



An
Bord
Pleanála

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

Inspector's Report ABP-305701-19

Strategic Housing Development

Demolition of 1 no. agricultural building, construction of 314 no. residential units (208 no. houses and 106 no. apartments), childcare facilities and associated site works.

Location

Townlands of Naas West and Jigginstown, on two parcels of land located to the east and west of the Devoy Link Road, Naas, Co. Kildare. (www.jigginstownshdplanning.com)

Planning Authority

Kildare County Council

Applicant

Carin Home Properties Ltd.

Prescribed Bodies

Irish Water, Inland Fisheries Ireland, National Transport Authority,

Transport Infrastructure Ireland.

Observer(s)

Carraig Oscair Residents Assoc.,
Colin Grogan, Dara O'Maitiu and
Eileen Kiely, Emma Behan.

Date of Site Inspection

28th December 2019

Inspector

Una O'Neill

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1.0 Introduction

- 1.1. 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

- 2.1.1. The site, 8.76 ha in area, is located to the south west of Naas, Co. Kildare and is within the development boundary for the town. The site is within 1km of Naas Main Street and approx. 2 km east of the M7 Junction 10 Naas South. The site is bounded to the south by the Naas South Ring Road/Inner Relief Road, off which is a roundabout junction with the recently constructed Devoy Link Road, from which the site is accessed and which connects directly north to the town centre. Both the Naas South Ring Road and the Devoy (Link) Road have footpaths and cycle paths on both sides of the road. This area of Naas has been undergoing a transformation from agricultural lands to residential.
- 2.1.2. The site comprises two parcels of land, referred to as Area A and Area B, divided by the Devoy Road. Area A, which is the larger of the two land parcels, is bounded to the west by Devoy Road and to the east by Rathasker Road, a narrow laneway leading to the centre of Naas, with limited vehicular access and which has a pedestrian only access to the Naas South Ring Road. Within the site there is one dwelling and a number of sheds fronting Rathasker Road, which are proposed to be demolished. The remainder of the Rathasker Road frontage is characterised by a dense hedgerow. There are trees and hedgerows along the southern and southeastern boundaries of Area A and field boundaries within the southern section of the site. A section of the southwestern area of the site is currently in use/has been recently in use as parking for construction workers for Elsmore Phase 1. The northwest and southwest corners of Area A slope significantly down towards Devoy Road. Area B, the western part of the site, is bounded by Yeomanstown Stream running along the western boundary, a tributary of the River Liffey which flows into the Naas canal. Area B is bounded to the east by Devoy Road and to the south by Naas South Ring Road. The site of Area B is currently used as a site construction compound. There is a recently constructed residential scheme to the immediate

west/north west of Area B known as Elsmore and referred to in the submitted documentation as Elsmore Phase 1. The application site is described as Elsmore Phase 2. The Yeomanstown Stream comprises an existing linear amenity riparian corridor and playground to the immediate north/northwest of Area B within Elsmore Phase 1 and is culverted within a section of that development.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the demolition of an existing dwelling and agricultural buildings and the construction of a residential development of 314 no. dwellings (208 houses and 106 apartments), a crèche (c. 610 sq. m), and retail unit (c. 169 sq. m). This development is referred to as Elsmore Phase 2, with the adjoining recently constructed Elsmore Phase 1 comprising 189 dwellings on an 8.25 ha site.
- 3.2. An EIAR has been prepared and submitted as part of this application.
- 3.3. An Appropriate Assessment Screening Report has been submitted, which concludes that there is no potential for likely significant effects on any European sites, therefore the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement.
- 3.4. The following tables set out some of the key elements of the proposed scheme:

Key Figures

Site Area Net	8.3 ha net, excluding landscaped riparian strip at Yeomanstown Stream and hard surfaced area of Rathasker green route (8.76 ha gross)
No. of Residential Units	314 no. dwellings (208 houses and 106 apartments)
Density	37.8 units per hectare
Childcare Facility	c. 609 sqm crèche at ground floor of Block 3 in Area B
Other Uses	169 sqm retail unit at ground floor of Block

	4 in Area B
Height	2 – 4 storeys
Part V	10%- 31 units
Car Parking	578 no. car parking spaces
Bicycle Parking	159 no. cycle parking spaces

Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apartments/Duplexes	54	46	6		106
Houses		14	172	22	208
	54	60	178	22	314
As % of total	17%	19%	57%	7%	100%

- 3.5. The site comprises two blocks of land, referred to as Area A and Area B, separated by the existing new Devoy Road and accessed via a roundabout at the junction of the South Ring Road and Devoy Road. There are two existing access points constructed as part of the Devoy Road into Area A. Area B is proposed to be accessed from an existing residential entrance from Devoy Road into Elsmore Phase 1.
- 3.6. A pedestrian bridge is proposed over Yeomanstown Stream (also known as Rathasker Stream).
- 3.7. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the foul sewer and surface water networks. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place, the proposed connections to the Irish Water network can be facilitated.

4.0 Planning History

Parent Permission relating to Elsmore Phase 1, which includes a portion of Area B relating to this planning application:

PL73.236928 (KCC ref 09/500050) – Permission GRANTED by ABP for development of 86 houses, 75 apartments, a two storey crèche, and construction of the Devoy Link Road.

15/955 – Extension of duration GRANTED for 09/500050, to expire 29th November 2020.

17/1469 - Permission GRANTED for amendments to 09/500050 in relation to house types and minor amendment to internal estate road.

17/853 – Permission GRANTED for amendments to 09/500050 for 35 houses in lieu of 45 duplex units and realignment of road.

11/500086 – Permission GRANTED for amendment to 09/500050 to alter residential mix and unit types to northeast of scheme.

5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 10th July 2019 (ref ABP 304616-19) in respect of a proposed development of 313 residential units and a crèche. The main topics discussed at the meeting were –

1. Principle of development with regard to the Naas Town Development Plan 2011-2017 and the draft Naas Local Area Plan 2019-2023.
2. Design of residential accommodation. Residential layout including open space provision, public realm, vehicular, pedestrian and cycle connections, incorporation of the stream at the western site boundary, interface with Rathasker Road, Elsmore, Devoy Road and the South Link Road. Retention / integration of existing trees and hedgerows.
3. Roads and transportation issues. Car and cycle parking provision.

4. Site services and flood risk.
5. Any other matters.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

- Neighbourhood Centre Development at Area B;
- Design and Layout of Residential Accommodation;
- Integration of Trees and Hedgerows and Yeomanstown Stream.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. Detailed rationale for the proposed residential density and housing mix with regard to the provisions of the Kildare County Development Plan 2017-2023, the Naas Town Development Plan 2011-2017, the draft Naas Local Area Plan 2019-2023 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. Detailed phasing proposals to include the provision of the proposals to include provision of the crèche, development of Neighbourhood Centre zoned lands, interface with the Rathasker Road and the development of same as a Green Route.
3. Traffic and Transport Impact Assessment (TTIA) of the development, the scope of which is to be discussed in advance with Kildare County Council.

4. Rationale for the proposed car parking provision with regard to development plan car parking standards, to include parking provision for the crèche and Neighbourhood Centre zoned lands and details of parking management for the apartments.
5. Statement of compliance with DMURS.
6. Details of all boundary treatments.
7. Map of areas to be Taken in Charge
8. A Building Lifecycle Report, as per section 6.12 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
9. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
10. Cross sections to indicate proposed ground levels, roads, public open spaces and building heights.
11. Drainage details as per the report of Kildare County Council Water Services dated 19th June 2019.
12. Detailed Part V proposals to address issues raised in the report of Kildare County Council Housing Section dated 21st June 2019.
13. AA screening report.

5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 Neighbourhood Centre at Area B:

- The Draft Naas LAP was withdrawn by Kildare County Council on 29th July 2019.
- The lands are zoned C, New Residential, under the Naas Town Development Plan, where limited local shopping to serve local needs of residents is supported.
- It is proposed to provide a retail unit (169 sqm) in Area B, at the ground level of Block 4. Having regard to the existing local retail offer, this scale of retail unit is considered appropriate and would not detract from Naas town centre.
- The proposed crèche will replace the permitted crèche in Area B and will facilitate the combined phases 1 and 2 at Elsmore.

Item 2 Design and Layout of Residential Accommodation:

- As set out in the Architects Design Statement, the development of Area B (to the west), provides for a gateway treatment adjacent to the roundabout on the Southern Ring Road and to the northwestern side of Devoy Link Road at the entrance to the existing Elsmore development.
- Revised proposals for the blocks facing the road (junction of Devoy Road and Southern Ring Road) in Area B have been formulated. A four storey block to the south at the junction of the roundabout (replacing pre-application proposal for all duplexes at this location) helps bookend the scheme. The introduction of a framing element to the first floor terraces of the duplex units presents a stronger two storey façade to Devoy Link Road.
- Area A, due to the level differences, provides for open space in an amphitheatre style facing the roundabout with the Southern Ring Road, opposite Area B, instead of an apartment building. Placing a building at this junction with Devoy Road/Southern Ring Road would have required large areas of fill and complicated structural solutions, reducing the possibility of pedestrian permeability. Minimum clearance from surface water and foul drainage outfalls are also required in this area of the site.
- In Area A, the design of Block 1 has been amended with the introduction of render panels to add variety and reduce the monolithic character of the blocks and stone cladding has been introduced to define the entrance cores. The balcony locations on the southwest corner were also amended. Apartment Blocks 1 and 2

now form a courtyard space. These buildings, given the levels, will allow them to be a landmark when viewed from the Southern Ring Road.

- Area A provides for wide fronted maisonette blocks facing Devoy Road creating a softer urban edge punctuated with open space.

Item 3 Integration of Trees and Hedgerows and Yeomanstown Stream:

- A balance is required along Rathasker Road to retain as many trees and hedgerows as possible while providing appropriate passive surveillance of the green route. It is intended to retain as much as possible and replant/provide additional planting where there are gaps.
- The open space in Area B is designed to integrate with Yeomanstown Stream and planting will be the same as that used within phase 1 Elsmore. A riparian buffer with planting is proposed. An additional pedestrian bridge is proposed over the stream and SuDS measures are included in the form of grassed swales along sections of the road network. Tree planting is proposed.
- A Landscape Masterplan and Design Report have been submitted.
- Details in terms of requirements of KCC have been submitted as requested.
- An Arboricultural Impact Assessment has been submitted.
- Cross sections of Rathasker Road have been submitted.
- The house types are orientated toward Rathasker Road to provide for a high degree of passive surveillance with high quality finishes.

The specific information required in the Opinion issued to the applicant has also been submitted and is addressed within the document 'Statement of Response to An Bord Pleanála's Consultation Opinion'.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031:

Naas is a designated Key Town in the Core Region.

- Definition of Key Town: Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

- Naas – Residential Development: '...The sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric'.

- The following Regional Policy Objectives are noted:

RPO 4.48: Promote the improvement of the transport network within and serving Naas town, including delivery of a robust and efficient walking, cycling and bus network with strong links to Sallins Railway Station, key destinations within the town and to the North West Quadrant and town centre area.

RPO 4.50: Regeneration and consolidation of the historic centre to improve the retail and commercial functions of the town core, with enhanced permeability and sustainable mobility within the town centre and improve links between the core and surrounding residential and employment areas through the further development of walking and cycling routes and improved public transport.

RPO 4.53: Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities.

6.3. Local

6.3.1. Kildare County Development Plan 2017-2023

- Naas is a designated Large Growth Town 1, at the top of the settlement hierarchy.
- Settlement Strategy, Section 3.4.6: All towns, villages, settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance. Zoning shall extend outwards from the centre of an urban area with strong emphasis placed on encouraging infill opportunities.
- SO9: Sequentially develop lands within towns and villages in accordance with Development Plan Guidelines (DEHLG, 2007).

6.3.2. Naas Town Development Plan 2011-2017

- Naas Town Council was dissolved on 1st June 2014. Section 11C of the Planning and Development Act 2000 was amended and inserted by Section 28 of the Electoral, Local Government and Planning and Development Act 2013. This section provided that a Development Plan prepared by a dissolved town council shall continue to have effect to the extent provided by that plan, to be read together with the County Development Plan and shall be reviewed in accordance with Section 9 as that applies to the County Development Plan.
- Zoning Objectives in Town Plan relating to the subject site:
 - Zoning Objective C: New residential – to provide for new residential development and other services incidental to residential development.
 - Zoning Objective B: Existing Infill/Residential (relates to existing housing on the site to the east) – to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.

- RPO1: To construct a distributor road from the Devoy Road at Áras Chill Dara to the South Ring Road (this road has since been constructed and forms the access to the site).
- Rathasker Road to the east of the site is designated as an indicative walking / cycling route on Map 10.1. The following policy relates:
 - OSO2: To provide and develop walking and cycling routes throughout the town, particularly ones linking various areas of public open spaces and amenity in accordance with Map 10.1.
- LU1: To ensure that a logical and sequential approach is adopted for development within the Naas Town Plan area (ie prioritising the development from the core area outwards).
- NHO4: To have regard to the rural character and to encourage the protection of trees and hedgerows on the approach roads to Naas namely Tipper Road, Rathasker Road and the Craddockstown Road.
- Chapter 16: Urban Design Standards.
- Chapter 17: Development Management Standards.

6.3.3. A draft plan for Naas was published on the 18th April 2019, however, the Council resolved not to make this draft plan. A legal opinion was submitted with this planning application which states that Naas Town Development Plan 2011-2017 continues to apply. It is proposed to advance a new LAP at the earliest possible date.

6.4. **Designated sites**

The site is not located within or adjoining a European site.

6.5. **Applicant's Statement of Consistency**

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

7.0 **Third Party Submissions**

7.1. In total 4 submissions were received from third parties and 4 from prescribed bodies.

7.2. The 4 submissions received by or on behalf of local residents may be broadly summarised as follows:

Density, Design and Layout

- Density is not in line with Elsmore Phase 1. High density is not in line with the commuter town of Naas. Height should be capped at three storeys, as per the existing Elsmore. If higher development is permitted it should be located at the back of the development so they are more in link with the Osprey Hotel and do not over shadow the current estate.
- Crèche spaces are in short supply in Naas and the proposed crèche is required by the existing residents of Elsmore.
- Location of the retail unit is difficult to access. It should be as accessible as possible to ensure a successful future.

Impact on Residential Amenity

- Eastern boundary of Rathasker Road should be protected with extra planting where Ballyprior Stud Buildings are proposed to be demolished and installation of a railing/fence, to protect residential amenity and security of Carraig Oscair residents.
- It is noted that the only access required for Carraig Oscair residents is the existing gateway opposite the old 'men's shed' farmhouse building.
- Mitigation of road traffic noise from the South Ring Road is required for the proposed dwellings. The traffic noise is a major nuisance to existing residents of The Walk, Elsmore and will be for future residents. The recent Kildare Noise Action Plan acknowledges this as the South Ring Road was designated as a major road in terms of noise.
- Working hours should be restricted to no start before 8am Monday to Friday and 10am Saturday, with no working on Sundays and bank holidays.

Open Space

- Query raised over usability of the open space along Rathasker Road due to its gradient and linear nature. It should be excluded from open space calculations.

- Query over usability of the open space with attenuation areas in them. It is noted that the existing Elsmore has areas fenced off where attenuation is proposed and this open space is therefore not usable.
- There is an inadequate level of public open space given the level of apartments in the scheme.
- The public open space needs to be accessible and usable for future residents of this development.
- No facilities for field sports for children are proposed. There are currently no facilities for 10+ age group and the existing playground is only suitable for smaller children. The original planning application, ref 171469, provided for a basketball court/football pitch as part of the open space.

Traffic and Transportation

- Increase in traffic will result in road safety issues. The roundabout on the ring road is hostile to pedestrians and cyclists.
- A detailed design of Rathasker Road is required. The TBS landscape drawings submitted are unclear.
- A footpath should be provided for inside the development along the boundary with Rathasker Road to minimise entrances onto Rathasker Road and minimise destruction of hedgerows.
- Construction traffic should be prevented from accessing the site from the Rathasker Road.
- Rathasker Road lacks any footpaths, cyclepaths and adequate public lighting from Rathasker Court onwards. There are three blind bends, none of which have footpaths or adequate lighting. Additional use of this road will result in increased risk of accidents.
- The proposed pedestrian entrances onto Rathasker Road will result in increased motor traffic on this road and increased parking on this road, which is unsuitable given the narrow nature of the road.

Natural Heritage

- Trees and hedgerows along the ring road should be retained.

- All possible impacts on current hedgerows and associated habitat and wildlife should be minimised.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Kildare County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10th December 2019. The report notes the policy context, summary of third party submissions, and summary of views of the relevant elected members. The submission includes technical reports from relevant departments of Kildare County Council.

8.1.1. The Chief Executive's (CE) Report states that the proposed development is consistent with the strategic planning context within which the development is set and it is consistent with the proper planning and sustainable development of the area. The CE Report from Kildare County Council is summarised hereunder.

8.1.2. Summary of Inter-Departmental Reports

- Environment Section: Conditions recommended.
- Water Services: Conditions recommended.
- Housing Section: There is an over concentration of Part V units in one location. The Council seek that the units be more evenly distributed throughout the development.
- Parks Section: Conditions recommended in relation to a number of issues, including revision to proposed chestnut pale fence along stream (as utilised in Elsmore Phase 1) to a steel galvanised powder coated railing; finishes to wall fronting Rathasker Road along Carraig Oskar/Rathasker Heights; natural play elements and equipment in Open Space Area 1 to be omitted with no play equipment with moveable parts in the area.
- Roads, Transportation and Public Safety Department: Conditions recommended, including revised site layout recommended to provide for additional parking spaces to give total 186 spaces for apartments instead of 106, 37 spaces for the crèche, 9

spaces for the retail unit and additional cycle spaces of 16 for the crèche and 9 for the retail unit; submission of an acoustic design statement containing mitigation measures (as deemed required) to be incorporated into the design of the development.

8.1.3. **Summary of View of Elected Members:**

- Crèche size should be proportionate to the size of the development.
- Rathasker road should be upgraded.
- All necessary infrastructure to accommodate residents of estates need to be provided.
- The provision of an additional bridge over Yeomanstown Stream, a community hall, solar panels, electric charging points and allotments should be provided.
- Speed ramps should be constructed every 20m throughout the development.
- Suitable trees should be planted within the scheme.
- Quality usable public open space should be provided, including level surfaces suitable for ball games.
- Existing stone walls, gates and pillars along Rathasker Road should be retained.

8.1.4. **Planning Analysis**

- Density is acceptable.
- Plot ratio is in accordance with development plan standards.
- The building heights and siting of the apartments frame the entry to the town by the creation of a strong urban block and are appropriate and would not negatively impact on the visual amenities of the area.
- 52% of the apartments are stated to be dual aspect, which meets the Apartment Guidelines.
- From the schedule submitted, all apartments meet the minimum private open space standards as per the Apartment Guidelines and the Kildare County Development Plan.

- Schedule of accommodation submitted refers to type D apartments in block 2, which are not included on the floor plans.
- The open space area proposed (excluding the POS along Rathasker Road which is not usable) is 8.7ha, which is 13% of the site. This falls short of the development plan requirement for 15% public open space on greenfield sites.
- Drawings indicate 108 spaces in the crèche, however the statement of consistency and social infrastructure assessment indicates 122 spaces. A crèche with capacity of 120 spaces would be adequate.
- The retail unit should be relocated from apartment block 4 to adjoining the crèche in apartment block 3, which would increase its accessibility to existing and future residents and would decrease traffic movements through the residential area in area B. Concern is also raised in relation to the viability of the unit given its limited size.
- The quantum of bicycle spaces is sufficient only to cater for the proposed apartment element as per the development plan, however, bicycle storage falls short of the 199 spaces required under the Apartment Guidelines. The crèche would require 16 spaces and the retail unit 9 spaces.
- The proposed parking falls short of the minimum standards in the Kildare County Development Plan and the Apartment Guidelines. The apartment guidelines require 132-141 car parking spaces for the apartments (106 are proposed). The development plan requires 62 spaces the crèche (40 are proposed). The development plan requires 9 spaces for the retail unit (38 are proposed).
- The site falls within flood risk C. The water services department has no objection to the proposal subject to conditions.
- The development would be better serviced by integrating the Part V units throughout the development.
- An additional 5% of the car parking spaces proposed for the retail and crèche element of the scheme should be provided for disabled parking in accordance with development plan standards.
- The amphitheatre open space should be accessible to all, particularly those with mobility issues and adequately passively surveyed.

- The proposed amenity space is considered to be high quality and has been designed to address the challenges of the site, however, the public open space provision is 13%, which is below the development plan requirement for 15%.
- The transportation department have concerns in relation to the proximity of the proposed dwellings and apartments to the South Ring Road due to noise impacts from traffic on the road.
- Usable private open space is provided for, however, it appears that areas of communal open space are not provided to each apartment block.

8.2. Statement in accordance with 8 (3) (B) (II)

8.2.1. The Chief Executive's Report recommends a grant of permission, subject to a number of conditions, including the following:

- C2: A revised site layout plan to indicate the revised location of the retail unit to apartment block 3 adjoining the proposed crèche.
- C3: The proposed crèche shall cater for a minimum of 120 childcare places.
- C4: A revised site layout plan required indicating the quantum of public open space increased to 15%.
- C6: Landscaping.

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Relevant Childcare Committee

The following is a summary of the points raised in the submissions received:

Irish Water: Based upon details submitted by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

NTA: The application is broadly in line with transport policy and with the principles of sustainable development. A Naas Transport Strategy is currently being prepared to support the review of the Naas Local Area Plan. It may be a requirement for the strategy to address traffic management issues which may arise along the link road as the development proceeds.

TII: No observations.

Inland Fisheries Ireland: The development is located in the catchment of the Rathasker Stream which flows into the Naas canal, which supports significant populations of coarse fish and other freshwater species and all associated flora and faunal components in adjacent habitats. Comprehensive surface water management measures, in accordance with GDSDS, must be implemented at construction and operation stages to prevent any pollution. All works will be completed in line with the Construction Management Plan and contain mitigation measures to prevent pollution from ground works, topographical alterations, creation of roads and buildings and any top soil material stored. It is essential that receiving foul and storm water infrastructure has adequate capacity. A condition is required that the owner enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor, grease and silt traps. All discharges must be in compliance with European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. I consider the main issues relating to this application are as follows:

- Principle of Development
- Density and Housing Mix
- Layout and Urban Design

- Open Space and Landscaping Strategy
- Residential Amenity
- Impact on the Amenities of Neighbouring Properties
- Traffic, Transportation and Access
- Water Services Infrastructure, including Flooding Issues

These matters are considered separately hereunder.

10.2. Principle of Development

- 10.2.1. The Naas Town Development Plan 2011-2017 is the operative development plan. I note the Council resolved not to make a draft plan for Naas, which was recently on display, and it is intended that a new Local Area Plan for Naas will be progressed at the earliest possible convenience.
- 10.2.2. The site is governed by zoning objective C, New Residential, and a smaller section of the site (comprising existing buildings to the east) is zoned B, Existing/Infill Residential. The site is a serviced zoned site within the Naas Town boundary, which can connect directly into water supply, foul drainage and new street/roads networks. The proposed residential development with ancillary services of a childcare facility and a retail unit, is acceptable in principle with the existing zoning objectives.
- 10.2.3. Naas is identified as a Key Town in the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031 and as a Large Growth Town in the Kildare County Development Plan 2017-2023. The principle of residential development at this location is supported by national policy for the consolidated development of settlements (NPO 3c), as set out in the National Planning Framework, and supported by the RSES.

10.3. Density and Housing Mix

- 10.3.1. The National Planning Framework promotes 'compact growth' and 'consolidation' within established urban areas. The guidelines Sustainable Residential Development in Urban Areas (2009) set out density guidance for urban areas. The site is an outer suburban/greenfield site whereby net densities of between 35 and 50 dwellings per hectare are encouraged and those below 30 dwellings per hectare are discouraged.

Appendix A of the 2009 guidelines provides advice on what may be excluded from the site area when calculating the net density of a development.

- 10.3.2. The site is located within the boundary of Naas town and its location supports the sequential development of the town. The total site area is a stated 8.7ha gross, with a net developable area of 8.3ha, the calculation of which I consider in accordance with national guidance for determining net areas for development. The total net density is 37.8 units/ha. This density is appropriate within the national policy context and is supported by Kildare County Development Plan 2017-2023 and the Naas Town Development Plan 2011-2017.
- 10.3.3. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units in a range of unit types, from semi-detached/terraced houses, to maisonette units, duplex units and apartment blocks, ranging in height from 2 to 4 storeys. I consider this mix to be reasonable and will enhance the housing mix of the area.

Part V

- 10.3.4. I note the applicant proposes within the documentation to accommodate part V on the site. The housing section and the planning department raise concerns in relation to the lack of a spread of part V housing across the development. I consider a spread of units to be desirable. This matter can be appropriately addressed by way of condition for agreement with the planning authority.

10.4. Layout and Urban Design

- 10.4.1. The proposed development comprises two parcels of lands separated by the Devoy (Link) Road, Area A and Area B.
- 10.4.2. Area A is to the west of the Devoy Road and adjoins the recently constructed Elsmore residential development, with the proposed development to utilise the existing entrance to Elsmore.
- 10.4.3. Area B, to the east of the Devoy Road, is the larger of the two land parcels, with two access points from Devoy Road, with these access points already constructed as part of the construction of the Devoy Road under a previous permission.
- 10.4.4. The layout of the scheme has been informed by the recently constructed road network including the Devoy Road and Naas South Ring Road and the construction to date of Elsmore Phase 1. The corner sections of Area A and B, where the Devoy

Road meets the South Ring Road, will define the entrance to this new residential area, and will also define the access point to Naas town centre from this roundabout with the South Ring Road. Parcel B (to the east) is to comprise a four storey apartment block, with ground floor retail unit (Block 4) at the end of a three storey duplex block. This will define the junction with the South Ring Road. The entrance to the existing Elsmore will comprise a four storey apartment block with ground floor crèche (Block 3), which is intended to provide a 'bookend' to Block 4. On the opposite corner, on the other side of the Devoy Road/South Ring Road roundabout, is an area of public open space, bounded by two proposed four storey apartment blocks organised in an L shape. While the apartment blocks in Area A are set back from the junction, the proposal to locate the main public open space at this corner is considered acceptable given the level differences at this corner and difficulties in locating buildings here, as set out in the documentation submitted. The scale of Blocks 1 and 2 will be sufficient to act as landmarks at this location. Overall, I consider the adopted layout and the proposed design, scale, height and massing of the apartments proposed at this entrance to Naas from the junction/roundabout at the South Ring Road and Devoy Road to be appropriate and in keeping with the evolving character of this area.

- 10.4.5. Travelling north from the roundabout with the South Ring Road, Area B proposes houses and maisonettes (two storey apartments designed to look like semi-detached houses) fronting onto the Devoy Road. These are set back approx. 7-8m from the boundary of the site (14m from Devoy Road). Landscape strips are proposed adjoining the proposed residential units, with a pedestrian path and green verge adjoining the green verge of the Devoy Road and its associated footpath and cycle path. Vehicular access/car parking for the units fronting onto Devoy Road will be from side streets within the scheme, therefore the provision of a parallel street alongside Devoy Road is avoided, which is welcomed. The set back of these two storey units from Devoy Road is greater than required, however, I consider the scheme overall addresses the Devoy Road adequately from an urban design perspective. I consider the design of the boundary which comprises a low wall and high railing at this location will be important in facilitating pedestrian/cyclist permeability. In this regard, I consider an additional pedestrian/cyclist access point is warranted onto the Devoy Road. At present there is a distance of 160m between the

two available vehicular access points. Should the Board be minded to grant permission, I consider an additional pedestrian access point should be provided at open space no. 4/street 2 onto the Devoy Road, which will ensure the proposed low wall and high railing is not prohibitive to natural desire lines and movement of pedestrians/cyclists. This issue can be addressed by way of condition.

10.4.6. The existing site context features of Rathasker Road to the east and Yeomanstown stream to the west have also influenced the overall approach to the layout and urban design. The existing Rathasker Road is a local road with pedestrian and cyclist access only from the Naas Southern Ring Road and limited vehicular access from Naas Town Centre to serve existing dwellings. It is proposed to treat the existing Rathasker road as a green-link for cyclists and pedestrians, as per objective OSO2 of the Naas Town Development Plan, with houses set back from but fronting onto this green-link, which will provide for passive surveillance and activity. It is proposed to provide public lighting along the western boundary of Rathasker Road to adequately light the green-link and thereby provide an attractive and safe amenity for cyclists and pedestrians. I consider the overall urban design approach to Rathasker Road to be acceptable and a significant positive amenity for future as well as existing residents.

10.4.7. A footbridge is proposed in Area B across the Yeomanstown (Rathasker) Stream. The bridge will provide connectivity between Elsmore Phase 1 and the subject site. There is an existing pedestrian bridge over this stream within Elsmore Phase 1 which adjoins an existing playground and riverside amenity area. The proposed development will further support the development of this riverside amenity area/green infrastructure and is to be welcomed.

Childcare Facility

10.4.8. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. The development proposes one childcare facility, c. 609 sqm in area. I note discrepancies in the report submitted in relation to how many children the childcare facility can accommodate, with figures of 122 and 108 quoted. The facility is proposed to serve the existing Elsmore Phase 1 development of 189 dwellings, as well as this proposed development Phase 2 of 314 dwellings, which together will support a total of 503 dwellings, of which 54 are 1

bed units and are excluded from the calculation of childcare spaces generated, as per the guidance within the 'Sustainable Urban Housing: Design Standards for New Apartments'. I consider a crèche of 120 spaces is required. I note that the floor area required per child varies depending on the type of service being provided and the age of the child. Having reviewed the information submitted, I consider overall that the scale of the childcare facility proposed will be adequate to serve Elsmore Phase 1 and this application of Phase 2. The location of the childcare facility and level of parking proposed is also acceptable. The issue of parking is discussed further under section 10.9 of this report.

10.5. Open Space and Landscaping Strategy

- 10.5.1. The guidelines Sustainable Residential Development in Urban Areas states that, in general, in green-field sites or those sites for which a local area plan is appropriate, public open space should be provided at a minimum rate of 15% of the total site area; for large infill sites or brown field sites, public open space should generally be provided at a minimum rate of 10% of the total site area. It is stated also that a more flexible approach to quantitative open space standards is necessary with greater emphasis on qualitative standards.
- 10.5.2. The applicant states there is 1,348 sqm of open space within the development, equating to 15.8% of the overall site. Public open space is stated to be provided for through the design of 6 separate spaces across the scheme which incorporate play areas, a stream, and existing green infrastructure and cycle routes along Rathasker Road. The planning authority considers the linear open space identified as Rathasker Open Space, which incorporates an existing hedgerow adjoining Rathasker Road, cannot be considered as part of the open space calculations given the topography and unusability of this space, notwithstanding it has a significant amenity value, therefore the open space provision is stated by the PA to equate to 13% of the site, which is below the standard of 15% required. Third party submissions raise concerns in relation to the level of public open space being provided and the lack of playing facilities for field sports and for children over 10.
- 10.5.3. I have reviewed the open space strategy for the site, which has been influenced by the site context, including the existing Rathasker Road to the east and the Yeomanstown Stream to the west and has also been influenced by the site

topography. The largest public open space area is located in Area A at the junction of Devoy Road and the South Ring Road, where the topography is challenging. An amphitheatre design is proposed, with a playground at the northern end on the level section of the site, adjoining the entrance street from Devoy Road, and a kickabout area proposed at the lower level across a flat section. Three additional smaller parks are proposed within Area A (1504sqm; 1136 sqm; 1457 sqm in area), which are appropriately located across the development, adequately overlooked by proposed housing and overall well designed. Area B is served by a linear open space adjoining the Yeomanstown Stream which connects into an existing linear open space to the west and north of Area B where a playground is also located. I note the social infrastructure report submitted with the application examines sports and recreational facilities in the area.

10.5.4. While I concur with the planning authority that the linear green corridor along Rathasker Road is not usable open space and does not contribute to the open space calculation, I am of the opinion that overall, having regard to the high qualitative standard of open space proposed, that the proposed quantum and layout of public open space is acceptable and will meet the needs of future residents, while also being accessible to the wider area by virtue of the permeable nature of the layout.

Yeomanstown Stream

10.5.5. I note the treatment of the existing Yeomanstown Stream as it meanders through Elsmore Phase 1. A low 1.2m high chestnut pale fence demarcates the boundary of the existing stream with a planted amenity corridor alongside the stream, which widens at the location of the existing playground adjoining the northwestern boundary of the application site. The treatment of the stream at this location is attractive and well considered in terms of safety and visual amenity.

10.5.6. I note the internal report of the Parks Department in KCC recommends that the proposed boundary treatment to the stream in this application be amended from the chestnut pale fence to a steel galvanised and powder coated fence. This would in my view be to the detriment of the visual amenity of the area and would be visually incongruous where it connects into the existing chestnut pale fence. A condition in relation to this boundary treatment is recommended, requiring a chestnut pale fence to be erected, in keeping with the existing treatment of this stream through the

adjoining Elsmore development. In addition the proposed bridge should be finished and treated in the same manner as the existing pedestrian bridge crossing immediately northwest of Area B.

Landscape Plan and Biodiversity

- 10.5.7. A landscape plan and associated drawings have been submitted with the application, as has an Arboricultural Report.
- 10.5.8. Concerns have been raised in submissions in relation to the loss of trees on site, loss of hedgerow along Rathasker Road, and the resultant impact on biodiversity.
- 10.5.9. Section 12.6 of my report hereunder refers to biodiversity, which is addressed in chapter 4 of the submitted EIAR. I note the applicant in their statement of response document states the hedgerow along Rathasker Road is to be retained where possible, with additional entrance points proposed from the development to this proposed green route and proposals for reinforcement of the hedgerow where it is weak. I am satisfied with the proposals in this regard and I consider the utilisation of this route as a green route with a focus on pedestrians and cyclists, as supported by the development plan, will be a positive additional amenity to this area. I note the parks division of KCC request the addition of conditions in relation to this boundary treatment to reinforce the design approach proposed. I further note the transportation department of KCC has recommended a condition in relation to the Rathasker Road. I consider the landscaping plan will mitigate the loss of existing biodiversity through significant additional planting and issues raised around tree/hedgerow protection during construction can be adequately addressed by way of condition, should the Board be minded to grant permission. I am satisfied that the mitigation measures as set out in the EIAR are appropriate.

10.6. Visual Impact

- 10.6.1. The applicant has submitted photomontages of the proposed development within the existing context. I refer the Board to Section 12.16 of my report hereunder and chapter 9 of the submitted EIAR, which addresses Landscape and Visual Impact.
- 10.6.2. The subject site is located within the development boundary of Naas and the lands are zoned for development. This is an evolving urban area which is part of the planned residential development of Naas. Having regard to the evolving character of

this area from agricultural to residential and the provision of additional road and cycling infrastructure in the area, I consider the proposed development has been appropriately designed in terms of height and scale and has had due regard to the existing context. When complete the development will read as an intensification of the existing urban and suburban context and the visual impact will not in my view be significant given the context of the site.

10.7. Residential Amenity

10.7.1. The proposed development provides for a range of house types including semi-detached, terraced and detached dwellings, in addition to apartments, duplexes and maisonettes within two to four storey blocks.

Design Standards for New Apartments 2018

10.7.2. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

10.7.3. The apartments within the development are accommodated within four 4-storey apartment blocks (two of which are located to the west of Devoy Road in Area B and two to the east in Area A); a terrace of six 3-storey duplexes comprising twelve apartments in total, attached to Block 1 in Area B with an aspect to the Devoy Road; and 2 storey 'maisonette' unit types to the east fronting the Devoy Road, contained in four blocks comprising four units per block.

10.7.4. All the apartments proposed have been designed to comply with the Design Standards for New Apartments, and the floor areas meet or exceed the required provision in all instances, therefore complying with SPPR 3. The majority of the units are dual aspect and are therefore in compliance with SPPR 4, where 50% are required to be dual aspect. SPPR 5 states ground level apartment floor to ceiling heights shall be a minimum of 2.7m, which is the case in the apartment blocks proposed. There are a maximum of 8 apartments per core within the four blocks proposed, which is in accordance with SPPR 6, where a maximum of 12 apartments per core may be provided.

- 10.7.5. The statement of consistency indicates that all the proposed units are in compliance with the ministerial guidance, Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- 10.7.6. While the provision of communal open space is not an SPPR requirement, communal open space is highlighted within the guidelines as important in contributing to the amenity needs of residents, and is a high priority for families with young children and for less mobile older people. The guidelines state communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block and proposed minimum communal floor space of 5, 7 and 9 sqm per 1, 2 and 3 bed units respectively are required. The statement of consistency submitted by the applicant does not indicate what is considered to be communal open space for the apartments. I note there is linear area to the east of Block 1 (6 apartments) / the duplex units (12 apartments) / Block 3 (12 apartments) adjoining Devoy Road. There is also a green area to the west of Block 3. Blocks 1 and 2 have linear strips around them. It is not clear if this is intended as semi-private communal space. These two blocks are served by a public plaza between them and adjoin a proposed playground and open space area 1, therefore they have easy access to and overlook public open space within the development. I note the level and quality of green infrastructure proposed as part of the development and I note the level of apartments proposed within each area. I consider overall the public communal amenity areas and public open space is sufficient to serve the needs of this development.
- 10.7.7. A Building Lifecycle Report, as required by the guidelines, has been submitted.
- 10.7.8. Car parking provision, as discussed elsewhere in this report, is considered acceptable. The provision of additional bicycle parking can be addressed by condition, should the Board be minded to grant permission.
- 10.7.9. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

House Designs

- 10.7.10. The proposed houses appear adequate in size and have a sufficient level of internal accommodation and private rear garden space. Generally back to back

distances of 22m are achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.

10.7.11. The dwellings, where located on corners, generally have a dual aspect design which maximises overlooking and surveillance of the streetscape. Overall, I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

10.8. Impact on the Amenities of Neighbouring Properties

Impact on Existing Dwellings proximate to Rathasker Road to the East

- 10.8.1. A number of submissions raise concerns in relation to the impact of development on the hedgerow along Rathasker Road, loss of privacy to dwellings along this route through increased use by pedestrians/cyclists, and potential for traffic hazard as a result of conflict between pedestrians/cyclists and existing vehicles using this road.
- 10.8.2. Vehicular traffic can access Rathasker Road from Naas Town Centre and it is used for limited local access to serve existing dwellings. The road terminates at the South Ring Road, with pedestrian access only provided from this point onto the South Ring Road. It is an objective of the development plan to develop this road as a walking/cycling route. The applicant proposes to treat the existing road as a green-link for cyclists and pedestrians and proposes five pedestrian/cyclist access points along the eastern boundary of the site onto this road, while retaining and supporting the majority of the existing hedgerow along this boundary with the exception of where the access points are created. The applicant proposes to provide public lighting along the western boundary of Rathasker Road. The site layout plan indicates the proposed dwellings along this boundary will be set back approx. 8-12m from Rathasker Road, with the dwellings fronting onto Rathasker Road.
- 10.8.3. While there will be some loss of hedgerow, the applicant is proposing to retain the majority of the hedgerow which is to the benefit to the scheme. I consider the mitigation measures proposed within the landscape plan will adequately address any loss of biodiversity.
- 10.8.4. As set out in the Infrastructure Design Report submitted with the application, a traffic count was undertaken on Rathasker Road. The results indicated an average two way 24 hour traffic volume for the road at 27 vehicles and the 85th percentile speed

is 40kph. The applicant states that in accordance with DMURS and the National Cycle Manual, the low traffic volumes and speeds along the road indicate that a shared street for cyclists, pedestrians and vehicular traffic can be accommodated.

- 10.8.5. While there are cars using the existing road, I consider the low level of traffic and low speed possible, combined with the upgrades proposed, will not result in a traffic hazard along this route and the future emphasis of this route as a green route for cyclists and pedestrians over dominance by a limited number of vehicles is to be welcomed. The transportation section of KCC has requested that a condition be applied in relation to this road and its upgrade. Should the Board be minded to grant permission, I consider a condition to agree the final details of the design of this route would be reasonable.

Impact on Dwellings to North of Area B

- 10.8.6. I have considered potential impacts from the proposed development of Area B on existing and permitted dwellings in Elsmore. Having regard to the design, scale and layout of the proposed development within Area B, in my view there will be no significant impacts on existing/permitted dwellings in terms of overlooking, overshadowing, loss of privacy or overbearance.

Impact on Dwelling to the North of Area A

- 10.8.7. I have considered the potential impacts of the development on the existing dwellings within Elsmore phase 1. Given the separation distances involved between existing dwellings and the overall orientation of the site and layout proposed, I do not consider there will be significant impacts on existing dwellings in terms of overlooking, overshadowing, loss of privacy or overbearance.

10.9. Traffic, Transportation and Access

Traffic and Transport Assessment

- 10.9.1. In relation to traffic, the relevant section of the EIAR is Chapter 10 which details the methodology in relation to the Traffic and Transport Assessment undertaken. I refer the Board to section 12.11 of my report hereunder. The existing road network, public transport routes and pedestrian/cycle facilities were assessed and trips assumptions utilised in a traffic model of the surrounding road network.

10.9.2. Having regard to the TTA undertaken, I consider the street/road network can accommodate the level of traffic anticipated. I note the focus of the development on sustainable modes of transport of walking and cycling, which are well catered for within the area of the site. I consider the overall level of pedestrian and cyclist permeability to be a positive attribute of the development.

Car Parking

10.9.3. With regard to the level of car parking proposed, the planning authority considers there to be an under provision having regard to development plan standards and the Apartment Guidelines. There is also deemed to be an under provision of bicycle parking.

10.9.4. The apartment guidelines state that in intermediate urban locations, ie areas served by public transport or close to town centre or employment areas, planning authorities must consider a reduced parking standard and apply an appropriate maximum car parking standard. The guidelines state that in peripheral/less accessible urban locations, one parking space per apartment is required with an element of visitor parking such as one space per 3-4 apartments. If the latter standard is considered, as has been done by the planning authority, this would result in a requirement for 132-141 car parking spaces for the apartments. The development plan standards require 186 spaces for the apartments (1.5 spaces per apartment and 1 visitor space per 4 apartments). The applicant states 144 spaces have been provided for the 106 apartments.

10.9.5. The applicant states in the Traffic and Transport Assessment Report that 106 car parking spaces are proposed to serve the proposed 106 apartments; 27 visitor car parking spaces; 11 retail car parking space; 18 spaces for the crèche; and 416 spaces for the houses (2 spaces per dwelling).

10.9.6. The 30 apartments along the eastern portion of the site in Area B (ie in Block 4, the duplex units, and Block 3) in addition to the crèche and retail unit, are served by 58 parking spaces in this area and 4 set down parking spaces for the crèche. While the number of spaces for the crèche and retail unit are not clearly allocated on the site layout (aside from the 4 set down spaces), I consider there will be an element of dual usage of these spaces and the visitor parking spaces for the apartments, which overall will in my view acceptably cater for requirements, subject to the provision of

additional bicycle parking in proximity to the crèche unit and along the south/southwest of Block 4.

- 10.9.7. I note that in Area A, Blocks 1 and 2 (60 apartments) are served by 58 spaces, which is less than one per apartment. With regard to the maisonette apartments, 1 space per one bed maisonette apartment is proposed proximate to these units.
- 10.9.8. Overall, I consider the level of car parking proposed to be commensurate with the sites location, which is highly accessible, within walking/cycling distance of Naas town centre and serviced by public transport. Should the Board be minded to grant permission, a final mobility management plan should be required by condition to further support the uptake of walking and cycling in this area.
- 10.9.9. With regard to cycle spaces, it is stated that 90 spaces are proposed in area A to serve the 60 apartments and 69 spaces are proposed in Area B to serve the 30 apartments and commercial units. This is stated to comply with KCC requirements, however is lower than the requirements of the Apartment Guidelines, where a general minimum standard of 1 cycle storage space per bedroom shall be applied, with visitor cycle parking provided at a standard of 1 space per 2 residential units. The guidelines state any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc.
- 10.9.10. The transportation department of KCC proposes an additional 16 cycle parking spaces for the crèche and 9 spaces for the retail unit. I agree that the level of cycle provision for Area A should be improved where there are commercial as well as residential uses. Further details in relation to the standard of cycle cover/storage being provided and the exact location/quantum of spaces could be addressed by way of condition, should the Board be minded to grant permission.
- 10.9.11. I note the planning authority consider that the retail unit would be more appropriately located adjoining/at the ground level of the proposed childcare facility and concerns are raised in relation to the limited scale and therefore viability of the retail unit. While I can see the merit in locating these uses beside each other at the entrance to the scheme, overall I consider the location of the retail unit as proposed at the ground floor of Block 4 to be acceptable and the scale appropriate.

10.9.12. Overall I consider the parking strategy, subject to condition, is adequate for the site and in accordance with national policy. Development of the scale proposed at this site can be accommodated within the existing road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site.

Internal Street Layout

10.9.13. A DMURS statement of consistency has been submitted. I note the layout of the site is highly permeable for pedestrians and cyclists, and connections to wider amenities and cycle routes are supported.

10.9.14. The two main access streets into Area A are 6m wide and these reduce down to 5.5m wide within the scheme. I note shared home zone streets are identified on the site layout and the DMURS document states these are minimum 4.8m wide and 6m adjacent to perpendicular parking bays. I note from the site layout drawing that these homezone streets are all 5.5m wide with footpaths indicated. I have no issue with the width/footpath provision and the proposed use by the applicant of a different coloured surface material on these streets.

Construction Traffic

10.9.15. I note the concerns raised by some parties regarding construction stage impacts and potential for access of construction traffic from Rathasker Road. I agree with third parties that Rathasker Road should not be utilised for construction traffic and I note the applicant does not propose to use Rathasker Road for construction traffic. As stated in the submitted EIAR, haulage routes for construction deliveries will access and egress the site from the Inner Relief Road to the south and no HGV vehicles will approach the site from the Devoy Road/Naas town centre. Mitigation measures related to construction activities will be implemented in accordance with a Construction Traffic Management Plan (CTMP). Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice.

Noise Impact

- 10.9.16. Concerns have been raised by third parties and the Transportation department of Kildare County Council in relation to road traffic noise from the South Ring Road and potential for noise to be a major nuisance to future residents.
- 10.9.17. Noise has been considered in the EIAR with specific regard to operational traffic noise, as well as construction traffic noise. I refer the Board to section 12.10 of my report hereunder in relation to noise. I am satisfied that the issue of operational phase traffic noise has been adequately assessed within the EIAR. It is stated that mitigation by design has focussed on windows, ventilators, walls, roofs and doors to ensure that their insulation is adequate. All apartments shall have acoustically rated windows to prevent breakthrough of external noise. In addition, Heat Recovery and Mechanical Ventilation systems will be incorporated into the design thus there will be no requirement for passive air vents. All houses shall have acoustically rated double glazed windows. With regard to the recommended mitigation by design measures specified in the EIAR, I am of the view that residential properties located within the proposed development can be appropriately designed and constructed to achieve acceptable internal noise levels and to ensure the required acoustic performance.

10.10. Water Services Infrastructure, including Flooding Issues

- 10.10.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated.
- 10.10.2. An Infrastructure Design Report was submitted with the application, as was a Site Specific Flood Risk Assessment.
- 10.10.3. The proposed foul drainage system will connect to the foul sewer drainage network constructed as part of Elsmore Phase 1 and to the 600mm diameter foul sewer on the Naas Southern Ring Road, which ultimately discharges to the Oberstown Wastewater Treatment Plant.
- 10.10.4. A 180mm diameter watermain was laid along the Devoy Link Road under Reg. Ref KCC 09/50005, with spurs provided from this into the subject site. The

proposed development will connect into these. No water capacity issues have been raised.

- 10.10.5. Irish Water has stated there is capacity available in terms of water and wastewater connection to the Irish Water network to accommodate the development.

Surface Water Management

- 10.10.6. With regard to Area A, the applicant states there is an existing 300mm surface water spur constructed into the northern end of the subject site, which is connected to the existing network in Elsmore Phase 1 and outfalls into the Rathasker stream. To the south of Area there is an existing 450mm surface water sewer within the Naas Southern Ring Road. The attenuation system for the Devoy Link Road is also located in the north east corner of Area A which is a separate surface water network to the proposed network serving Elsmore.

- 10.10.7. With regard to Area B, the applicant states there is an existing surface water spur linked to Elsmore Phase 1. The network outfalls to the Rathasker stream. The existing attenuation was designed and constructed with sufficient capacity to attenuate the surface water runoff from Area B of the subject site.

- 10.10.8. The site has been divided in four catchment areas for surface water. It is proposed to provide a network of 150mm diameter pipes for each of these areas and to connect them to separate attenuation tanks, which are located under proposed open space areas. The tanks have been sized to provide storage for 1 in 100-year rainfall event including a 10% increase for a climate change for the entire development.

- 10.10.9. Swales, permeable paving, green roofs on the apartment buildings, and other SuDs measures have been incorporated into the drainage design to reduce the run-off volume and improve run-off water quality.

- 10.10.10. A Stormwater Audit of the proposed surface water management strategy has been undertaken and submitted with the documentation. I note the KCC Engineer department has no objection to the proposal subject to conditions.

- 10.10.11. I have reviewed the information submitted and all third party submissions, in addition to the reports from the area engineer. I am satisfied the issue of surface water management has been adequately addressed within the layout of the scheme.

Site Specific Flood Risk Assessment

- 10.10.12. The application site is within Flood Zone C. It is stated within the flood risk assessment that a source-pathway-receptor model was produced to summarize the possible sources of floodwater, the people and assets (receptors) that could be affected by potential flooding (with specific reference to the proposals) and the pathways by which flood water for a 0.1%AEP (Annual Exceedance Probability) and 1%AEP storms could reach the receptors. The flood risks to the proposed residential development identified related to a low risk of fluvial flooding from the Rathasker Stream and pluvial flood risk following development.
- 10.10.13. The development is determined as having a good level of flood protection up to the 100 year return event. For pluvial floods exceeding the 100 year capacity of the drainage system, proposed flood routing mitigation measures are recommended. I am satisfied that the issue of flood risk has been adequately addressed.

11.0 Appropriate Assessment Screening

- 11.1.1. The application is accompanied by an Appropriate Assessment Screening Report. This report concludes that there is no potential for likely significant effects on any European sites. I am satisfied that there is sufficient information on the file to allow me to undertake an Appropriate Assessment Screening.
- 11.1.2. The proposed development is for 314 residential units, a crèche and a retail unit on an 8.76ha site, located within Naas town boundary, on serviced and zoned land. The application site was surveyed and it is stated there were no plant species discovered which are listed as alien invasive under Schedule 3 of SI No. 477 of 2011 and none of the habitats are an example of those listed in Annex I of the Habitats Directive.
- 11.1.3. Wastewater from the development will pass to the Osberstown wastewater treatment plant (also known as the Upper Liffey Valley Regional Sewerage Scheme). This plant discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA)
- 11.1.4. Water will be supplied from a mains supply which originates from reservoirs at Ballymore Eustace, along the River Liffey. The reservoirs at Poulaphouca are designated as an SPA.

11.1.5. Surface water from the site will be attenuated on site and will pass to a recently constructed surface water sewer network. This outfalls to the Yeomanstown Stream (also referred to as the Rathasker Stream), which is located along the western boundary of the application site. This stream is within the catchment of the River Liffey, and is connected to Naas Canal, which ultimately drains to Dublin Bay, where there are a number of European Designations, therefore there are pathways/hydrological links from the application site to European Sites at Dublin Bay.

11.1.6. There are no European sites located within or in close proximity to the site. The European Sites within Dublin Bay which are deemed to be within the zone of influence of the site are the South Dublin Bay and River Tolka Estuary SPA (site code: 4024), the South Dublin Bay SAC (site code: 0210), the North Bull Island SPA (site code: 4006) and the North Dublin Bay SAC (site code: 0206). These sites are approx. 33km from the application site, however following the flow of the River Liffey this distance is greater. The Poulaphouca Reservoir SPA (site code: 4063), from which drinking water supply for this development may originate, is also considered to fall within the zone of influence of this project.

11.1.7. A number of other sites, listed hereunder, are considered to be within the zone of influence of this project, however no pathways to these sites exist:

- 1387 (Ballynafagh Lake SAC)
- 0391 (Ballynafagh Bog SAC)
- 2331 (Mouds Bog SAC)
- 7110 & 7120 (Raised Bogs Habitat)
- 7150 (Rhyncosporion Depressions)
- 0396 (Pollardstown Fen SAC)
- 7210 (Cladium Fens)
- 7220 (Petrifying Springs)
- 7230 (Alkaline Fens)
- 1013 (Geyer's Whorl Snail)

- 1014 (Narrow-mouthed Whorl Snail)
- 1016 (Desmoulin's Whorl Snail)

11.1.8. The qualifying interests/features of interest associated with the European sites connected hydrologically via the public surface water and foul sewer network are set out hereunder:

North Dublin Bay SAC	South Dublin Bay SAC	S. Dublin Bay & River Tolka Est. SPA	North Bull Island SPA	Poulaphoca Reservoir SPA
Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Atlantic salt meadows; Mediterranean salt meadows; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes; Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); Fixed coastal	Mudflats and sandflats not covered by seawater at low tide (1140); Annual vegetation of drift lines (1210); Salicornia and other annuals colonising mud and sand (1310); Embryonic shifting dunes (2110).	Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Grey Plover; Knot; Sanderling; Dunlin. Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetlands & Waterbirds.	Light-bellied Brent Goose; Oystercatcher; Teal; Pintail; Shoveler; Shelduck; Golden Plover; Grey Plover; Knot; Sanderling; Dunlin; Blacktailed Godwit; Bar Tailed Godwit; Curlew; Redshank; Turnstone; Black-Headed	Greylag Goose; Lesser Black-Headed Gull.

dunes with herbaceous vegetation (grey dunes); Humid dune slacks; Petalophyllum ralfsii Petalwort.			Gull; Wetlands and Waterbirds.	
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11.1.9. Given the significant distance between the application site and the European Sites identified within Dublin Bay there is no pathway for loss or disturbance of species listed associated with these European sites or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of these European sites.

11.1.10. With regard to hydrological pathways, there is a pathway from the site via surface and wastewater water flows to Dublin Bay via the Osberstown wastewater treatment plant and the River Liffey. As surface water from the site does not flow to the River Tolka there is no pathway between the site and the Tolka Estuary. The plant at Osberstown is licenced to discharge treated effluent to the River Liffey by the EPA (licence no.: D0002-01). This development will increase demand on the treatment plant however the existing evidence suggests that this will not result in pollution problems.

11.1.11. The installation of surface water attenuation will ensure that there will be no negative impact to water quality or quantity locally arising from the change in land use from agricultural to residential.

11.1.12. During the site clearance and construction phase the risk of sediment entering water courses, entrained in rain run-off, is moderate as the western portion of the site is close to the Yeomanstown Stream. This effect is not considered significant however as sediment cannot negatively affect intertidal habitats in Dublin Bay.

11.1.13. The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance.

- 11.1.14. The development is not likely to affect amenity use at European sites due to separation distances involved.
- 11.1.15. There is no evidence that abstraction of water is resulting in negative effects to any European site. No significant effects will arise from this source.
- 11.1.16. There are no further effects identified which can act in combination with other similar developments, to result in significant effects to the SACs or SPAs in question.
- 11.1.17. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, 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 site 00210 (South Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA), 4006 (North Bull Island SPA), 0206 (the North Dublin Bay SAC) and 4063 (Poulaphoca Reservoir SPA) or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

12.0 Environmental Impact Assessment

- 12.1.1. The development provides for 314 no. residential units (208 no. houses and 106 no. apartments), a retail unit and a childcare on a 8.7 ha site. The development is indicated as phase 2 of the Elsmore development, which adjoins the application site. The site is located within the area of Kildare County Council and is within the urban area of Naas.
- 12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- i) Construction of more than 500 dwelling units
 - iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

12.1.3. The proposal falls below the thresholds set out in legislation for mandatory EIA, however, the applicant considers that having regard to the overall combined size of the Phase 1 and Phase 2 sites at c. 17 hectares, the combined total of 503 units between the 2 phases and, category 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, an EIAR is required.

12.1.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies, appellant, observers and applicant has been set out at Section 7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Population and Human Health
- Biodiversity
- Noise impacts associated with traffic generation
- Traffic and Transport
- Landscape and Visual Impact

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

12.1.5. The EIAR is laid out in three volumes, volume I is a non-technical summary, volume II is the environmental impact assessment report and volume III comprises the technical appendices. Within the EIAR in volume II, Chapter 1 sets out the introduction and methodology including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the proposed development, including construction and operational aspects and associated mitigation, and examines the alternatives considered. Chapter 14 examines risks of major accidents and chapter 15 examines potential of interactions between the various factors. Chapter 16 provides a summary of mitigation measures.

12.1.6. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive

2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

- 12.1.7. With respect to Article 3(2), chapter 14 of the EIAR refers to Major Accidents/Disasters. A site specific risk assessment was undertaken. It is noted that the site is not in an area prone to natural disasters. No hazardous materials have been discovered on the site. During the construction phase, it is stated the main risks relate to construction traffic, migration of surface contaminants, dust, noise, and littering. The main risk with the operational phase is stated to be risk of fire. It is stated that a Preliminary Construction Management Plan (CMP) has been submitted as part of this application, which would address pollution risks during construction, risks of accidents during construction, including traffic accidents. A Specific Flood Risk Assessment has been carried out to address risks of flooding, which are considered acceptable given location of the site within flood zone C. The risk of fire is dealt with through the Fire Safety Certification process. All fire safety measures will comply with building regulations. A Health and Safety Plan will be prepared. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Potential flooding has been addressed in this EIAR (and dealt with further below).
- 12.1.8. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.
- 12.1.9. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

12.2. Alternatives

12.2.1. Chapter 2 of the EIAR addresses the alternatives considered.

12.2.2. The applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout of the scheme. A summary of the alternatives is provided. Having regard to the zoning of the site as residential, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

12.3. Consultations

12.3.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

12.4. Assessment of the Likely Significant Direct and Indirect Effects

12.4.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

12.4.2. With respect to cumulative impacts it is stated that they have been considered for each environmental topic. The results of the cumulative impact assessment for each environmental topic are presented within each chapter.

12.4.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

12.5. Population and Human Health

- 12.5.1. Chapter 3 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment.
- 12.5.2. Potential impacts are considered under Economic Activity, Social Patterns, Land-use and Settlement Patterns, and Employment. Construction and operational phase impacts are considered.
- 12.5.3. In terms of economic activity, the construction phase is likely to result in a positive net improvement in economic activity in the area. Potential issues arising out of the construction phase and traffic are addressed in other sections and will be appropriately mitigated through the Traffic and Transport Plan, Construction Management Plan, and Waste Management Plan. The operational phase will provide for an additional population which will enhance local spending and will deliver a critical mass of population to support a wide range of services and infrastructure.
- 12.5.4. With respect to land-use and settlement patterns, the proposed development will result in additional housing for the growing population of the immediate area, with additional open space to serve healthy communities. The development of the site is in an accessible location with easy access to the town centre.
- 12.5.5. Potential cumulative impacts are considered in terms of population and human health in the area and other developments in the wider area, specifically the residential development of Elsmore Phase 1. Cumulative impacts with Elsmore in terms of air quality and climate and noise and vibration were considered and are dealt with in other sections of the EIAR. The lands are zoned residential. The overall impacts are considered to be positive having regard to the zoning objective relating to the subject lands and having regard to the promotion of sustainability.
- 12.5.6. Mitigation measures during the construction and operational phases are detailed. Reference is made to the Construction Management Plan (CMP) and a Construction Waste Management Plan. During the operational phase, it is considered the development will likely have significant positive impacts on human beings in relation to the provision of additional residential units, open space, and childcare provision, to cater for the demands of a growing population in accordance with the residential zoning objectives pertaining to the site.

12.5.7. With respect to residual impacts, reference is made to inter related topics in other chapters of the EIAR and it is considered that the implementation of the range of remedial and mitigation measures included throughout the EIAR document is likely to have the impact of limiting any adverse significant and likely environmental impacts of the operational phase of the proposed development on population and human health.

12.5.8. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

12.6. **Biodiversity**

12.6.1. Chapter 4 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. Flora and fauna (birds, mammals, and bats) surveys and a tree survey were undertaken. I refer the Board also to section 10.5 of my report above.

12.6.2. The site is not located within or adjacent to a European site. Yeomanstown Stream runs along the western boundary of the site. This stream is linked to Grand Canal pNHA and is within the catchment of the River Liffey. Wastewater from the site will be treated at Osberstown Treatment Plant, which discharges to the River Liffey and ultimately Dublin Bay. Hydrological links are identified from the surface water Dublin Bay, where there are a number of European Designations, including South Dublin Bay SAC and South Dublin Bay and Tolka Estuary SPA. These sites are approx. 33km from the site. An Appropriate Assessment Screening Report has been submitted with the application, which is assessed under section 11 above.

12.6.3. In terms of the receiving environment, habitats and flora are identified. It is stated that no species of protected flora or fauna were observed on the site. No plant species listed as alien invasive species were recorded. No evidence of badger setts or activity were recorded. A dedicated bat survey was carried out in August 2019 and no bat roosts were recorded from the site. Four species were noted to be feeding: Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat and Brown Long-eared Bat.

The main area of activity was noted to be around the stable buildings and hedgerow around the former stable yard. The Yeomanstown Stream is considered to be too small and modified for use by Otter and it is a sub-optimal habitat. The stretch of river was surveyed for signs of their activity during both February and June and no evidence was recorded. The stream is considered to be of low fisheries value.

- 12.6.4. A bird survey was undertaken. Bird species on site are limited to species of low conservation value, with the exception of the Linnet, which is of medium conservation value.
- 12.6.5. An ecological evaluation was undertaken to identify the likely significant effects during the construction and operational phases. Mitigation measures are set out in section 4.5 of chapter 4 of the EIAR. Construction phase mitigation measures include implementation of a landscaping plan with provision of replacement hedgerows (940m) and 430 trees throughout open spaces and front gardens to compensate for removal of 270m of higher significance hedgerow, 30m of lower significance hedgerow and 210m of lower significance non-native treeline boundary; provision of a new riparian zone along the Yeomanstown Stream which is designated for pollinators and other wildlife; removal of hedgerows/trees to be undertaken from March to August only, in accordance with the habitats directive; trees and buildings to be examined for bats prior to demolition/removal; inclusion within the Construction Management Plan of measures to prevent pollution in accordance with requirements of Inland Fisheries Ireland; and protective fencing around existing trees. Operational phase mitigation measures include the provision of bat boxes and appropriate lighting. During the operational phase, with mitigation, there are expected to be no residual negative effects to biodiversity which can be considered to be significant. Cumulative impacts have been considered, no likely significance effects are identified.
- 12.6.6. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land, Soil, Water, Air and Climate

12.7. Land and Soils

- 12.7.1. Chapter 5 of the EIAR addresses land, soils and geology.
- 12.7.2. Geology maps and soil maps are provided. Preliminary Ground Investigations were undertaken, comprising 9 trial pits, 3 infiltration tests and laboratory and environmental testing.
- 12.7.3. It is stated that the vast majority of the site is underlain by a subsoil layer described as “gravel derived from limestones” except for the north east of the site which is underlain by a subsoil layer described as “alluvium undifferentiated”. Infiltration tests carried out indicated negligible soakage rates. Groundwater vulnerability is rated as high across the site over a locally important aquifer, with moderate vulnerability to the southwest of the site.
- 12.7.4. The main construction activity impacting the soils and geology are identified, including removal of topsoil and subsoil for road construction, foundation excavation and services installation; construction traffic; accidental spills and leaks. In terms of the operational phase, it is anticipated that the development will create additional impermeable surface areas.
- 12.7.5. Mitigation measures are to be set out within a Construction Management Plan, which are in the main related to best practice construction methods. It is stated that the proposed development will not give rise to any significant long term adverse impact. Moderate negative impacts during the construction phase will be short term only in duration. During the operational phase, SuDS measures will be incorporated within the development. There are no predicted impacts arising from the operational phase.
- 12.7.6. Overall the cumulative impact of the construction of the proposed development with the current phase 1 Elsmore are predicted to be neutral in terms of quality and of an imperceptible significance (temporary in duration).
- 12.7.7. I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of land and soils.

12.8. **Water**

- 12.8.1. Water is addressed within chapter 6 of the EIAR. This chapter describes the surface water and groundwater regime. This chapter also addresses the issues of hydrogeology and the interaction between water bodies and the surface water drainage, foul water drainage, and water supply.
- 12.8.2. The subject site is within the Liffey and Dublin Bay Catchment. Yeomanstown Stream is a feeder stream to the canal. This stream was diverted and culverted in part with the development of Elsmore Phase 1 (approved by Kildare County Council and OPW).
- 12.8.3. In terms of topography, the site falls from a high point at the southeastern corner in both a northerly and westerly direction. It is proposed to discharge surface water from the site to Yeomanstown Stream, which subsequently discharges to Dublin Bay (approx. 33km to the east). The groundwater vulnerability on the subject lands is classified by the EPA as High for the majority of the site, and the site is over a locally important aquifer.
- 12.8.4. Separately a Flood Risk Assessment has been carried out. It was determined that the Site is within Flood Zone C as defined by the Guidelines, and therefore the residential development proposed is appropriate for the Site's flood zone category.
- 12.8.5. The surface water drainage system has been designed in accordance with the GDSDS and SuDS methodologies. The SuDS measures are described.
- 12.8.6. Area A has two surface water outfalls; one outfall to the surface water sewer on the Naas South Ring Road and the other outfall to the Rathasker Stream via Phase 1 of the Elsmore development. Elsmore Phase 1 has been designed to cater for the cumulative development. The attenuation for Area B (western side of Devoy Link Road) was approved and constructed under Reg. Ref KCC 09/50005 for a higher density development in Area B. DBFL have undertaken a check on the adequacy of the existing attenuation volume which confirms the tank has adequate capacity to accommodate the proposed development in the catchment based on as built information.

- 12.8.7. Potential impacts during construction and operational phases are detailed, including stripping of soil, potential run off of contaminants to the Yeomanstown Stream, particularly from the construction of the footbridge, and accidental spillage of oils / diesel, increase of impermeable surfaces, and leakage in drainage network.
- 12.8.8. Mitigation measures are described including the preparation of a Construction Management Plan (CMP) which includes measures which will minimise potential impact on the surrounding water and groundwater environs, such as provision for erosion and sediment control through on site settlement ponds, creation of secure bunded hardstand areas, and silt control measures. The impact following mitigation is considered to be short term. Operational mitigation measures include the implementation of SuDS design measures in accordance with the GDSDS. There are no predicted residual impacts on the water and hydrogeological environment arising from the operational phase.
- 12.8.9. With regard to cumulative impacts, no potential cumulative impacts are anticipated with the overall impact expected to be neutral.
- 12.8.10. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

12.9. Air Quality and Climate

- 12.9.1. Air and quality climate is addressed in chapter 7 of the EIAR. The methodology and receiving environment are addressed.
- 12.9.2. The primary sources of potential impacts during construction and operational phases are assessed, including air quality and climate and risk to human health.
- 12.9.3. During the construction stage the main source of air quality impacts is indicated to arise from dust, which will arise from demolition/excavation, earthworks, construction traffic, and truck movements on the site. During the operational phase, the main air quality considerations relate to the number of vehicles and CO₂ emissions as well as heating of the new buildings.

- 12.9.4. Mitigation measures during construction are detailed in section 7.6.1 and referred to in section 7.8.2. Operational phase measures relate to the energy efficiency of the proposed buildings.
- 12.9.5. It is predicted that the operational phase of the development will not generate air emissions that would have an adverse impact on local ambient air quality or local human health or local livestock welfare. The sustainable features that are incorporated into the design of all residential units will ensure that the operational phase of the development at Elsmore will not have an adverse impact on human health, local air quality or on local or global climate patterns.
- 12.9.6. In terms of cumulative impacts, it is considered that the construction and operational phases of the subject development and the currently under construction residential developments to the east of the site will not have an adverse long term impact on the receiving environment.
- 12.9.7. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

12.10. Noise and Vibration

- 12.10.1. Chapter 8 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 12.10.2. Baseline noise monitoring was undertaken at site boundaries adjacent to existing residential development and identified on figure 8.1. The Naas Inner Relief Road which adjoins the southern boundary of the site and the Devoy Link Road are the closest principal sources of existing ambient noise.
- 12.10.3. Potential noise impacts during construction are described, including noise arising from site clearance, building construction works, and landscaping works. Vibration impacts are considered.
- 12.10.4. During the operational phase, consideration is given to noise arising from road traffic and other construction works. A Traffic Noise Impact Assessment has been

used to calculate potential noise impacts at operational stage, with noise monitoring undertaken at four locations. Inward noise impacts from within the development are also considered. Reference is made to the Noise Action Plan for the Dublin Agglomeration, WHO guidelines, the Draft Noise Action Plan for Kildare 2019-2023 and EPA Noise Mapping Assessment. Noise maps have been produced, figures 8.2 and figure 8.3, which indicate the impact of road traffic noise on the proposed development is below the Lden and Lnight noise limit criteria specified in the Draft Noise Action Plan for Kildare 2019 – 2023 and that the proposed development will not be subject to unacceptable or adverse road traffic noise. An analysis of traffic data indicated the calculated change in noise levels associated with the development is predicted to have an imperceptible noise impact at existing residential receptors.

12.10.5. Mitigation measures are detailed for construction, as set out in section 8.6.1, including the establishment of a noise management programme, use of an acoustic consultant to carry out routine noise audits, and procedures around the use of equipment. Construction phase noise and vibration emissions are indicated to be temporary and transient and will be managed so as to minimise impact to population and human health by complying with all relevant guidance, as such the impact will be short-term and have a slight impact overall.

12.10.6. In terms of the operational phase, mitigation by design measures are set out relating specifically to windows, ventilation systems, wall construction and roof construction. The operational phase of the development is predicted not to have an adverse noise impact on the receiving environment or on existing residential developments adjacent to the site during the operational phase of the scheme. Therefore, no mitigation measures additional to those set out in terms of design are proposed and the impact will be neutral.

12.10.7. I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

Material Assets, Cultural Heritage and the Landscape

12.11. Material Assets - Traffic and Transport

- 12.11.1. Chapter 10 of the EIAR relates to Traffic and Transportation.
- 12.11.2. The Board is referred to section 10.9 of my report above in respect of impacts on traffic and transport.
- 12.11.3. Baseline traffic data was gathered and junction surveys carried out at the three access points to the site and existing junctions along the Naas South Ring Road/Inner Relief Road. The Devoy Link Road, off which the site is accessed, was constructed in 2017/2018 and provides a direct connection to the town centre. It is noted that this road was designed and constructed to accommodate development from the surrounding lands including the subject site, part of which (Area B) was subject to a previous permission.
- 12.11.4. A total of 578 on site car parking spaces are proposed. 2 spaces are assigned to each house and 1 space per apartment, with provision of 1 visitor space per 4 apartments. 18 spaces are provided for the crèche and 11 spaces for the retail unit. 159 bicycle parking spaces are provided (1 space per apartment and 1 visitor space per 2 apartments).
- 12.11.5. Potential impacts are described both during construction and operational stages. It is stated that remedial and mitigation measures related to construction activities will be implemented in accordance with a Construction Traffic Management Plan (CTMP). It is stated that haulage routes for construction deliveries will access and egress the site from the Inner Relief Road to the south and no HGV vehicles will approach the site from the Devoy Road/Naas town centre. Overall, traffic impacts are considered to be negligible due to the implementation of mitigation measures identified.
- 12.11.6. During the operational phase, an AM peak of 8.15-9.15 was identified and an evening peak of 15.45-16.45. TRICS database and an assessment of a local donor site were utilised to form the basis of the trip assumptions. For the distribution of traffic, it has been assumed that 60% will utilise the Inner Relief Road (South Ring Road) and 40% the Devoy Road. Results of the analysis undertaken indicate that all junctions with the exception of the Devoy Road/Site Access Junction will operate well within capacity for the morning and evening peak with little queuing. Overall, the impact is determined to be moderate on the surrounding roads network. A Mobility

Management Plan is proposed as mitigation during the operational phase to promote sustainable modes of transport. While I would question the PM peak chosen, I consider the assumptions overall to be acceptable and given the scale of the development, in conjunction with the existing road network and high quality pedestrian and cyclist links provided, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures proposed.

12.11.7. I consider the level of parking proposed to be appropriate for the site and in accordance with national policy.

12.11.8. Interactions are considered, as are cumulative impacts. No significant effects are identified, subject to mitigation through the implementation of measures within the CMP and other sections of the EIAR.

12.11.9. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport.

12.12. **Material Assets - Utilities**

12.12.1. Chapter 12 of the EIAR evaluates the impacts on material assets required to facilitate the development, including surface water drainage, foul drainage, water supply, electricity, gas and telecommunications.

Surface Water Drainage

12.12.2. Surface water from the proposed development area currently discharges via the Naas South Ring Road/Devoy Link Road and from an attenuation tank serving the existing Elsmore development to the Yeomanstown Stream (also referred to as Rathasker Stream). There is capacity within the existing attenuation tank serving Elsmore to accommodate Area B (as this was planned for under an previous permission) and three new attenuation areas are proposed for Area A before outfalling to the existing public water sewer on the Naas South Ring Road. SUDS is incorporated within the design for both areas.

12.12.3. Potential impacts in terms of surface water drainage are described for the construction and operational phases. Mitigation measures are proposed for the construction phase as detailed in section 12.7.1 of the EIAR, including provisions for silt control measures. For the operational phase, mitigation measures are cross referenced with chapter 6 of the EIAR (water) including implementation of SuDS measures. The impact following the construction stage mitigation measures outlined is not significant. No adverse impact following the operation phase is indicated.

12.12.4. No significant impacts are identified for the construction and operational phases, subject to mitigation. Any residual impacts for the construction phases will be short term and there are no predicted residual impacts from the operational phase.

12.12.5. Cumulative impacts are considered and no significant impacts are identified.

Foul Sewers

12.12.6. The proposed development will connect to the Elsmore Phase 1 network which ultimately discharges to the 600mm diameter foul sewer on the Naas Southern Ring Road, which ultimately outfall to Osberstown Waste Water Treatment Plant. Area B connects to the foul sewer network within Elsmore Phase 1 Development which also discharges to the 600mm diameter foul sewer on the Naas South Ring Road.

12.12.7. No significant impacts are identified for the construction and operational phases, subject to mitigation. Any residual impacts for the construction phases will be short term and there are no predicted residual impacts from the operational phase.

Water Supply

12.12.8. There is an existing water main in the Devoy Link Road and from Elsmore Phase 1. Irish Water has indicated a water connection can be facilitated.

12.12.9. No significant impacts are identified for the construction and operational phases, subject to mitigation. Any residual impacts for the construction phases will be short term and there are no predicted residual impacts from the operational phase.

Telecommunications

12.12.10. There are existing EIR and Virgin Media network services in the area and connections will be made to these telecommunication utilities during the design stage of the development. No significant impacts are predicted.

Conclusion on Material Assets – Utilities

12.12.11. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

12.13. Material Assets - Waste Management

12.13.1. Chapter 11 of the EIAR addresses waste management.

12.13.2. Construction phase impacts identified include stripping of top and subsoils and construction materials. It is estimated that 85,000 m³ of soil will be excavated with 10% reused for landscaping. I note that there will be waste from demolition of existing buildings and hardstanding areas, which was not identified, however this can be adequately addressed by condition through the requirement for the submission of a detailed Construction and Demolition Waste Management Plan.

12.13.3. Operational phase impacts are also considered in terms of waste likely to be generated by the proposed dwellings.

12.13.4. A Construction Waste Management Plan (CWMP) has been prepared to deal with waste generation during the construction phase of the project and a separate Operational Waste Management Plan (OWMP) has also been prepared for the operational phase of the development. These mitigation measures are proposed to minimise the effect of the proposed development on the environment, to promote efficient waste segregation and to reduce the quantity of waste requiring disposal.

12.13.5. The predicted effect of the construction waste will be long term, moderate and negative. The predicted effect of the operational phase on the environment will be long-term, moderate and negative.

12.13.6. Cumulative impacts are considered. No significant effects are identified.

12.13.7. I have considered all of the written submissions made in relation to Material Assets – Waste Management. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on waste management.

12.14. Archaeological, Architectural and Cultural Heritage

12.14.1. Chapter 13 of the EIAR addresses cultural heritage, archaeology, and architectural heritage.

12.14.2. A desktop study and field inspection were carried out as part of the assessment of the site, as well as a geophysical survey and archaeological testing. There are no recorded monuments within the application site, no protected structures and no ACAs. The former stud and 20th century Rathasker Cottage is proposed to be demolished as part of the development.

12.14.3. Mitigation measures are proposed in relation to monitoring of topsoil stripping by a suitably qualified archaeologist during the construction phase. A written and photographic record of Rathasker Cottage is proposed. No mitigation of the archaeological or cultural heritage is necessary during the operational phase.

12.14.4. In terms of cumulative impacts, none are identified.

12.14.5. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts on archaeology, architectural or cultural heritage.

12.15. Landscape and Visual Impact Assessment

12.15.1. Chapter 9 of the EIAR addresses Landscape and Visual Impact. The EIAR notes the policy context and existing visual character. The applicant has submitted photomontages of the development from various viewpoints. I refer the Board also to section 10.6 of my report.

12.15.2. The site is located within the 'Northern Lowlands Landscape Character Area' within the Kildare County Development Plan 2017-2023, which is classified as Low Sensitivity, and is described as 'areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area'.

12.15.3. Mitigation measures are considered for the construction and operational phases. The predicted visual impact on trees and hedgerows during the construction phase is examined as well as during the operational phase. It is proposed to retain the southern tree boundary with the South Ring Road. The hedgerow along Rathasker Road, which is a proposed green route, will be retained as much as possible, with some sections along the northern section to be removed. It is stated that the predicted impact during construction will be moderately negative due to site clearance and building processes, and will be slight and negative in relation to existing trees and hedgerows, as the proposed trees and hedgerows matures and become more established. The predicted impact on the landscape character, which will change from open agricultural land to residential will be most noticeable locally, however, the development is consistent with the zoning objective and with the character of the adjoining residential lands. During the construction phase, the impact will be moderate and negative on the landscape character, however, during the operational phase as the proposed vegetation becomes established, it is stated there will be a slight negative impact on the local landscape character.

12.15.4. The visual impact in terms of views are considered during the construction and operational phases, with photomontages of the operational stage submitted. Overall, due to the anticipated presence of construction machinery, site hoarding, construction cranes and lighting during the construction phase of the development, the impact on views from this location will likely be moderate and negative. Due to the design of the scheme, additional planting and the overlooking of the cycle/ pedestrian paths, it is stated the proposal when complete will result in an attractive streetscape that links with the town centre. During the operational phase, as the proposed planting becomes established and the existing vegetation continues to mature the visual impact will lessen to slight and neutral/ positive. I note the content of the photomontages assessment and am satisfied the issue has been adequately assessed.

12.15.5. Cumulative impacts and residual impacts are considered. No significant negative effects are identified.

12.15.6. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

12.16. Significant Interactions

12.16.1. Chapter 15 of the EIAR comprises a summary of significant interactions between each of the disciplines. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.16.2. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

12.17. Reasoned Conclusion on the Significant Effects

12.17.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in Naas.
- Biodiversity Impacts: Significant direct local impacts on existing flora and fauna will be mitigated by a range of measures identified in the EIAR, including inter alia 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.

- Traffic and Transport: Potential for moderate short term 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 and any potential impact will be mitigated by way of design and implementation of the a Mobility Management Strategy for the development.
- Potential effects arising from noise and air during the construction and operational phases, which will be mitigated by appropriate design and management measures.
- 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 mitigated by the design, retention of specified trees and hedgerows, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.
- Potential impacts on water, which are proposed to be mitigated by construction management measures and implementation of SUDS measures.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

13.0 Recommendation

I recommend that permission is granted, subject to conditions.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out 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) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received,

it is 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.

15.0 Recommended Draft Order

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 John Spain Associates on behalf of Cairn Homes Properties Ltd.

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) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Inspector

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.

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 for the Screening 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.

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: Significant direct local impacts on existing flora and fauna will be mitigated by a range of measures identified in the EIAR, including inter alia 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 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 and any potential impact will be mitigated by way of design and implementation of the a Mobility Management Strategy for the development.
- (d) Potential effects arising from noise and air during the construction and operational phases, which will be mitigated by appropriate design and management 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 mitigated by the design, retention of specified trees and hedgerows, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.
- (f) Potential impacts on water, which are proposed to be mitigated by construction management measures and implementation of SUDS 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 at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as 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.

16.0 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including Chapter 16 of the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>The proposed development shall be amended as follows:</p>

	<p>(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 no. 4 onto the Devoy Road, which shall be open 24 hours a day with no gates.</p> <p>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.</p> <p>Reason: In order to provide a satisfactory standard of residential accommodation.</p>
4.	<p>Sixteen additional cycle parking 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 and the Kildare County Development Plan 2011-2017, to the satisfaction of the planning authority.</p> <p>Reason: In the interest of sustainable transport.</p>
5.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(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.</p> <p>(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.</p> <p>(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</p>

(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 condition road survey and layout plan 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) All car parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(e) Clearly designated spaces for car share use shall be provided.

(f) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

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

6.	<p>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:</p> <p>(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.</p> <p>(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.</p> <p>(c) 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.</p> <p>Reason: In the interests of amenity, ecology and sustainable development.</p>
7.	<p>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</p> <p>Reason: In the interests of amenity, ecology and sustainable development.</p>
8.	<p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>Details of boundary treatments, generally in accordance with Drawing No</p>

	<p>306 REV3 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 1200mm chesnut 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 and shall be submitted for the written agreement of the planning authority and.</p> <p>Reason: In the interests of residential and visual amenities.</p>
10.	<p>Measures proposed in the environmental impact assessment report, to mitigate the impact of the proposed development on bats shall be implemented in full.</p> <p>Reason: To conserve bat species, which are afforded a regime of special protection under the Habitats Directive (92/43/EEC).</p>
11.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>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.</p> <p>Reason: In the interest of the visual amenities and good urban design.</p>
13.	<p>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, the planning authority prior to the commencement of development.</p> <p>Reason: To prevent unauthorised development.</p>
14.	<p>All plant including extract ventilation systems and refrigerator condenser</p>

	<p>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.</p> <p>Reason: In the interest of residential amenity.</p>
15.	<p>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.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
16.	<p>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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
17.	<p>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.</p>

	<p>Reason: In the interests of visual and residential amenity.</p>
18.	<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:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</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>
19.	<p>The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
20.	<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. 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</p>

	<p>agreement.</p> <p>Reason: In the interests of public health and surface water management.</p>
21.	<p>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.</p> <p>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>
22.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
23.	<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.</p> <p>Reason: In the interest of sustainable waste management.</p>
24.	<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 a demolition management plan, together with details of intended construction practice for the development,</p>

	<p>including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
25.	<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 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.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
26.	<p>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.</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>
27.	<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 reinstatement of public roads which may be</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
28.	<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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Una O'Neill
Senior Planning Inspector

20th January 2020