



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-300558-18

Strategic Housing Development

130 no. dwelling houses, 1 no. vehicle connection and upgrade works to Kill Hill Lane, 2 no. vehicular connections to The Avenue, Earl's Court, pedestrian link adjacent to No. 16 The Green, Earl's Court and all associated and ancillary site development works.

Location

Kill Hill and Earl's Court, Kill, Co Kildare.

Planning Authority

Kildare County Council.

Applicant

McCourt Investments Ltd.

Prescribed Bodies

Irish Water

Transport Infrastructure Ireland

Department of Culture, Heritage and
Gaeltacht (DAU)
Inland Fisheries Ireland

Observer(s)

John Keyes
Pete McNerney & Elaine McNerney
The Residents of The Green
Leesa Mulvaney
Angela Kinnear
Alison O'Reilly
Rosemary McNulty
Patrick Mulcahy
Andrew & Aisling Long
Tanya Waller
Stephen and Rachel Curran
Lynda Malone
Duane and Natalie Johnson
Liz Cusack and Brian Flood
Dan & Audrey Bryan
Toni & David Malone
Emmet Stagg
Noel Flood
Glen & Margaret Kelly
Ron Molloy
Michael Loughnane
Claire Kavanagh
Mary Roche
Thomas Martin
A O'Rourke

Siobhan and Wayne McGarry
Barry & Sinead Lawler
Jonathan and Sharon Martin
Karl and Lorraine Paul
Joseph and Yvonne Kessie
Noel & Linda O'Neill
Earl'scourt Residents Association c/o
Jonathan Martin
John & Mary Miley
Maria & James Byrne
Sonia Kenny
Marina Jones
Kevin Petley
Chris, Helen, Kristine and Ciara Byrne
Sean Anderson
Declan and Eileen Troy
Deborah and Brian Casciani
Elizabeth Keane and Graham Jay
Goretta & Gary Mason
Liz and Justin Condon
James Lawless T.D.
Joseph and Yvonne Kessie

Date of Site Inspection

19 January and 5/14 February 2018.

Inspector

Stephen Rhys Thomas.

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site is located on the eastern side of Kill Village in County Kildare. To the west, the site is bounded by the existing Earl's Court residential development which comprises a mixture of terraced, semi-detached and detached two storey dwellings. To the north west, the site adjoins a recently completed national school site. To the north, the site fronts onto Kill Lane which is currently unsurfaced.
- 2.2. The site slopes down generally from east to west and the highest part of the site is located in the south east corner. To the east, the site adjoins rising ground in the vicinity of Kill Hill and this area bears the characteristics of a large archaeological monument. The field boundary along the eastern margins of the site is characterised by a distinctive ditch and bank with mature hedgerow.
- 2.3. Overhead 110Kv power lines cross the site running from east to west. Site boundaries particularly along the eastern and southern boundaries of the site are characterised by mature hedgerows and there are a significant number of mature trees located within and bounding the site. The site also includes a former construction compound, and contains steel transport containers, scaffolding material and portacabins.
- 2.4. The stated area of the site is 6.3 ha.

3.0 Proposed Strategic Housing Development

The proposed development is the construction of 130 dwellings, the detail comprises:

- 25 four bedroom houses – (19%)

- 89 three bedroom houses – (69%)
- 12 two bedroom houses – (9%)
- 4 one bedroom maisonettes – (3%)

The provision of new road and pedestrian access points and improvements to Kill Hill Lane.

The stated total site area is 6.3 Hectares. Net residential density is stated as 26 dwellings per Hectare.

4.0 Planning History

Subject site

PA reference 06/1091 Permission for 124 houses. September 2007. Permission extended under PA ref 12/86, until 19/09/2017.

5.0 Section 5 Pre Application Consultation

- 5.1.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 6 October 2017 and a Notice of Pre-Application Consultation Opinion issued within the required period. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues raised were as follows:

1. Design, Layout and Unit Mix

Further consideration of documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Design Manual for Urban Roads and Streets. In further considering the 12 criteria, the prospective applicant may wish to focus on (i) the relationship of the development to Kill Hill (ii) the layout of roads and parking areas, (iii) the proposed unit including the mix

required by the Planning Authority under Part V, (iv) the location of the proposed crèche building and relationship to adjacent residential properties and (v) the relationship of the proposed development to existing residential properties in Earl's Court. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Public Open Space

Further consideration should be given to the proposed layout as outlined in the documents as it relates to the open space proposed particularly in the context of the relationship of these open space areas to Kill Hill and the usability of the open space on the site. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Infrastructural Constraints and Phasing of Development

Further consideration of documents as they relate to infrastructural constraints impacting the development potential of the site for residential use, specifically wastewater infrastructure. The Board particularly notes that servicing of the site is dependent on the undertaking of works on foot of Contract 2B of the Upper Liffey Valley Sewerage Scheme which is currently at design stage and which appears to require prior approval from An Bord Pleanála.

5.1.2. The applicant was advised in all instances that the further consideration of the issues may require an amendment to the documents and/or design proposals submitted. In addition, the applicant was advised of specified information to be submitted with the application under articles 285(5)(b) and 298(1) of the Regulations. Matters discussed as part of the consultation meeting between the applicant, planning authority and officials of An Bord Pleanála are summarised as follows:

1. Details of further consultation with Irish Water regarding the likely timelines for necessary infrastructural upgrades and a phasing plan which clearly indicates how development would proceed in tandem with completed and anticipated future delivery of the necessary infrastructural upgrades.
2. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

3. In the event that a crèche facility is not proposed a detailed assessment of the existing and likely future provision of childcare facilities in the area and how these would meet demand.
4. An assessment of the impact of traffic noise from the N7 on the proposed development.
5. Ecological assessment to include site survey, assessment of hedgerows and other vegetation proposed for removal and derogation licences if required.
6. A Construction Management Plan that would address, inter alia, the following; the protection of existing boundaries and landscape features during construction, protection of amenity of existing school and amenity of existing residential properties, measures to protect identified buffer zones to archaeological sites. Traffic impact assessment which indicates likely impact of development on existing junction 7 on N7.

Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. The Minister for Culture, Heritage and the Gaeltacht (for archaeological heritage protection and nature conservation).
2. The Heritage Council
3. An Taisce
4. Inland Fisheries Ireland
5. Irish Water
6. Transport Infrastructure Ireland

5.2. Applicant's Statement Under Article 297(3)

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the three issues raised in the opinion – design, layout and mix, public open space and infrastructural constraints and phasing. It also details a response to the specific information required, namely: Irish

Water consultation, taking in charge layout, childcare facilities demand study, N7 traffic noise impacts, ecological survey and assessment of hedgerows and a construction management plan to address buffer zones to the school, existing residential property and archaeological sites and a traffic impact assessment of the junction with N7. The applicant states that these issues have been addressed in full and that layout and design changes incorporated into the final scheme are considered to result in improvements to the overall development.

- 5.2.1. In relation to design, layout and mix, the applicant states that layout has been designed to engage more with Kill Hill. Fingers of open space now penetrate the urban block and there are green infrastructure connections. There is a clear hierarchy of streets, forming a connected neighbourhood. Part V proposals have been presented to Kildare County Council and the creche has been omitted. Proposed houses have been better positioned in relation to the existing Earl's Court development.
- 5.2.2. In relation to public open space, the revised open space structure has been organised around framing views and the maintenance of an ecological and archaeological buffer to Kill Hill.
- 5.2.3. In relation to infrastructural constraints and phasing of development, the applicant entered into further consultation with Irish Water (IW). IW have confirmed that it is feasible to service the entire development following completion of the Upper Liffey Valley Sewerage Scheme, programmed to commence construction in 2019.

6.0 Relevant Planning Policy

6.1 National Policy

- 6.1.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
 - 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
 - 'Design Manual for Urban Roads and Streets' (2013)

- ‘Childcare Facilities – Guidelines for Planning Authorities’ (2001)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage
Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. Development Plan

The **Kildare County Development Plan 2017-2023** is the operative plan for the area.

The site is within the area of the Kill Small Town Plan which is included within the Development Plan. The majority of the site is zoned ‘Objective C, New Residential’ under the provisions of this plan. A small portion that provides pedestrian and private driveway access from The Green is zoned ‘Objective B, Existing Residential/Infill’. There are no specific local objectives for the site identified on the zoning or objective maps included with the Kill plan.

Map ref V2-1.5B also includes Objectives for Kill and details listed monuments at Kill Hill, KD020-001 and KD020-002.

Section 12.8 Archaeological Heritage identifies policies and objectives as they relate to archaeological heritage and protection.

Table 12.5 outlines National Monuments which are subject to Preservation Order in County Kildare, and includes an Archaeological Complex at Kill Hill, comprising the following listed monuments: KD019-010, KD019-056, KD019-057 and KD019-008004, these are mapped and located to the south of subject site. A Zone of Archaeological Potential also extends around these sites and others towards the centre of Kill Village.

Paragraph 1.5.7 of the Kill Small Town Plan sets out the principles governing the future development of the town. These include consolidating development within the town centre followed by the sequential development of land / sites in a logical progression from the town centre to the edge of the development boundary.

Paragraph 1.5.8.1 notes that the settlement strategy for County Kildare allocates a housing target for Kill of 422 units between 2011 and 2023. Residential development is identified as being accommodated on four sites, one of which is the site the

subject of this application. It is considered that having regard to the recommended 50% over zoning and to the extant permissions for residential development that the level of zoned lands is consistent with the Core Strategy.

Paragraph 1.5.8.5 of the Plan for Kill relates to water and wastewater and notes that future development may be impacted by limitations on the existing sewerage system and specifically the connection to the Osberstown WWTP.

Paragraph 1.5.8.8 relates to archaeology and notes the significant archaeological heritage in Kill. A zone of archaeological heritage has been identified and the subject site lies outside of this area. There are a number of other identified sites in close proximity to the site of the proposed development.

Chapter 17 of the plan sets out the relevant development management standards, there are guidelines in relation to housing, public open space and transport.

6.3. Applicant's Statement of Consistency

- 6.3.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. A Statement of Consistency with local and national policy has been submitted with the application.

6.4. Designated Sites

- 6.4.1. There are nine European sites within 15 kilometres of the site, the closest in proximity is Red Bog Kildare SAC (site code 000397). The site has the following features of interest - transition mires and quaking bogs.
- 6.4.2. An Appropriate Assessment Screening Report was submitted with the application, which concludes that the proposed development will have no significant impacts upon a Natura 2000 site. The report concludes no need to proceed to Stage II of the Appropriate Assessment process.

7.0 Observers Submissions

- 7.1. A total of 35 third party submissions have been received. The individual property owner and resident association submissions are summarised below. The majority of observers are residents of Earl's Court and collectively raise issues in relation to the unfinished condition of the overall estate, frustration at the way the lands were

rezoned, the proposed layout and design of houses, traffic generation, environmental issues and archaeology. The submissions are grouped by surname and general location in relation to the subject site. Submissions received are summarised as follows:

7.2. Elected Representatives:

Deputy James Lawless

Calls for the preparation of a Local Area Plan for Kill Village, in light of recent population growth, the increasing traffic volumes through the village and a need for a secondary school. The development should be phased as per the previous permission on the site. Construction should be properly managed. A creche should be provided. There should be a buffer zone extended from the N7 and sewerage capacity should be assessed.

7.3. Local residents and resident's associations:

Earl's Court Residents– Keyes, McNerney, Mulvaney, McNulty, Mulcahy, Long, Waller, Curran, Malone, Duane/Johnson, Bryan, Malone, Kelly, Molloy, Loughnane, Roche, Martin, McGarry, Lawler, Martin, Paul, Kessie, Miley, Byrne and Troy.

Principle of Development

Calls for the preparation of a Local Area Plan for Kill Village, in light of recent population growth, the increasing traffic volumes through the village and a need for a secondary school.

The proposed development will exceed the number of houses (402) planned for Kill Village by Kildare County Council.

The proposed development leap frogs existing zoned land closer to the village.

Existing services in Kill Village are already stretched. Transport services are limited in the area.

Layout

A Visual Impact Assessment has not been prepared by the applicant.

The design proposal is ill conceived and lacks any type of good urban design principles and retains nothing of beneficial elements such as mature trees and views of Kill Hill.

The proposed houses that will back onto existing houses along The Avenue will result in an invasion of privacy, because of the 3 metre height difference there would be impacts upon natural morning light and loss of views. A change in house design and orientation would fix these problems. Units 102-105 will impinge on privacy.

The proposed houses are of a different design and not in keeping with those already in Earl's Court phase 1 and 2. The layout of houses do not properly address The Grove/Green.

Specific design issues (similar in content) have also been raised in relation to the proposed development as they impact on 11 The Grove.

Traffic and Access

The vehicular entrance to the new development at the top of The Drive should be pedestrian only.

The entrance from Kill Hill should be removed from the proposal.

Traffic calming should be undertaken throughout the existing estate and a revised roundabout considered for the main entrance to Earl's Court. Proposed houses will not align with units 1-19 of The Avenue, this cause a traffic hazard.

There should be no direct access between the existing and proposed housing development and a green buffer provided between schemes.

The walkway at the top of The Green is not acceptable as it will be well used by the new residents.

No construction traffic should be allowed through the existing housing estate.

Existing Estate

The developer has failed to complete other developments and permission should be refused in accordance with section 35 of the Planning and Development Act.

Residents seek the completion of road works by the application of the 'final wearing course', so that roads can be taken in charge by Kildare County Council.

The development should be phased as per the previous permission the site. A creche should be provided.

There should be a buffer zone extended from the N7 (units 1-17 are proposed in this 90m zone) and sewerage capacity should be assessed.

Surface water and drainage matters should be assessed with particular regard to run-off from Kill Hill. The water pump at the entrance to Earl's Court should be removed.

Environment and Heritage

The Ecological Impact Assessment is not adequate. The new development will remove habitat for wildlife, deer, foxes and rabbit. A tree to be removed from the rear of 19 The Grove is a haven for bats and birds. Landscape proposals are not satisfactory and may present a health hazard. The retention of a ditch to the rear of The Avenue is not acceptable.

The archaeology of the area should be preserved, and the heritage status of the Village protected.

The new development should not be called Earl's Court, a different name should be proposed.

The application form has not been correctly answered with respect to quarrying, this has taken place on the site

Earl's Court Residents Association – Martin

The submission covers a lot of the issues already raised by other individuals and summarised above, additional issues include: uphill green areas will not be overlooked by houses, the proposed housing layout is at odds with the existing development and a lack of car parking. The submission is supported by photographs taken throughout the existing estate and of deer.

The Residents of The Green – Cusack and 15 signatories.

House 130, its driveway and pedestrian entrance to The Green is not acceptable. The pedestrian access to the development will impact upon the cul-de-sac nature of The Green, by way of reduced security and safety, attract anti-social behaviour, litter, noise and a safety assessment should be carried out on the pedestrian access design. The architectural design and siting of unit 130 is out of character with adjacent properties and could lead to drainage issues. Concerns that hedgerows will be removed adjacent to the school.

Frustration at the unfinished nature of Earl's Court housing development over the last 20 years. Clarification required in relation to the consent given by the owner of 16 The Green, for works to be carried out.

In addition, separate letters from Cusack/Flood, O'Rourke and Anderson amplify issues raised in the signed petition from residents of The Green, including: obligation to provided passive supervision of the pedestrian link, the turning space will become a parking area and create problems for bin lorries and emergency vehicles. Given the height difference between unit 130 and The Green, there will be drainage problems and damage to property. Other concerns relate to a majority of the issues (wildlife, sewerage infrastructure, creche, estate name) raised by other residents in relation to the impact on Earl's Court.

Straffan – Stagg

In addition to the issues raised by local residents, the observer raises issues as follows: there is no need for additional cycle tracks as the recent Part 8 Naas to Kill Cycle Scheme was passed and there has been no public consultation in relation to opening up pedestrian linkages.

I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report was received by An Bord Pleanála on the 26 February 2018. The report states the nature of the proposed development, the site location and details the relevant Development Plan policies. The report also included a brief summary of the 35 submissions received from interested parties.
- 8.2. A summary of the views of relevant elected members as expressed by the Naas Municipal District Committee Meeting, is outlined as follows:
 - The absence of a creche in the proposed development was queried.
 - Pedestrian and cyclist permeability into the estate was queried.
 - The issue of proposals for speed ramps in the existing estate was also raised.
- 8.3. The following is a summary of issues raised in the assessment section of the report:

- Principle of Development – given that the site is zoned for new residential and the existence of a previous planning permission (121 units), no objection is raised in relation to the development or the previously permitted entrance points.
- Density – Chapter 4 of the Kildare County Development Plan sets out the design parameters and appropriate residential density for the area. The site is located on the periphery of Kill Village and in the proximity of a recorded monument. The proposed density is low and may be further reduced given the concerns of the Development applications Unit.
- Population and core strategy – the development of 123 dwellings would accord with the population and housing targets set for Kill.

The planning authority report concludes that the proposed development should be permitted for houses 1-32 only and the redesign of the overall layout, due to the archaeological sensitivities of the site.

8.4. The planning authority's conclusion considers the proposed development to be consistent with the relevant objectives of the County Development Plan. In accordance with the requirements of section 8(5)(b)(ii) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions.

8.5. A total of 16 conditions are recommended should permission be granted. Of note is: Condition 2 refers to the permission for houses 1-32 and a small area of open space only and requires further consultation with Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht.

Other standard conditions relate to boundary treatment, public open space, technical road standards, management of construction works, waste management, noise management, and financial contributions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water (IW),
- Transport Infrastructure Ireland (TII),
- Inland Fisheries Ireland,
- Department of Culture, Heritage and the Gaeltacht,
- The Heritage Council,
- An Taisce

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 21 December 2017. Irish Water (IW), Transport Infrastructure Ireland (TII), Inland Fisheries Ireland and the Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU), provided submissions and a summary of their comments is included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.
- **Transport Infrastructure Ireland (TII)** the proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment. In addition, regard should be had to Chapter 3 of the Spatial Planning and National Roads Guidelines.
- **Inland Fisheries Ireland**, there are very important fisheries in the local rivers. All works should comply with the construction management plan (CMP) submitted with the application. Foul and surface water infrastructure must have adequate capacity to accept the predicted volumes from the development. Best practice construction methodologies must be used to ensure the integrity of surface waters (streams, rivers). Any discharges must be minimised but in any case comply with the relevant surface water regulations.
- **Department of Culture, Heritage and the Gaeltacht** Development Applications Unit (DAU) state the nature and extent of archaeologically important sites in the vicinity of the site. Specifically, Recorded Monument – KD020-001-003, formerly enclosure/ring barrow/tumulus has been reclassified

as a Hillfort. Consequently, the archaeological mitigation measures recommended by the applicant are based on information previously available. The DAU recommend site layout changes so that no groundworks or landscaping take place within an expanded buffer zone that takes into account the new status of the archaeological feature (shown on map attached). Other conditions are recommended to ensure the buffer zone is not compromised during construction and that the amenity of the hillfort is maintained.

No comments were received from The Heritage Council or An Taisce.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by observers under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of development
- Density
- Archaeology
- Layout
- Residential Amenity
- Traffic and Transport
- Childcare and Part V Social Housing Provision
- Infrastructure
- Environment
- Procedural Issues
- Appropriate Assessment

10.2. **Principle of Development**

10.2.1. The majority of the subject site is located on lands that are zoned 'C – New Residential'. A small portion that adjoins The Green and provides a private entrance to unit 130 and a pedestrian linkage is located on land zoned 'B – Existing Residential/Infill'. The proposed development comprises entirely residential units and so therefore accords with the zoning objective for the lands concerned.

10.2.2. Observers have raised concerns with regard to the way by which the subject site was rezoned. The matter of land use zoning is a function of the County Council and

beyond the scope of this assessment. I note that the planning authority are supportive of the principle of the development and are satisfied it accords with the land use zoning for the area.

10.2.3. There are some limitations to the development of the site and these primarily concern the proximity of archaeological features. Despite the archaeological constraints, the proposed development notes the relevant archaeological objectives contained in the County Development Plan for Kill. The provision of residential development is considered acceptable in principle on the site and generally in accordance with the zoning objectives for the area.

10.3. **Density**

10.3.1. Net residential density is stated as 26 dwellings per hectare. The planning authority identify the site as outer suburban/greenfield lands in the context of the Sustainable Residential Development in Urban Areas guidelines. The planning authority note that a residential density of 30-50 per hectare should be provided, but state that given the site context 20 units per hectare is acceptable.

10.3.2. The population of Kill is 3,348 (CSO 2016). The proposed development is located on lands that would in my opinion, be classified by the Sustainable Residential Development in Urban Areas as 'edge of centre' or 'edge of small town' and that residential densities of 20-35 dwellings per hectare is appropriate. These densities are qualified by a number of factors such as: achieving a successful transition from central areas to the edge of a small town and include a variety of house types or as alternatives to urban generated housing.

10.3.3. The proposed development is in the mid range of residential densities that can be considered in small towns and villages. The proposed development of 130 units broadly complies with Chapter 6 of the guidelines and the land use zoning objectives of the core strategy of the Development plan. Therefore, the proposed residential density of 26 units per hectare is appropriate.

10.4. **Archaeology**

10.4.1. Kill is rich in archaeological heritage and this is evidenced by the abundance of archaeological designations in the area. With reference to the subject site a number of important archaeological features are indicated on the Kill Objectives Map (Map Ref: V2-1.5B), Volume 2 of the County Development Plan. These features present

significant issues for the development of the site. A number of observers have raised issues about the impact of the development on the archaeological heritage of the area and specifically, Kill Hill. The planning authority have echoed the issues raised by the Development Applications Unit (DAU) of the Department of Culture, Heritage and the Gaeltacht, and recommend a grant of permission subject to the omission of a majority of the proposed development and further consultation with the DAU.

- 10.4.2. The applicant has prepared an Archaeological Heritage Report (dated December 2017), informed amongst things, by the advice received from the Kildare County Council Heritage Officer concerning the archaeological integrity of Kill Hill. The report provides an update of previous material prepared in relation to the subject site and the previous planning application, PA reference 06/1091 refers. The proposed layout, landscaping plan and construction management plan have all been informed by the recommended buffer zones with respect to the information known at the time and contained in the Kildare County Development Plan maps.
- 10.4.3. The Board should note that archaeological issues were raised during the section 5 Pre-Application Consultation process with An Bord Pleanála and specifically with regard to Kill Hill. In addition, given the archaeological sensitivity of the site, under section 6(10) of the 2016 Act the contents of the Pre-Application Consultation Request were referred to the Chief Archaeologist of the National Monuments Service for their observations. The National Monuments Service replied and confirmed that the material submitted by the applicant was sufficient but that they reserved the right to make further comments should an application be made.
- 10.4.4. The Development Applications Unit (DAU) have submitted a detailed report and map that outlines their concerns with regards to the archaeological potential of Kill Hill. Of significance, is the Archaeological Survey of Ireland's reclassification of the monument at Kill Hill from an enclosure/ring barrow/tumulus to a hillfort. The DAU state that the buffer areas to the hillfort suggested by the applicant are less than would be routinely applied to a Recorded Monument and far less than would be recommended at a monument of this type, extent, antiquity and importance in close proximity to a national monument subject to a Preservation Order (motte & bailey, fulacht fiadh and enclosures).

- 10.4.5. The DAU unambiguously highlight the importance of Kill Hill, its reclassification as a hillfort, the location of a national monument subject to a Preservation Order and outline the measures that should be taken for protection. The measures recommended are extensive and include a significantly expanded buffer zone, in which no development or ground disturbance should take place, including any landscaping. The revised buffer zone now extends between 36 and 62 metres into the subject site from the existing eastern and southern field boundaries, and represents a significant obstacle to development.
- 10.4.6. I note that there are no formal Section 28 guidance documents in relation to archaeological features. In addition, there is limited advice in relation to the wider implications of archaeological and historic landscapes generally other than 'Framework and Principles for the Protection of the Archaeological Heritage', published in 1999. In my opinion, the wider archaeological and historic landscape of Kill has been eroded by the urban expansion of the village, upgrades to the N7, the zoning of land for development and the advancement of housing towards the boundaries of recorded monuments. It is in this context that I advise a cautionary approach to the assessment of development for the subject site. I broadly concur with the DAU's call for an alteration to the site layout and further measures to ensure that archaeologically monitoring occurs outside zones of archaeological potential.
- 10.4.7. The archaeological landscape has remained unchanged in the vicinity of the site. However, the archaeological classification of the area has altered. The hillfort buffer zone (zone of notification) referred to by the DAU can be viewed on the Department's Historic Map Viewer and has also been illustrated on a map prepared by the DAU and differs significantly from those maps submitted by the applicant. Applying the constraints outlined by the DAU with reference to the expanded buffer zone, I calculate the omission of 27 housing units. However, this will leave a fractured layout, disjointed street network, and large unsupervised public open spaces. I do not recommend this course of action to the Board. In my mind the simplistic removal of houses, streets and landscaping within the buffer zone is not ideal and fails to address the holistic design approach advocated by the Sustainable Residential Development in Urban Areas guidelines. Furthermore, a more thorough understanding of the archaeological context may result in a layout and landscaping proposal that could be accommodated across the entire subject site.

10.4.8. The site can and should be reconfigured, however, this must be done in conjunction with a revised archaeological assessment based upon new information. The proposed layout is broadly similar to a previous permission for the site and in my opinion the interface of the proposed development with The Green, The Grove and The Avenue raises no issues with regard to the residential amenities associated with the Earl's Court estate. Specifically, units 1-32, 59-72 and 100-130 pose no adverse amenity impacts to existing property. From a procedural perspective, the removal of all development within the DAU's recommended buffer zone would constitute a material amendment to the overall scheme and leaves too many unresolved issues. Even if all development that backs onto the existing Earl's Court estate were to remain, it would require the complete redesign of a large proportion of the site, a task that cannot be achieved by condition alone. However, units 1-32 have no impact upon the archaeological potential of the site, the planning authority take this view too. In addition, drawing number 1715-103 (Drainage Layout) indicates that water services, including Underground Attenuation Tank 1 can be provided without impacts to archaeological buffer zone outlined by the DAU.

10.4.9. The archaeological constraints of the site were given serious consideration by the applicant and included consultation with the Kildare County Council Heritage Officer. The archaeological issue was carefully considered during the Pre-Application process, to the extent that the National Monuments Service were consulted. The reclassification of Recorded Monument KD020-001-003 has however, raised serious issues that have a material impact on the development and cannot be addressed by condition. Therefore, I consider that permission should be granted for a portion of the development, namely; units 1-32 inclusive and that permission be refused for the balance of development including all road infrastructure and open space. In the interests of clarity, the Board may wish to append the DAU report to the decision. Consideration of the balance of the site would be a matter for a further planning application, not necessarily one made under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.5. **Layout**

10.5.1. Open space – In broad terms the quantum and approach to public open space is good. Houses front onto and overlook public open spaces. However, the interface between houses, road and slope has not been reconciled well in all cases. I find that

the perimeter road and shared surface street interface with the public open space and Kill Hill results in a banked cut into the hill. This is illustrated by cross section drawings prepared by the applicant; such as 'shared surface detail' drawing 00.129.PD207. The majority of public open spaces are provided by level access, therefore, I do not consider that the presence of banked slopes in some locations as completely unsatisfactory.

10.5.2. A 110kV overhead powerline crosses the northern portion of 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. In addition, the applicant has submitted a correspondence from ESB International (dated 8 December 2017), that confirms that a 20 metre separation distance from the 110kV centreline is acceptable. In this context, I find that the clearance distances shown on the layout plans have been adhered to and are therefore adequate. The applicant has submitted a landscape design which outlines areas of public open space. A linear portion of open space is located in the northern section of the site, and aligns with the route of the powerline. 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 however, 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 gardens, I am satisfied that the provision of public open space is broadly acceptable from an amenity perspective.

10.5.3. There are however, some minor issues that require adjustment in terms of public open space and layout. Public open space 02 between unit 09 and 24 is of no consequence in a scheme with large quantities of open green areas and could be incorporated into private garden space. The proposed public path through open space 04 originates from shared surface street, that is acceptable. However, the pathway meets the local street with no apparent pedestrian facilities, this should be resolved.

10.5.4. Road Hierarchy – The applicant has shown a site that is connected to the wider street network in three places. The main streets are detailed at 5.5 metres in width and shared surface streets range between 3.7 and 4.8 metres in width. The road dimensions are broadly in accordance with the Design Manual for Urban Roads and

Streets (DMURS) and therefore acceptable. I note that the limited width of 3.7 and 4.1 metres refers to a road narrowing and speed restriction measure. The corner radii at the two junctions with The Avenue have been designed to mirror the existing pattern of road development in the Earl's Court estate. In my view, this is an error and corner radii should comply with DMURS.

10.5.5. In broad terms the road layout is satisfactory, however, there are minor issues that require adjustment. The link street that divides public open spaces 04 and 05, has no footpaths. This can be resolved by design changes that take into account the proposed pathway through public open space 04. Specifically, that the footpath should originate where shared surface is planned and terminate where footpath facilities should be provided.

10.6. Residential Amenity

10.6.1. Future occupants – The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. House types J and K (one bedroom maisonette) exceed both the best practice guidelines and Sustainable Urban Housing: Design Standards for New Apartments in terms of internal floor area and private amenity space. In terms of all other dwellings, the minimum private open space requirements of table 17.5 of the Development have been met or exceeded. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

10.6.2. Existing Amenity - Residents of The Avenue and The Grove on the eastern side of Earl's Court have raised issues about the proposed development to the rear of their properties; loss of privacy, daylight and loss of views are the main concerns. In this context, I note that the subject site rises gently upwards from the rear boundaries of

existing properties. Consequently, the proposed two storey houses will be set at a slightly higher level, views 6 and 7 on drawing number 00.129.PD205 indicate a difference in finished floor levels of between 2.4 and 2.6 metres. Specific concerns have been raised in relation to house type B (detached) on plot 103. The proposed detached unit sits on a platform approximately 1.6 metres above number 16 The Green and separated by approximately 4 metres. Given the gable wall separation distances involved and the scale of the change in level, I do not anticipate any significant loss of amenity.

10.6.3. I find that the separation distance of 22 metres between opposing above first floor windows set out in the County Development Plan has in all cases been maintained by the applicant. When combined with separation distances between dwellings of greater than 22 metres, I do not anticipate any significant loss of residential amenity to existing properties from overlooking, overshadowing or overbearing appearance.

10.6.4. I note that observers have raised issues in relation to the proposed development in terms of the layout, specifically at the vehicular entrances along The Avenue. In addition, concerns are raised in relation to the design of the proposed houses as unsympathetic to existing dwellings in Earl's Court. Finally, there are strong feelings that the name of the new development should not be related to Earl's Court in any way. Whilst the concerns of existing residents towards new development is mixed, I can find nothing specifically out place in terms of house design and general layout. Furthermore, the name of the estate, should permission be granted is a matter for the planning authority in accordance with Development Plan policies concerning the naming and advertising of new developments.

10.6.5. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the existing residential amenities associated with the existing Earl's Court housing estate.

10.7. **Traffic and Transport**

- 10.7.1. Observers have raised concerns about the proposed development and the generation of additional traffic. In addition, video footage submitted by one observer shows high volumes of traffic, particularly at the entrance to Earl's Court.
- 10.7.2. Firstly, I note that issues in relation to traffic and transport were not raised by the planning authority. I do note, however, that a previous permission was granted by the planning authority with a road layout that resembles the current proposal. Specifically, three vehicular entrances are located in the same position as before and the quantum of development is broadly similar. The applicant has prepared a Transportation Assessment and a Traffic and Transportation Statement. The reports conclude that the proposed development will have an unnoticeable impact on the established road network and the parking provision and planned pedestrian accessibility measures ensure a sustainable development. The site is suburban in context, is residential in nature with in-curtilage parking, is very low density and provides a layout that adheres to a strict road hierarchy. In addition, there are a number of vehicular and separate pedestrian access points. All of these factors serve to support the principle of development at this location, and I see no adverse impacts to the road network in the area as a direct result of the quantum of development proposed or the design of the road layout.
- 10.7.3. A number of observers raised an issue with the establishment of a 90 metre buffer zone from the N7 to be maintained free from development. Table 17.8 of the County Development Plan highlights building lines from public roads and sets a buffer of 91 metres from a motorway and National Primary road. This is however clarified by the statement that the determination of building lines will be informed by the historic urban grain of the area. In that context, I see no reason to maintain a 91 metre buffer zone in an area where development already exists.

10.8. **Childcare and Part V Social Housing Provision**

- 10.8.1. Childcare - The applicant has prepared an Assessment of Childcare Provision in Kill, in support of their application. The report concludes that owing to the existing, vacant and planned crèche facilities in the area; it is not necessary to provide an onsite creche. In addition, the report states contact with the Kildare County Childcare Committee and reference is made to a 2016 county wide childcare local needs

analysis. The study identified an undersupply of approximately 60 early years pre-school places in Kill.

10.8.2. The planning authority raise no particular issue with regard to childcare provision and have no recommendations on this matter. I have considered the proposed development in the context of the Childcare Guidelines and note that the quantum of development would generally require the provision of such facilities. I note too, the content and conclusions of the Assessment of Childcare Provision prepared by the applicant. Given the scale and characteristics of the housing development proposed and the availability of existing facilities in the area, it is acceptable that no dedicated childcare facilities are to be provided on the site.

10.8.3. Part V Provision – The applicant has proposed 13 dwelling units, comprising: 2 three bedroom houses, 7 two bedroom houses and 4 one bedroom maisonettes. This broadly accords with the requirement to provide 10% social housing. The Council's Housing Department have submitted that the applicant has been liaising with them in relation to Part V obligations. The proposed location of the social housing units are spread throughout the development and provide a mixture of one, two and three bedroom houses. I note that the planning authority have not raised issues in relation to the provision of Part V housing, in any event the matter can be resolved by condition as necessary.

10.9. **Infrastructure**

10.9.1. Observers have raised concerns with respect to the inadequate sewerage capacities in the area and the impact of surface water drainage problems. The applicant has submitted relevant reports and drawings with respect to water service infrastructure. The planning authority have raised no issues in relation to water services. In addition, I note that Irish Water (IW) confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. In the context of submissions received and the information contained in the application, the proposed development can be satisfactorily serviced subject to technical conditions.

10.10. **Environment**

10.10.1. A number of observers have raised issues in relation to the loss of wildlife should the development proceed. The applicant has lodged an Ecological Impact

Assessment with the application. The report identifies that the site has the potential to support a varied spectrum of wildlife, including bats and badgers. Mitigation measures are proposed during the construction phase and ultimately the report concludes that species will adapt to the suburban environment as it matures.

10.10.2. I note the concerns raised by observers; during my site visit I observed deer and rabbits on the subject site. In terms of the content of the Ecological Impact Assessment and its findings, I note its limitations with respect to the time of year when surveys were carried out and the mitigation measures proposed. However, I consider that though the findings are pragmatic a more balanced outcome could be achieved with respect to ecological impact of the development. Specifically, mature hedgerows could be retained at appropriate locations and augmented with additional planting. This may require a reconfiguration of the site layout in tandem with the findings of the Aboricultural Assessment submitted with the application.

10.11. Procedural Issues

10.11.1. Observers have raised issues in relation to the legal consent of landowners to the making of an application and public notices. The applicant has declared a legal interest in the majority of the subject site and includes letters of consent for the remainder of the site. The application was made and advertised in accordance with requirements of Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the accompanying regulations, no further action is required in relation to validity of the planning application.

10.12. Appropriate Assessment

10.12.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated December 2017, that concludes significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any Natura 2000 sites.

10.12.2. I note the suburban edge of town location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

11.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

11.2. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the units 1-32 (inclusive) and associated water services infrastructure development, for the reasons and considerations and subject to the conditions set out below and REFUSED for units 33 to 130 (inclusive) including public open space, roads/footpaths and water services infrastructure, for the reasons and considerations set out below.

12.0 Reasons and Considerations (1)

Having regard to the site's location at the edge of Kill on lands zoned Objective C - New Residential and Objective B - Existing Residential/Infill in the Kildare County Development Plan 2017-2023; to the Rebuilding Ireland Action Plan for Housing and Homelessness; 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 wider area, to the submissions and observations received and to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') (2009) and the Design Manual for Urban Roads and Streets' (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.

13.0 Conditions

1. (a) The development of units 1-32 (inclusive) and associated water services infrastructure shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

(b) The development of units 33-130 (inclusive) shall not be carried out for the Reasons and Considerations set out in Reasons and Considerations (2) below.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The developer shall facilitate the protection of archaeological materials or features which 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) submit to and agree in writing with the planning authority revised proposals for the design of units 1-32 (inclusive) and associated water services infrastructure, which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance,
- (c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (d) 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.

3. 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.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. 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.

Reason: In the interest of residential and visual amenity.

6. 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.

Reason: In the interest of public health and to ensure a proper standard of development.

7. 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.

8. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interests of amenity and public safety.

9. 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.

10. Details 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.

11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge

Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 amenities of property in the vicinity.

13. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This 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.

Reason: In the interest of orderly development and sustainable waste management.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

15. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

16. 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.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the

developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

14.0 Reasons and Considerations (2)

With specific reference to the correspondence and accompanying map dated 01 February 2018 received by An Bord Pleanála from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht regarding the re-classification of Recorded Monument KD020-001-003 from enclosure/ring-barrow/tumulus to hillfort and the resultant expanded buffer that corresponds with the area of archaeological potential around the hillfort and the archaeological complex to the south comprising sites and monument numbers KD019-010, KD019-056, KD019-057 and KD019-008004 protected by Preservation Order number 3 of 2007 published by the National Monuments Service. It is considered that the archaeological significance of the site is such that any development of the site in advance of a comprehensive archaeological assessment, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

20 March 2018