant refusal recommended by the Planner were not adequately considered by the planning authority. In the first instance I note that there are no designated archaeological sites within or in the vicinity of the appeal site. Secondly, the planning authority's procedures and mechanisms for arriving at a decision is not matter for this assessment. However, I consider that it is entirely reasonable given the size of the site that the applicant should be required to carry out appropriate archaeological testing and recording in advance of construction.

#### **7.11. First Party Appeal against Conditions**

7.11.1. The first party has appealed against condition 4(i) and for an amendment to condition 2. Condition 2 relates to the total quantum of residential development – 195 units and condition 4(i) relates to the omission of units 106, 107, 118, 176 and 177. The first party requests that no units are omitted and states that the design measures incorporated at further information stage addressed all residential amenity issues.

7.11.2. Section 7.3 *Residential Amenity* of my report, provides a detailed assessment in relation to the impact of the development and specifically the eastern side of the site which abuts Glen Easton. Consequently, I consider that it is necessary to retain and amend both condition 2 and 4 to resolve residential amenity issues.

#### **7.12. Procedural Issues**

7.12.1. Concerns are raised in relation to the overturning of the Planner's recommendation. According to the information available to me, I can see that the appropriate steps were taken by the planning authority to issue a notification to grant permission whilst acknowledging the Planner's recommendation in accordance with the relevant

section of the Act. There is no further analysis required in relation to this appeal or the validity of the planning authority decision.

7.12.2. I note that layout drawing number FI-002 shows slight inconsistencies with house type design and labelling at site 81 and 80. These are not material issues and can be clarified as required.

### **7.13. Appropriate Assessment**

7.13.1. The closest Natura 2000 site to the proposed development is the Rye Water Valley/Carlton SAC (site code 001398), which is located to the north and east.

7.13.2. The planning application was supported by an Appropriate Assessment Screening Report prepared by Openfield Ecological Services. The report states that there are no plant species on the site that are considered rare or endangered. There is no standing or running water on the site and there are no habitats of value. The report concludes that significant effects are not likely to arise, either alone or in combination with other plans/projects to Natura 2000 areas in the vicinity. There is no requirement for a full Appropriate Assessment of the project. In addition, the relevant Council official arrived at the same conclusion as for the requirements in relation to Appropriate Assessment.

7.13.3. I have examined the reports of the Council and the applicant in relation to Appropriate Assessment. For the most part I am in agreement with the findings and conclusions insofar as Appropriate Assessment Screening of the project is concerned. I do note, however, that a minor watercourse borders the south west boundary of the site. It forms an historic field boundary, recently cleared of vegetation and contains very slow moving water, flowing in a southerly direction towards Beechpark Wood housing estate. The direction of flow is away from the Rye Water Valley/Carlton SAC. Having regard to the Source-Pathway-Receptor model, I note, therefore, that there will be no direct pathway between the proposed development and the Natura 2000 site either during or after construction.

7.13.4. Having regard to the agricultural nature of the appeal site and the residential form of the proposed development adjacent to an established urban environment, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on any European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## **9.0 Reasons and Considerations**

Having regard to the location of the site within the boundary of the Collinstown Local Area Plan 2010, to the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Kildare County Development Plan 2017-2023, 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 2013, 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 of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 on the 8 day of November 2016 and by the further plans and particulars received by An Bord Pleanála on the 27 day of February, 2017, 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. This grant of permission permits the construction of 194 units in total and a crèche facility.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:

(a) House type C1 at site 139 shall be omitted and its garden incorporated into site 140,

(b) Site 135, house type C2 shall be replaced with a handed version of type F2 (dormer semi-detached house),

(c) Units 106, 107, 118, 176 and 177 shall be omitted and appropriate side elevation plans provided for units 105, 108, 175 and 178, and

(d) The bin store associated with Apartment Block B shall be relocated to the northern elevation.

Revised drawings 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 interests of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings, apartment buildings and crèche shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

5. The landscaping scheme shown on drawing number 300, as submitted to the planning authority on the 8 day of November, 2016 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) Measures to ensure the retention of the existing hedgerow where appropriate and additional screen planting to the entire eastern boundary of the site. A section shall be left free from planting opposite Glen Easton Woods.
- (b) Additional appropriate tree planting to front gardens throughout the scheme.
- (c) Screen planting along the rear boundary of site 185 and to the public open space south east of apartment block B.
- (d) Details concerning the landscape treatment around pylons.

(e) All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts, unless otherwise required by item (a) above.

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 interest of residential and visual amenity.

6. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

(a) Soil and subsoil cross-sections.

(b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.

Development, including landscaping required by condition number 5 of this order, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of residential and visual amenity.

7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and



(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

10. The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

11. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) All foul sewage and soiled water shall be discharged to the public foul sewer.

(c) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system and the maintenance of petrol/oil interceptors shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

12. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

13. (a) Provision shall be made for two cycleway and pedestrian connections from the development to the R449 prior to the occupation of units. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Provision shall be made for a pedestrian and cycle connection up to the boundary with Glen Easton Woods.

Reason: In the interest of sustainable transportation.

14. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 house.

Reason: In the interests of amenity and public 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 over

ground cables including powerlines up to and including 38kV shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

17. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

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

18. 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.

The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/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 placenames for new residential areas.

19. 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.

20. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

22. 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 in this regard 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.

23. 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 and within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

24. The construction of the 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 development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

25. 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 Rhys Thomas  
Planning Inspector

27 April 2017