



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th day of October 2019 by Cairn Homes Properties Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin.

Proposed Development:

A planning permission for a strategic housing development within the townlands of Naas West and Jigginstown, Naas, Co. Kildare, on two parcels of land (Area A - circa 7.17 hectares, Area B - circa 1.53 hectares) located to the east and west of the Devoy Link Road on an overall site of circa 8.7 hectares.

The proposed development will consist of the demolition of an existing dwelling and agricultural buildings on the subject site and the construction of a residential development of 314 number dwellings, a creche (circa 610 square metres), retail unit (circa 169 square metres) as follows:

- A) 208 number houses comprising:
- 14 number two-bedroom houses (house types H and H1),
 - 172 number three-bedroom houses (house types B, B1, B2, C, C1, C2),
and
 - 22 number four-bedroom houses (house types A, D, D1)

(Houses provided with two car parking spaces and solar panels all house types two-storey) – Type A and B1 alternative brick option;

- B) 78 number apartments:
- 38 number one-bedroom,
 - 40 number two-bedroom with balconies or terraces) in four number four-storey apartment buildings (Block 1 with plant at undercroft level);
- C) 16 number one-bedroom maisonette apartments in four number two-storey buildings;
- D) Six number two-bedroom duplex apartments and six number three-bedroom duplex apartments in three-storey duplex building;
- E) Demolition of one number existing single-storey house (circa 95 square metres) and derelict unroofed agricultural buildings of circa 657.8 square metres. (Overall demolition 752.8 square metres);
- F) Open space of circa 1.32 hectares including playground areas, all ancillary landscape works with public lighting, planting and boundary treatments including regrading/re-profiling of site where required as well as provision of cycle paths and pedestrian connections and landscaping integrated with Rathasker Road and pedestrian bridge over Yeomanstown Stream (also known as Rathasker Stream);
- G) Vehicular and pedestrian access from two number existing access points from the constructed Devoy Link Road for Area A and use of existing entrance to Elsmore Phase 1 for Area B (from the Devoy Link Road), 578 number car parking spaces and 159 number cycle parking spaces (including single storey bin/cycle stores);
- H) Provision of a crèche at ground floor of Block 3 (circa 610 square metres) along with associated play area, 169 square metres retail unit ground floor of Block 4;
- I) Surface water attenuation measures and underground attenuation systems as well as all ancillary site development works (reprofiling of site as required) as well as connection to existing public water supply and drainage services;

- J) Temporary marketing signage for a period of three years (five number), and
- K) All associated site development and landscape works.

The proposed development in Area A will replace and supersede the permitted development relating to this parcel of land as part of Elsmore Phase 1 development under Planning Register Reference 09/500050 / An Bord Pleanála reference PL73.236928 (extended under Register Reference 15/955) (and as subsequently amended by Planning Register References 11/500086 (An Bord Pleanála reference PL73.240261), 17/853, and 17/1469).

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Kildare County Development Plan 2017-2023 and the Naas Town Development Plan 2011-2017;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (f) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (g) the nature, scale and design of the proposed development;
- (h) the availability in the area of a wide range of social, community and transport infrastructure;
- (i) the pattern of existing and permitted development in the area;
- (j) the planning history within the area;
- (k) the submissions and observations received, and
- (l) the Inspector's report.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information the Screening Report for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application;
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and,
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

Reasoned Conclusions on the Significant Effects

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- (a) A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in Naas.
- (b) Biodiversity Impacts: potential for negative local impacts on existing flora and fauna will be mitigated by a range of measures identified in the environmental impact assessment report, including, amongst other things, construction management measures, protection of trees/hedgerows to be retained, landscaping plans, measures in relation to bats and use of bat boxes. The proposed development would not have a significant negative impact on biodiversity.
- (c) Traffic and Transport: Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- (d) Potential negative effects arising from noise and air during the construction and operational phases, which will be mitigated by appropriate construction management and design measures.
- (e) Landscape and Visual Impacts: There will be changed views from various locations given the change from a largely agricultural site to a residential development. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.

- (f) Potential negative impacts on water, which are proposed to be mitigated by construction management measures and implementation of sustainable drainage system measures.

The Board concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including Chapter 16 of the Environmental Impact Assessment Report, 'Summary of EIA Mitigation and Monitoring Measures' submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:
 - (a) The site layout plan shall be amended to provide for an additional pedestrian and cyclist link in the area of street 2/open space number 4 onto the Devoy Link Road, which shall be open 24 hours a day with no gates.
 - (b) 16 additional cycle parking spaces shall be provided for in the area of the crèche building. Bicycle parking provision and accessible storage shall be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018, to the satisfaction of the planning authority.
 - (c) The proposed crèche shall accommodate a minimum of 120 childcare spaces. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to provide a satisfactory standard of residential accommodation and amenity and in the interest of sustainable transport.

4. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In particular:
- (a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.
 - (ii) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
 - (iii) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.
 - (iv) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.
 - (b) A final road condition survey and detailed layout drawing for Rathasker Road shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include, inter alia, details of existing and proposed landscaping/boundary treatment, public lighting, road surfacing and drainage.
 - (c) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.
 - (d) Clearly designated spaces for car share use shall be provided to the satisfaction of the planning authority.

Reason: In the interests of pedestrian, cyclist and traffic safety.

5. Prior to the commencement of development, the developer shall appoint a qualified arborist as an arboricultural consultant for the entire period of the construction. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

The removal of shrubs and trees from the development site shall only be carried out in the months from September to February inclusive, that is, outside the main bird breeding season.

Reason: In the interests of amenity, ecology and sustainable development.

6. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies, shall be replaced with others of similar size and species

Reason: In the interests of amenity, ecology and sustainable development.

7. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works.

The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three

years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of residential and visual amenity.

8. Details of boundary treatments, generally in accordance with drawing number 306 Rev 4, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The boundary fence to Yeomanstown Stream shall comprise a 1200-milimetre chestnut pale fence in keeping within the existing boundary treatment within Elsmore Phase 1. Detailed materials to be utilised in the proposed pedestrian bridge over Yeomanstown Stream shall be in keeping with the existing pedestrian bridge within Elsmore Phase 1.

Reason: In the interests of residential and visual amenities.

9. Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. Details of the external shopfronts and signage to the retail unit and crèche shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and good urban design.

11. No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, within six months of the date of this Order.

Reason: To prevent unauthorised development.

12. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

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

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

14. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling 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 place names for new residential areas.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenity of property in the vicinity

19. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking space electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

20. Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, 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 for the ongoing operation of these facilities.

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

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

22. 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 a demolition management plan, together with details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

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

23. Prior to the 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 apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

24. Prior to commencement of development, the developer 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.

25. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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.

Reason: To ensure the satisfactory completion of the development.

