



An
Bord
Pleanála

Inspector's Report PL09.249304

Development	16 no. Light Industrial Warehouse Units including all associated site works, roads and services.
Location	Monread Road, Naas, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/574
Applicant(s)	Thoval Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Ronan Bolger
Observer(s)	Maryfield Court Management Company, John and Michelle Glenny.
Date of Site Inspection	19 th January 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located c. 2.2km to the north-east of Naas town centre, off the Monread Road which leads to the Naas North junction of the M7 Motorway. The site is currently a greenfield site, stated as being 1.64Ha.
- 1.2. Its northern boundary immediately abuts the southbound lane of the M7 motorway. To the west there is an accommodation bridge over the M7 Motorway and to the west of that, lies industrial and warehousing units. To the east lies greenfields and beyond that, there is a retail park including a Smyth's Toystore and Woodies DIY. Lying south of the site, there is a Nursing Home and a three storey apartment development, Maryfield Court. The appellant resides in Maryfield Court.
- 1.3. The overall site within the blue line is rectangular in shape. The area within the red line lies to the west of the overall site and immediately north of the apartment development. Access off Monread Road along Maryfield Road, between the apartments and nursing home, is shown within the red line boundary.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The development as proposed is described as 16 no. Light Industrial/Warehouse Units (272.5sq.m each) housed in 2 no. blocks with a total proposed area of 4,472sq.m, accessed via the Maryfield Road, off the Monread Road.
- 2.2. Block 1 and 2 form part of a Masterplan of 5 Blocks. A Masterplan accompanied the application. Block 1 and 2 are within the red line on the drawing. Block 1 and 2 run perpendicular to the southbound lane of the motorway. Block 1 and 2 are noted as being Phase 1 of the development. The other 3 blocks form part of a future application indicated as being Phase 2.
- 2.3. Each block is indicated as a maximum of 7.4m high and two storeys. Each unit comprises a work floor at ground and first floor with an office at first floor. The facades comprise of a roller shutter door and an entrance door with a canopy over on the east and west elevations. Materials proposed include a select tegral cladding with alternating double glazed units and coloured panels at first floor and an engineered brick at ground floor. The southern façade facing the apartment

development comprises a mix of cladding and engineered brick. There is no glazing on this façade.

- 2.4. The units within each block are located in a back to back layout with each having frontage onto the internal distributor one way road. Parking spaces are laid out to the front of each unit and at the northern end of Block 2 and the southern end of Block 1.
- 2.5. The site will be accessed from the Maryfield Road which serves the Maryfield Court apartment development. The Nursing Home access is directly off the Monread Road.
- 2.6. The application was accompanied by an Architectural Design Statement, a Traffic and Transport Assessment, an Engineering Drainage Report and a Ground Investigation Report.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission, subject to 35 standard conditions. Condition no.2 states that the development permitted is for the two blocks only, and that it shall not be used for retail purposes or for use by visiting members of the public.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Notes closest unit to the apartment block is located over 25m from the boundary of the apartment development and proposal is lower in height. Notes proposal to install a landscaped berm between both developments to reduce the visual impact of the proposal.
- Has regard to the location of the site in close proximity to the M7 motorway, and to the previous zoning of the site for industrial uses in the Naas Environs Plan, as well as to the economic policies of the Kildare County Development Plan 2017 – 2023, and considers the proposal to be largely acceptable.

- Notes boundary treatment and screening proposals include maintaining existing screening on western boundary, and provision of landscaped berms on other boundaries which will serve to reduce the visual impact from the adjoining lands.
- States that one of the central issues relates to the setback from the motorway. Table 17.8 of the County Development Plan 2017 – 2023 requires a building line setback of 91m. Notes that applicant has submitted numerous examples of recent developments within Naas where the setback has been permitted to be less than 91m. States that a question arises whether the Planning Authority is satisfied with the 35m proposed. Notes submission from TII raises no issue and neither does the Roads Department. Notes the setback is mentioned in the NRO report but is not raised as a request for Further Information.
- Notes there are a number of technical matters raised by the internal departments and recommends Further Information is sought. Notes that a Flood Risk Assessment was not submitted.
- States that the report of the EHO is noted, however, considers report from Environment Section appears to address noise matters arising.
- Eight items of Further Information were sought with respect to services, flooding, swept path analysis, lighting and the third party submission.
- The applicant responded addressing each issue and providing additional services drawings. With respect to the third party submission, the applicant refers to the Monread Road as being a high quality road, and that the existing carriageway and footpath extend beyond the entrance to the apartments, to provide access to the site which is zoned for light industry, and that the site is zoned for such uses.
- Following assessment of the Further Information response, the Planner recommends a grant of permission.

The decision was in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- **Area Engineer:** No objection subject to conditions.

- **Environment:** No objection subject to conditions.
- **Water Services:** Seeks Further Information, upon receipt no objection subject to conditions.
- **Transportation:** No objection subject to conditions.
- **NRO:** Raises issue with setback from motorway.
- **EHO:** Raises issues with noise.
- **CFO:** No objection subject to conditions.

3.3. Prescribed Bodies

- **Transport Infrastructure Ireland (TII):** No objection.
- **Irish Water:** No objection subject to conditions.
- **Department of Transport, Tourism and Sport:** No submission.

3.4. Third Party Observations

There was one third party submission from the appellant. Issues raised are similar to those in the appeal and are addressed in Section 6 below.

4.0 Planning History

There are a number of planning applications on the site and in the vicinity. In summary, on the overall landholding:

- **KCC Reg. Ref. 09/314:** Permission granted in March 2009 for modifications to previously approved industrial development Reg. Ref. 06/197, part of Block 8 and Block 9. These blocks are on the eastern portion of the overall landholding. No development on foot of this application has commenced and this permission has lapsed.
- **KCC Reg. Ref. 06/197:** Permission granted in September 2008 for development on the overall site for 1 no. 3 storey office block and 3 no. 2 storey blocks consisting of 22 industrial/office units. No development on foot of this application has commenced and this permission has lapsed.

In the vicinity:

- **ABP Ref. 208620, KCC Reg. Ref. 04500080:** Permission was refused in January 2005 for residential development of eight two bedroomed apartments and 22 car parking spaces within the Maryfield Court Development.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 - 2023

- 5.1.1. The site is outside the boundary of the Naas Town Development Plan 2011 – 2017 (now expired) but was within the Environs Plan for Naas within the Kildare County Development Plan 2011 – 2017 (also expired). That Environs Plan identified the site as being zoned for Industry/Warehousing.
- 5.1.2. The site is subject to the policies and objectives of the Kildare County Development Plan 2017 – 2023 (the Plan). The Development Plan notes that the Naas Environs Plan will be subsumed into a Naas Local Area Plan which is currently being prepared by the Council.
- 5.1.3. Chapter 5 of the County Development Plan refers to Economic Development, Enterprise & Tourism, Chapter 6 refers to Movement and Transportation, and Chapter 17 refers to Development Management Standards.
- 5.1.4. Chapter 5 sets out the economic hierarchy for Kildare.

Policy ECD 5 (i) states:

Promote and facilitate regional scale employment development as a priority in the Primary Economic Growth Centres of Maynooth and Leixlip/ Collinstown supported by Celbridge and Kilcock in the Metropolitan area; and Naas/Newbridge in the Hinterland area supported by Kilcullen and the Secondary Economic Growth Towns of Athy and Kildare.

Policy ECD 7 states:

Support and promote proposals for SME business development in centres where existing infrastructural facilities are available or where they can be provided with services and good communications

5.1.5. Chapter 6 refers to Movement and Transportation. **Policy MT 9** states:

Preserve free from development, proposed public transport and road corridors (including cycle corridors) where development would prejudice the implementation of projects identified by the TII, NTA, DTTS and KCC.

Objective MO1 states:

Complete the development of the third lane in each direction along the M7 including improvement of interchanges as the need arises.

5.1.6. Section 17.7.2 of Chapter 17 refers to Building Lines. It states:

It is the policy of the Council where developments are permitted in rural areas along National, Regional and County Roads that they must conform to the minimum setbacks listed in Table 17.8.

Table 17.8: Building Lines from Public Roads:

<i>Motorways</i>	91m
<i>National Primary</i>	91m
<i>National Secondary</i>	91m
<i>Regional Road</i>	31m
<i>Urban / County Road</i>	18.5m
<i>Distributor</i>	18.5m

Building lines in developed areas will be determined having regard to the historic urban grain of the area and the need to provide pedestrian friendly streets with a sense of enclosure.

5.1.7. Section 17.9.2 refers to Industry and Warehousing. It states:

Industry and warehousing schemes will be required to present a good quality appearance, helped by landscaping and careful placing of advertisement structures.

It is further stated that the following should be taken into consideration (Inter alia):

– Any industrial or commercial development shall not be injurious to the residential amenity of adjoining properties;

– A landscaped buffer zone (minimum 5-10 metres) will be a requirement of planning permissions for any industrial / warehousing development where it adjoins another zoning or where it would impact on the amenities of adjoining land uses;

5.2. Natural Heritage Designations

Mouds Bog SAC (Site Code 002331) is c.10km to the west, Red Bog SAC (Site Code 000397) is c. 8.6km south-east, Poulaphouca Reservoir SAC is c. 11km to the south-east and Ballynafagh Bog SAC (Site Code 000391) is c.13km to the north-west.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by a resident within the Maryfield Court development. In summary it states:

- There will be a large increase in the amount of traffic on the access road to Maryfield Court apartments.
- The site access road is totally unsuitable for cars, vans, trucks etc.
- There will be a large increase in noise and air pollution both during and post construction.
- Property will be devalued.
- Proximity of units to apartment.
- Decrease in aesthetic quality of the area and view from apartment.

6.2. Applicant Response

Consultants on behalf of the applicant responded to the appeal. In summary, it states:

- Notes that the site has been the subject of two successful planning permissions but neither was acted upon, due to the economic downturn.

- Notes that the Naas Environs Plan 2011 – 2017 showed the subject lands to be zoned as Industrial/Warehousing. Notes that as this is the most recent available plan, it is reasonable that the Planning Authority would use this as the primary source in terms of assessing the application.
- Notes it is not possible to specifically identify the exact location of the appellant's apartment, but notes that the closest apartment is 30m from the subject site.
- Accepts that there will be an increase in traffic along the access road, but considers that this has to be balanced against the fact that the site is zoned for industry/warehousing, that the lands were zoned under the previous Naas Town Plan 2005 – 2011, as well as two previous grants of permission for such development on the site.
- The access road was designed with future development on the lands in mind. The TTA report assessed the development for 52 units (the total build out), to be as robust as possible, and the road was found to be acceptable.
- The appellant has not submitted any evidence to support his view that there will be a large increase in noise and air pollution. The EHO recommended that a Noise Report be prepared and the Environment Section recommended a specific condition to include noise limits to be adhered to, along with a noise study to be submitted within 3 months of the development being in operation. This condition gives the Council very strong grounds should they need to initiate enforcement action in respect of a noise complaint.
- With respect to air and dust, there are conditions included in the notification to grant and the Board are referred to the definition of light industry within the Planning and Development Regulations.
- With respect to devaluing property, it is noted that the lands have been zoned since 2005 and have been the subject of two grants of permission. The carriageway and footpath already extend beyond the apartment entrance clearly indicating that future development is likely. The appellant is the only person who objected to the scheme.
- Question the alleged peaceful setting given its proximity to the M7.

- Consider that proximity to his apartment is not a ground of appeal as there must be a planning reason underlying it, and proximity is not such a reason. Maryfield Court apartments are located 30m from the closest block in the scheme – this is a substantial distance.
- The appellant does not expand on what issues he has with the proposal in terms of aesthetics or a specific view. The subject lands are zoned for industrial/warehousing development. Consider that the Board referred to the Naas Town Plan in a recent order for Lawlor's Hotel in Naas which demonstrates the Naas Town Plan is still the Plan by which development should be assessed. On the basis of this zoning the Council have identified the subject lands for industrial/warehousing development and the appellant cannot expect the current natural status of the lands to remain preserved.
- It is further submitted that while the character of the lands will change the proposed development will be well screened from the apartment development.

6.3. Planning Authority Response

The Planning Authority responded stating that the contents of the third party submission were assessed during the course of the assessment, and it was determined that the proposal would be in accordance with the proper planning and sustainable development of the area. The development is located on lands formerly zoned for industrial development in the Naas Environs Plan 2011 – 2017. The Board is referred to the various Planning and Technical Reports on file.

6.4. Observations

Two observations were submitted on the appeal. Both observations are similar. They state:

- No objection to the planning application was submitted because they were unaware that an application had been lodged. Photos are enclosed with the observations and it is stated that the site notice was 2m above the ground and it was obscured with ivy and shrubs. It was not on public view. In addition

there are four different site notices pertaining to this site located on Maryfield Road.

- Maryfield Court is a development of 42 apartments. Children playing in the vicinity would be exposed to extreme danger with HGVs and articulated Lorries entering and exiting the site. The road is only 7m wide and is totally unsuitable.
- Maryfield Road joins Monread Road which is an extremely busy arterial road in Naas. It is noted that condition no.16 requires traffic calming measures to be put in place on Maryfield Court access road. There are already two sets of traffic lights to the right and left of Maryfield Court Road. The installation of additional lights would seriously disrupt the flow of traffic on an already congested Monread Road.
- Being a predominantly residential area, the residents of Monread Road and Maryfield Court will be exposed to noise pollution from deliveries to 16 warehouse units.

7.0 Assessment

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 issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Procedural Issues
- Residential Amenities
- Traffic Impact
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. With respect to zoning, the site was zoned NE1 Industry/Warehousing as part of the Naas Environs Plan, which was part of the Kildare County Development Plan 2005 –

2011, and the Kildare County Development Plan 2011 - 2017. The new County Development Plan 2017 – 2023 does not include a section for the Naas Environs; this will be addressed as part of the new Naas Local Area Plan currently under preparation.

- 7.1.2. Notwithstanding this, it is geographically part of the Naas town environs and as detailed in Chapter 2 of the County Development Plan, the focus is on achieving critical mass in the key towns and villages including Naas. Policies within the Plan, including policies ECD 5 and ECD 7, support the strategic growth of Naas, Maynooth, Leixlip and Newbridge and encouraging employment in those areas.
- 7.1.3. I do not agree with the observer where it is stated that Monread Road is mainly residential. It is a mix of uses. Between the two roundabouts on the north side of the Monread Road, there is a Tesco store, an Aldi store, a number of factories, a tyre centre, a Centra store, a Nursing Home and the Retail Park. There is mainly residential development on the south side of the road. This is clearly a mix of uses along this section of the road.
- 7.1.4. Having regard to the above, I consider that this proposal is acceptable in principle having regard to the policies of the County Development Plan to support growth in the Large Town of Naas, to the pattern of development in the immediate vicinity, to the previous two grants of permission for warehousing type development, and having regard to the previous zoning in the Naas Environs 2011 - 2017 Plan.

7.2. **Procedural Issues**

- 7.2.1. The observers comment that they were unaware of the planning application due to the location of the Site Notice. From a review of the photos submitted, I consider that the location of the Site Notice was acceptable and visible.
- 7.2.2. The appellant did not comment on the location of the Site Notice as being problematic.
- 7.2.3. I am satisfied that the Site Notice location was acceptable.

7.3. Residential Amenities

7.3.1. The appellant objects to the proposed development on the grounds that it will seriously injure his residential amenities. He has specific concerns relating to noise, air, proximity of the units to his apartment, aesthetic quality of the area and view. Traffic and access concerns are addressed below.

- **Noise**

7.3.2. With respect to noise, I note that conditions have been attached to the decision of the Planning Authority requiring a Noise Study to be carried out within three months of the full operation of the facility, as well as specifying maximum noise limits.

7.3.3. Undoubtedly there will be an increase in traffic noise along Maryfield Court road with the addition of large vehicles and other cars etc. accessing the new development. However, given the background noise of the Monread Road, the M7 motorway and the other commercial developments in the vicinity, the additional traffic noise is unlikely to be significant.

7.3.4. With respect to potential noise caused by the operations and activities of the warehouses, I consider a suitable condition could be appended limiting the noise levels at the nearest sensitive receptors which are the apartments and the Nursing Home, should the Board consider granting permission. I recommend that this condition should clearly include references to audible tonal or impulsive components.

7.3.5. I note the applicant intends to provide a berm with trees and shrubs along the southern border between the development and the apartment block. As well as providing a visual barrier this should further reduce potential noise emissions.

7.3.6. In conclusion, while I accept that there will be an increase in noise in the immediate vicinity of the development, I am satisfied, having regard to the likely background noise, that this will not significantly impact the amenities of the residents.

- **Air and Dust**

7.3.7. During construction there will be an increase in dust emissions. However this is temporary in nature and with an appropriate Dust Minimisation Plan, I am satisfied that this will not seriously injure the residential amenities of the area.

7.3.8. I recommend that a Construction Management Plan is required as a condition of planning, should the Board consider granting permission. A plan to minimise dust emissions should be part of that plan.

- **Proximity of units to the apartment block**

7.3.9. The appellant expresses concern with the proximity of the development to the apartment block. The drawings indicate that the edge of Block 1, which is closest to the apartment block, is 25.4m from the boundary. The berm inside the boundary is indicated as being 9.15m in depth with trees and shrubs planted therein.

7.3.10. Section 17.9.2 of the Plan refers to Industry and Warehousing. It states that '*A landscaped buffer zone (minimum 5-10 metres) will be a requirement of planning permissions for any industrial / warehousing development where it adjoins another zoning or where it would impact on the amenities of adjoining land uses*'. The proposal includes a landscaped berm of in excess of 9m wide. I am satisfied that this is in compliance with the standards set out in the Plan and will mitigate against a seriously negative impact on residential amenities.

- **Visual Impact/View**

7.3.11. The proposal includes a number of open spaces and green areas as well as the berm between it and the apartment development. A large green area is proposed directly to the front of the development which will be seen as one drives up the Maryfield Road. The landscaped berm will also provide visual relief. While the nature and use of warehouses requires large blocks which tend to be very formulaic in design, I consider that the materials proposed and the landscaping will minimise the visual impact of the development.

7.3.12. I am also satisfied that the maximum height of each block is 7.4m, which is substantially lower than the apartment block which is noted as being 10.4m on the drawings.

7.3.13. The appellant expresses concerns with the changed view. While the site is currently a greenfield, it is zoned for development and it is unreasonable to expect that this site would remain undeveloped.

7.3.14. In conclusion, I am satisfied that there will not be an unacceptable visual impact as a result of this development, having regard to the 9m landscaped buffer between

adjoining land uses, the 30m distance between developments, the green areas and landscaping proposed as well as the maximum height of the blocks being 7.4m.

- **Conclusion**

7.3.15. To conclude, there will be a change in the vicinity with respect to additional traffic and views as a result of this proposal, however, the site has been zoned for development since 2005, and I consider with appropriate mitigation measures such as the berm and conditions relating to noise, the change will not result in a seriously negative impact on the amenities of the area.

7.4. **Traffic Impact**

7.4.1. I consider that there are two issues to be addressed under this heading, 1. The setback distance from the motorway, and 2. The access road and its capacity to take the resulting additional traffic.

- **Setback**

7.4.2. The National Roads Office (NRO) referred to the fact that the setback distance from the motorway was 35m, rather than 91m required in Table 17.8 of the Plan, which provides information on the setback distances for different classes of roads.

7.4.3. The planned upgrade to the M7 motorway in this general area is due to get underway in Q1 this year. I note that the Roads and Transportation Section had no objections to the proposal, and Transport Infrastructure Ireland commented that they had no objection.

7.4.4. I note that the Plan states the setback distances must be conformed with '*where developments are permitted in rural areas*'. If this was a rural area, then the 91m should apply. The Plan also states that '*Building lines in developed areas will be determined having regard to the historic urban grain of the area*'. I note that the developments along the Monread Road are substantially below the 91m setback and have therefore set a precedent for the area. Having regard to the fact that the M7 works are permitted by the Board and about to start, I do not consider the reduced setback to be an issue.

- **Access Road capacity**

- 7.4.5. The appellant expresses concern with the additional traffic on Maryfield Road and considers the road unsuitable for the types of vehicles accessing the development. A Traffic and Transport Assessment (TTA) was carried out by the applicant. This report assesses the development when fully built out including future phases of development.
- 7.4.6. The TTA concludes that the existing junction between Maryfield Road and Monread Road provides a safe vehicular access with the required sightlines. Having visited the site, I am satisfied that the road is suitable and the access does provide sufficient sightlines.
- 7.4.7. Maryfield Road itself is stated as being 7.3m wide, with grass verges either side, street lighting and a pedestrian footpath on the western side. On the Monread Road, there are two sets of traffic lights in close proximity to the junction with Maryfield Road which will provide gaps in the traffic thereby enabling the vehicles enter and exit the site with reasonable ease.
- 7.4.8. I am satisfied that the road was designed for future development and would operate in a safe and efficient manner.

7.5. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the nature and extent of the development for which permission is sought, the uses and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the development would not

seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The development for which permission is sought 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 8th day of August 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. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with the planning authority within three months of the date of this order.

Reason: In the interests of residential amenity

3. The units shall be exclusively used for light industrial/warehousing only and all office use within the development shall be ancillary to the main use within each unit.

Reason: In the interest of clarity and to comply with the zoning provisions of the development plan for the area.

4. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored only within the enclosed buildings.

Reason: In the interest of visual amenity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within three months of a grant of permission.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. 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) Details of appropriate mitigation measures for noise, dust and vibration,

and monitoring of such levels;

(i) 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;

(j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(k) 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.

8. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and

the visual amenities of the area.

11. The areas of 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 on a phased basis. The phasing details shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

12. Bicycle parking spaces in accordance with the Kildare County Development Plan 2017 – 2023 standards shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. (a) The roads and traffic arrangements serving the site, including the internal one-way system shall be in accordance with the detailed requirements of the planning authority for such works. Details in this regard shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

(b) 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.

(c) The internal road network to serve the proposed development (including one-way system, junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of traffic and pedestrian safety.

14. 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.

Ciara Kellett
Inspectorate
22nd January 2018