



An
Bord
Pleanála

Inspector's Report ABP311751-21

Development	Demolish car showrooms and associated shed. Erect 10 terraced houses, 65 apartments in 3 blocks and associated works.
Location	Kelly's Garage, the Harbour, Kilcock, County Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	21/1121
Applicant(s)	Dermot Kelly Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Dermot Kelly Limited
Observer(s)	None.
Date of Site Inspection	18 th November 2022.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site is a brownfield site, has a stated area of 1.19ha and is the last build-up element of Kilcock to the east towards Maynooth. Along the southern boundary is the R148 Kilcock/Maynooth regional route and on the other side of this is the Royal Canal. The site tapers to a point at its eastern end. The northern boundary adjoins the Rye River and this boundary is largely defined by thick bramble hedge. The north-western boundary addresses the rear of a Lidl supermarket. There is a gym in the western end of the site and the former Ford car dealership business is towards the eastern end. There's a large open area for parking between these buildings and on the northern boundary is another outbuilding/shed.
- 1.2. Of note is the triangle of County Meath land included in the application site and subject to the concurrent appeal under ABP311937-21. This anomaly arises from a change in the course of Rye River some decades ago which left 0.05ha of County Meath's administrative area south of the realigned river.

2.0 Proposed Development

- 2.1. Demolish car showrooms and associated shed, construct 10 terraced houses, 65 apartments in 3 three/four storey blocks (21 one bed units, 40 two bed units, 4 three bed units), provision of a single vehicular access, two bin storage areas, car and bike parking, ESB substation, relocation of electricity poles, undergrounding of electricity wires, telecoms infrastructure and solar panels at the roof levels of the apartment blocks, all landscaping, boundary treatment and associated works at Kelly's Garage, the Harbour, Kilcock, County Kildare (part of the site is within County Meath and a concurrent application is made to that planning authority).

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for 6 reasons.

1. The proposed development is single use and unsuitable design at an important entrance to Kilcock town. The proposed development would

conflict with the zoning provisions of the Kilcock Local Area Plan, policies SK10, QH4 and RE17 of the LAP and section 15.4.2 of the Kildare County Development Plan.

2. The scale, height, bulk and massing particularly of blocks B and D without active street frontage would be overly dominant and overbearing in the streetscape, have a negative visual impact on the public domain, comprise an unsuitable treatment for the Maynooth Road/R148 and be contrary to Objectives SKO12 and SK016 of the Local Area Plan.
3. The location and dominant appearance of carparking within the site is contrary to the provisions of Policy SK16 of the Kilcock Local Area Plan.
4. The proposed development would conflict with the policy GK26 in the Kilcock Local Area Plan in so far as it would interfere with views/prospects to and from the Rye River Water and the Grand Canal.
5. The proposed development would conflict with Policy GK 24 of the Kilcock Local Area Plan in relation to the conservation of river corridors.
6. The application has not demonstrated to the satisfaction of the planning authority that the proposed development would not adversely affect the integrity of the Rye Water SAC.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the Manager's order.

3.2.2. Other Technical Reports

3.2.3. Irish Water reported no objection subject to conditions.

- 3.2.4. **Water Services** reported no objection subject to conditions.
- 3.2.5. **Transport Department** sought further information in relation to internal road design standards, size of parking spaces being proposed, loading bays, access to the R148, submit a road safety audit and a construction management plan for the construction phase of the development.
- 3.2.6. **The Chief Fire Officer** sought details of compliance with TGD in relation to access for emergency vehicles.
- 3.2.7. **The Environmental Health Officer** stated that not all the apartments met the Sustainable Urban Housing Standards for Apartments 2018 minimum storage provisions.
- 3.2.8. **Housing Section** raised questions in relation to the design quality of units. All units should have independent external access and no shared circulation, units A-1-1 and C-1-3 are single aspect and north facing, individual bin storage should be provided. The unit mix is acceptable.

4.0 **Planning History**

- 4.1. 19/1264 permission granted for demolition of demolition of former car showrooms and associated shed on site.
- 4.2. Meath County Council reference 21/1659/ ABP311937-21 for 3 houses on part of the overall former car sales/showrooms.

5.0 **Policy and Context**

- 5.1. **Project Ireland 2024/National Planning Framework.**
- 5.2. The NPF addresses the issue of making 'stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.
- 5.3. **National Policy Objective 13** – In urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve

targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- 5.4. **National Policy objective 33** – seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.5. **National Policy Objective 35** – Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.
- 5.6. **Eastern and Midland Regional Spatial and Economic Strategy (RSES)**. Is the relevant regional strategy for the area.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartments Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

- 5.7. **Sustainable Residential Development in Urban Areas Guidelines for planning Authorities (2009)** encourages higher residential densities in new development in towns and cities, areas close to public transport facilities and areas served by public services and community families.
- 5.8. **The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG/OPW 2009)** seeks to ensure that planning authorities in

carrying out their functions ensure that, where relevant, flood risk is a key consideration in preparing plans and in the assessment of planning applications.

5.9. **Development Plan**

5.10. **Kildare County Development Plan 2017-2023** is the relevant County Development Plan for the area. The plan includes objectives in relation to the location and design of new housing development.

5.11. LDO 1 Ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

5.12. LDO 3 Require higher residential densities at appropriate locations as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

5.13. LDO 4 Recognise that lower densities /serviced sites in certain towns and villages may be considered on serviced land where the demand for the development of single houses in the rural area is particularly high.

5.14. **Section 15.4.2 Brownfield Lands**

Previously developed lands often comprising 1970s industrial estates, factory buildings or storage facilities, former religious buildings or military barracks constitute brownfield sites. They are frequently located in or immediately adjacent to town and village centres comprising low-density low-grade architecture and will be identified as part of the review of Local Area Plans. The intensive use of these lands through new developments presents opportunities to create sustainable urban quarters with a mix of uses, creating compact neighbourhoods with pedestrian orientated streets.

5.15. The **Kilcock Local Area Plan 2015-2021** is the current LAP for the area and the relevant provisions are as follows;

5.16. SK 10 To promote the development of streets and public spaces which are of consistently high quality, and which deliver vibrant, attractive, and safe places for the community to enjoy.

- 5.17. QH 4 To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm, and residential amenities.
- 5.18. RE 17 To ensure that proposed large commercial developments where appropriate would incorporate retail, residential, employment and entertainment/cultural uses in order to ensure a mix of daytime and evening time activity to add to the vitality of the town centre.
- 5.19. SKO 12 To improve the environmental quality of the entrances to the town.
- 5.20. SKO 16 To transform the Maynooth Road into a generous tree lined boulevard.
- 5.21. SK 16 To ensure that any future development along the entrances and approaches to the town provides is so far as possible car parking to the rear of the buildings. Where this cannot be facilitated the developer will be required to provide landscape proposals which show how the visual impact of the car parking can be mitigated.
- 5.22. GK 24 To conserve and protect riparian (beside rivers) corridors new development will not be permitted within a minimum of 10m from either side of all watercourses measured from the top of the bank, apart from in exceptional circumstances, in order to provide:
- Visual amenity of the river.
 - Public space and access.
 - Public walkway / cycleway / lighting.
 - Spaces to allow for the conservation and enhancement of landscape features, such as tree coverage.
 - Spaces to conserve and enhance biodiversity capacity.
- Redevelopment shall seek to create riparian buffer strips of at least 2.5m, along either side of all watercourses measured from the top of the bank. Riparian buffers have the greatest potential to control environmental damage, reduce flooding potential and provide habitats.
- 5.23. GK 26 To preserve views and prospects to and from the River Rye Water and the Royal Canal and to ensure that further development along either of the water systems does not affect the quality of either the scenic viewpoint or the waterways

amenity. New development adjacent to the riverside amenity area shall be restricted where such development could present a negative visual effect or negatively disrupt the vistas available.

5.24. Policies: Natural Heritage Areas

5.25. It is the policy of the Council to: NH 7 Contribute towards the protection of the ecological, visual, recreational, environmental and amenity value of the county's Natural Heritage Areas and associated habitats.

5.26. Natural Heritage Designations

5.27. Table 13.2 in the Kildare County Development Plan 2017-2023 lists the Natural Heritage Areas in the county and this table includes the Royal Canal. It is a policy (policy NH 7) to contribute towards the protection of the ecological, visual, recreational, environmental and amenity value of the county's Natural Heritage Areas and associated habitats. The Royal Canal is to the south of the application site on the opposite side of the R148. Having regard to this location, the availability of public piped services to serve the proposed development and having regard to the other factors considered elsewhere in this report I am satisfied that the proposed development will not negatively impact on the ecological, visual, recreational, environmental and amenity value of the Royal Canal NHA.

5.28. EIA Screening

5.29. The proposed development is within a class but significantly below the threshold for triggering the requirement for submission of an EIAR and carrying out EIA. The relevant class is 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, which requires the submission of an EIAR in relation to applications for the construction of more than 500 dwelling units. Having regard to the nature of the site as a brownfield site within the build-up area of a town, the availability of public water supply and sewerage facilities, the nature of other foreseeable emissions therefrom and the factors set out in Schedule 6 of the regulations I am satisfied that submission of an EIAR and carrying out of an EIA is not required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

- The site complies with the LAPs town centre zoning objective where residential development is permitted in principle. Additionally, the County Development Plan (Table 4.1) town centre/brownfield sites as being appropriate locations for new residential development. There is a high rate of retail vacancy in Kilcock – additional retail space on this site would remain unoccupied.
- The existing site is an underused brownfield one. Contrary to the view of the planning authority the proposed development represents strong urban design response to the site location and the landscape plan submitted with the application provides a roadside treatment that complies with LAP objective SK 12 to enhance the Maynooth Road entrance to the town.
- In relation to parking provision it must be noted that the site is relatively restricted, and every effort has been made to place most of the parking towards the rear of the site. The visual impact of car parking will be mitigated by landscaping and tree planting.
- In relation to unacceptable visual impact on the river it should be noted that the application maintains a buffer along the Rye River, a public footpath, planting and landscaping. In relation to views from Shaw bridge along the royal canal the applicant includes a photomontage which demonstrates that no adverse impact will occur arising from the proposed development.
- In relation to conserving the riparian corridor the application and had regard to LAP policy GK24 which requires a 10m buffer but recognises that redevelopment projects may be acceptable with a buffer of 2.5m. The present application provides such a strip.
- Finally in relation to the planning authority's concern in relation to the impact of the proposed development on the Rye River SAC European site and the absence of a Construction Environmental Management Plan the appeal includes these documents. The NIS concludes that with implementation of

mitigation measures that the proposed development will not result in direct, indirect or cumulative impacts that would adversely affect the qualifying interest of any Natura 2000 site.

6.2. **Planning Authority Response**

- The scheme presented at pre planning consultations was significantly different to the scheme applied for.
- The planning assessment carried out by the planning authority had regard to the provisions of the Kildare County Development Plan and the Kilcock LAP.
- The Board may note that there is a concurrent application for that piece of Meath that crosses the adjoining Rye River.

6.3. **Observations**

- None

6.4. **Further Responses**

Meath County Council commented that it had no submissions to make.

7.0 **Assessment**

7.1. This assessment will consider the first 5 refusal reasons in sequence. Refusal reason 6 referencing Rye Water SAC will be considered under the heading of Appropriate Assessment.

7.2. **Town Centre Zoning – Reason 1.**

7.3. The site is zoned A for town centre uses on map 15 attached to the LAP¹. The objective is “to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use” and “the purpose of this zone is to protect and enhance the special character of Kilcock town centre and

¹ The LAP has not been replaced.

to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to town centre”.

- 7.4. The site is relatively small – just over a hectare and at this scale it is doubtful that a mix of uses which would both be economically viable and compatible with the somewhat awkward site configuration would be a preferable use of the site. I conclude on this basis that the proposed development does not materially contravene the zoning objective for the site set out in the Local Area Plan.
- 7.5. The planning authority references LAP policies SK 10 “to promote the development of streets and public spaces which are of consistently high quality and which deliver vibrant, attractive and safe places for the community to enjoy” and QH 4 “to encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities”. The layout is not inimical to visual amenity and having regard to the location of the site on the eastern approach to the town I consider that two four storey residential blocks are required to provide a strong edge to the urban area.
- 7.6. The first refusal reason also references the Kildare County Development Plan policy 15.4.2 that previously developed lands (brownfield lands) on the edges of towns and villages can offer opportunities to create sustainable urban quarters with a mix of uses, creating compact neighbourhoods with pedestrian orientated streets. The site is close to and within walking distance of the town centre. Having regard to the relatively high density being achieved (about 62.5 units/ha), the site’s proximity to the town centre, and the adjoining retail use I conclude that the proposed development will contribute to the vitality and viability of Kilcock town centre and achieve residential densities that comply with the County Development Plan objective and the advice in the Sustainable Residential Development in Urban Areas Guidelines.
- 7.7. **Urban Design – Reason 2.**
- 7.8. The planning authority’s second refusal reason references the proximity of blocks B and C to the footpath and a resulting over-dominance within the street scape such as would contravene LAP objectives SKO 12 “to improve the environmental quality of the entrances to the town” and SKO 16 “to transform the Maynooth Road into a

generous tree lined boulevard". The current site is a poor introduction to the Kilcock town from Maynooth. The provision of three or four storey residential blocks will provide an edge to the site along the public road and give definition to the end of the urban area as it transitions into the rural belt between Kilcock and Maynooth. Anything lower (say single or two storeys) would not achieve that definition. Having regard to the contiguous elevations illustrated on drawing number 103 submitted with the application I conclude that the street frontage is acceptable and represents a significant improvement on the existing urban form on this edge of town site.

7.9. There are several competing objectives within the site - it is necessary to achieve a form of development which is economically viable and a residential density that meets advice set out in the Guidelines in relation to achieving higher residential densities in urban areas, provide a landscaped buffer along the river at the rear of the site as required elsewhere in the LAP and provide a street/edge along Maynooth Road. I note the landscape masterplan (see Bernard Seymore Landscape Architects drawings on file) in the context of the LAP objective to create a tree lined street along Maynooth Road. I consider that this landscape plan and the distribution of elements within the site is a reasonable form and layout of development which does not materially contravene the objectives of the Local Area Plan referenced by the planning authority.

7.10. **Carparking – Reason 3**

7.11. The planning authority took the view that the location and dominant appearance of carparking within the site would be contrary to the provisions of Policy SK16 of the Kilcock Local Area Plan which seeks "to ensure that any future development along the entrances and approaches to the town provides is so far as possible car parking to the rear of the buildings. Where this cannot be facilitated the developer will be required to provide landscape proposals which show how the visual impact of the car parking can be mitigated".

7.12. The proposed development has 4 basic elements, the terraced houses at the western end, a three-storey block A set back from the roadside edge into the site and block B and C that are 4 storeys and close to the inside of the public footpath. Three of these elements, the terraced houses and blocks B and C, provide an edge along the Maynooth Road. It may have been preferable to bring block A forward, but

it is set back into the site with two rows of car parking between its front façade and the Maynooth Road. I consider that the landscaping will soften the visual impact of car parking sufficiently at this location and that the proposed layout, including the car parking, will not impact on visual or residential amenity in a manner as to materially contravene an objective of the Local Area Plan.

7.13. Views and Prospects – Reason 4

7.14. The planning authority concluded that the proposed development would conflict with the policy GK26 in the Kilcock Local Area Plan in so far as it would interfere with views/prospects to and from the Rye River Water and the Grand Canal from Shaw bridge. Map 9 - Green Infrastructure Map included in the LAP illustrates views to be protected from Shaw Bridge east towards Maynooth. Objective GK 26 requires that development be restricted where it would have a “negative visual effect” on such a view.

7.15. Shaw bridge (completed at the turn of the 18th/19th centuries) is west of the site, is an elevated bridge over the Royal Canal and I am satisfied that the proposed development would be visible in views along the Royal Canal to the east from that bridge. However, being visible of itself does not meet the standard of a “negative visual effect” and I conclude that the proposed development accompanied by the landscaping set out in the application will not negatively impact the amenity value of views from Shaw bridge in a manner as to materially contravene an objective of the Local Area Plan.

7.16. Conservation of river corridors - Reason 5

7.17. The planning authority was of the view that the proposed development would conflict with Policy GK 24 of the Kilcock Local Area Plan in relation to the conservation of river corridors. The applicant makes the point that objective GK24 distinguishes between greenfield development when the buffer should be 10m and development on brownfield sites where the buffer can be 2.5m.

- 7.18. I agree with the applicant that GK 24 distinguishes between new development on greenfield sites where a 10m buffer from either side of all watercourses measured from the top of the bank, apart from in exceptional circumstances. Whereas “redevelopment shall seek to create riparian buffer strips of at least 2.5m, along either side of all watercourses measured from the top of the bank”.
- 7.19. I am satisfied, in particular having regard to the drawing Number 102 Existing Site Plan and Proposed General Site Plan that a buffer of a minimum 2.5m is being maintained along the river by the proposed development.
- 7.20. **Appropriate Assessment – Reason 6.**
- 7.21. The planning authority in the 6th refusal reason for the proposed development stated that the application had not demonstrated that the proposed development would not adversely affect the integrity of the Rye Water Valley/Carton SAC (001398).
- 7.22. The applicant submitted an NIS with the appeal. Receipt of the NIS by the Board was advertised to the public and submissions/observations were invited from the public or other bodies in relation to the proposed development/NIS. No submissions were received by the Board on foot of the public notice.
- 7.23. **Screening**
- 7.24. The NIS identified the Rye Water Valley/Carton SAC (001398) as the only European site on which the project was likely to have a significant effect either individually or in combination with other plans or projects in view of the site’s conservation objectives. Other European sites were **screened out** having regard to the distance between the application site and those other European sites and the nature of possible pressures on the conservation objectives and/or qualifying interests of those European sites arising from the proposed development. Having regard to the material set out in the NIS and the other European sites identified by the NPWS I am satisfied that this screening exercise is robust and reasonable and that it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites other than the Rye Water Valley/Carton SAC (001398) and that the submission of an NIS in relation to any other European site is not required.

- 7.25. The conservation objectives for the Rye Water Valley/Carton SAC (001398) is the maintenance of habitats and species within the site at favourable conservation condition thereby contributing to the maintenance at favourable conservation condition of those habitats and species at national level. The qualifying interests are the Narrow-mouthed Whorl Snail *Vertigo angustior*, Desmoulin's Whorl Snail *Vertigo moulinsiana*, and Petrifying springs with tufa formation (*Cratoneurion*).
- 7.26. The SAC begins 6.3kms downstream from the application site. The potential direct impacts are identified as the release during the construction phase of sediments and hydrocarbons (fuel oils, lubricants etc). The potential for this impact to arise will be mitigated by, *inter alia*, the appointment of a construction environmental management plan co-ordinator who will ensure implementation of the mitigation measures set out in the NIS. These measures include but are not limited to the provision of silt fencing along the length of the Rye River within the application site, measures to mitigate against flood risk during construction works, all stationery plant will be fitted with drip trays and a vegetation buffer will be maintained along the riverbank. All fuel oils/lubricant storage areas will be bunded to 110% storage capacity, cement and cement products will be stored indoors and any wash waters will be prevented from entering any water course.
- 7.27. There are no operational phase potential impacts identified. There are no cumulative impacts identified. There are no residual impacts identified. I am satisfied that the NIS in its assessment has properly applied the source – pathway- receptor model when considering the potential impacts arising from the proposed development on the SAC.
- 7.28. I have read the NIS submitted with the appeal and I note that there are no further submissions made in relation to it. I have considered the other material on file, the material published by the NPWS (copy attached) in relation to the Rye Water Valley/Carton SAC (001398) and carried out a site inspection, including of the Rye River as it adjoins the application site. I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the Rye Water Valley/Carton SAC (001398) or any other European site, in views of the site's Conservation objectives.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

10.0 Having regard to the zoning of the site for town centre uses in the current Kilcock Local Area Plan which provides, *inter alia*, for residential development, the location of the site close to town centre facilities and community services, to the availability of piped public services to serve the proposed development, to the availability of vehicular and pedestrian access from the R148 and subject to the conditions set out below it is considered that the proposed development would not seriously injure the visual or residential amenity of the area, would not give rise to water pollution or to traffic hazard and would otherwise accord with the provisions of the Kildare County Development Plan 2017-2023, with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The mitigation measures set out in the Natura Impact Statement lodged with the appeal shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: To protect the integrity of the Rye Water Valley/Cartron SAC (001398).</p>
3.	<p>Details of the materials, colours and textures of the hard landscaping along with details of the tree and/or other planting of the 2.5m buffer to be provided along the Rye River within the site shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter may be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of residential amenity and to protect the ecology of the Rye River.</p>
4.	<p>(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access road shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>(b) Details of the layout of the junction of the access road with the R148 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
5.	<p>a) All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p> <p>b) Details of all other boundaries within the site, including the boundary with the R148 shall, shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of residential and visual amenity.</p>
6.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p>

	Reason: In the interests of clarity and public health
7.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
8.	<p>Details of the materials colours and textures of all the external finishes to the proposed development shall be submitted for the written agreement of the planning authority, prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
9.	<p>The site shall be landscaped in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.</p> <p>Reason: In order to ensure the satisfactory completion of the development</p>
10.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.</p> <p>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.</p>
11.	<p>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. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the</p>

	<p>developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
14.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
15.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be</p>

	<p>submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
16.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
17.	<p>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:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>(b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures</p>

	<p>to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.</p> <p>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.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>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.</p>

	<p>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.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
21.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Hugh Mannion
Senior Planning Inspector

23rd November 2022