



An
Bord
Pleanála

Inspector's Report PL09.247411.

Development	Development of 395 dwellings, neighbourhood centre including crèche.
Location	Tipper West, Blessington Road, Naas, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	15/1060.
Applicant	PTG Partnership.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party vs. Grant and First party vs. conditions.
Appellant	<ol style="list-style-type: none">1. PTG Partnership.2. Jimmy and June Kelly.3. Paddock Residents Association.4. Patricia and Vincent Keogh.5. Mountain View Residents Association.
Observer	None.

Date of Site Inspection

10th January 2017.

Inspector

Ciara Kellett.

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1.0 Site Location and Description

- 1.1. The appeal site is located to the south-east of Naas town. The area is stated as being 21.85Ha (20Ha on site and 1.85Ha external works) and is bounded by the Tipper Road to the north and the Blessington Road to the south. Naas racecourse is located immediately to the north of the site on the other side of the Tipper Road. The Alderwood and Oakglade housing estates and the Craddockstown Golf Course are located to the south. Housing estates form the western boundary – the Paddocks and Mountain View estates. Further to the west of the Paddocks and Mountain View estates is an IDA Industrial Estate and an An Post Distribution Centre. Agricultural lands form the eastern boundary. The site is approximately 1.25km from the Dublin Road junction.
- 1.2. The Ballycane Road junction is west of the proposed entrance off Blessington Road. The Ballycane Road is the southern ring road around Naas which provides access to the R445 Regional road which leads to the M7 Motorway.
- 1.3. The site itself is relatively flat throughout with site levels ranging from c. 98.7mOD at the north of the site to c. 97.8mOD towards the southern boundary. The site is currently in agricultural use and there are mature hedgerows and trees throughout the site. There are three streams located on the southern half of the site which have influenced the proposed design. The streams converge in the south-west corner of the site and flow under the Blessington Road and emerge on the southern side of the road. The stream flows alongside the road and forms part of the open space in front of the Alderwood estate.
- 1.4. Tipper Road is a two-way single lane road with a footpath on one side. The Blessington Road is a two-way single carriageway road but with full width hard shoulders as well as a path on the southern side of the road which begins at the Oakglade estate. The speed drops from 60kph to 50kph for westbound vehicles about 50m east of Oakglade estate. No cycle facilities along Blessington Road exist at this section. There is a set of traffic lights at the junction with the Ballycane Road.
- 1.5. Appendix A includes maps and photos of the site.

2.0 Proposed Development

- 2.1. The development as initially proposed includes 395 houses, comprising of 39 no. two-bedroom, 133 no. three-bedroom, 200 no. four-bedroom and 23 no. five-bedroom dwellings. The houses are mainly semi-detached houses (c.94%) and remainder detached. The houses are mostly two storeys – 2 and 3 bedroom units, and two storey with attic room (three storey) – 4 and 5 bedroom units. There are 6 no. single storey houses also (3 referenced in Site Notice). There is a mix of 10 house types throughout the development with some variations resulting in 18 house types overall. There are 26.8 dwelling units per hectare and each dwelling has 2 no. car parking spaces. 40 Houses are proposed for compliance with Part V of the Planning and Development Act and are located throughout the development. The application form states that there is 54,713sq.m of housing proposed.
- 2.2. A neighbourhood centre is proposed of 1,978sq.m comprising of a single storey crèche (990sq.m) with 8 set down car park spaces, a two storey element consisting of a licenced retail unit and café (362sq.m) at ground floor, and a gymnasium at first floor level (c.432sq.m) with 41 car parking spaces and 20 bicycle spaces.
- 2.3. Vehicular, pedestrian and cyclist accesses are proposed via a new signal controlled cross roads junction on Blessington Road, at the junction with the existing Oakglade estate entrance. A second vehicular, pedestrian and cyclist access is proposed at the Tipper Road. Two pedestrian entrances are proposed in the south-west corner of the site as well as improvements to the Blessington Road footpath. The internal road network includes 1 no. vehicular/pedestrian bridge across existing streams, 1 no. pedestrian bridge and 4 no. culverts (with pedestrian/vehicular access above).
- 2.4. Approximately 4.3Ha of open space is proposed which includes a number of linear parks and pocket parks throughout the development. Public open space is included near the neighbourhood centre incorporating the Tipper Stream (which forms part of the flood relief works) as well as playgrounds. Each entrance incorporates open space also.
- 2.5. The development will connect to existing public water supply and drainage services. An underground foul pumping station with kiosk and vent, and associated storage will be located in the south-western portion of the site. Surface water attenuation

measures include 2 no. pond areas, baffle, swales and ditches, and 5 no. underground 'stormcell' attenuation systems.

- 2.6. The works are proposed to be carried out in five phases. Following a request for Further Information phasing is proposed as follows (Drawing Coady Architects 0561 Rev B): Phase 1 – 118 dwellings/roadworks/new junction to Blessington Road/stream channel regrading/central public open space; Phase 2 – 62 dwellings (construction access from Blessington Road)/neighbourhood centre site finished as landscaped open space; Phase 3 – 83 dwellings /neighbourhood centre/construction access from Blessington Road; Phase 4 – 79 dwellings/residential access from Tipper Road; Phase 5 – 47 dwellings/complete through access.
- 2.7. An Environmental Impact Statement accompanies the proposal, as well as a Social Infrastructure Assessment, a Town Planning Report, a Flood Risk Assessment, an Engineering Planning Report, a Landscape Report and a screening report for Appropriate Assessment.
- 2.8. Following the request for Further Information, revised public notices were published on May 16th 2016, revising the number of houses down to 389, revising phasing (see above), alterations to architectural treatment of single storey house type F2, reconfigured houses near the Neighbourhood Centre, relocation of open space away from the Paddocks to a more central location, increase in open space in eastern portion of the development, reinforced landscaping between proposal and Mountain View estate, provision of a 'dual use' community room at first floor of the Neighbourhood Centre, identification of signage zones in the neighbourhood centre, additional pedestrian crossing at Blessington Road, provision of additional chicanes and raised tables, increase in western open space due to the omission of 12 no. visitor car parking spaces, removal of swales and revised hydrant locations.
- 2.9. Revised drawings including photomontages, Engineering Drawings, Landscape Drawings and micro drainage and pump details accompanied the response to the request.
- 2.10. A Clarification of Further Information response resulted in changes to the access arrangements, internal junction radii and provision of cycle tracks along Blessington Road between the Ballycane Road junction and the proposed new entrance, addition of 8 visitor parking spaces and modifications to the treatment of dwellings at corners.

2.11. Revised drawings accompanied the response.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 79 conditions. Condition no.2 reduced the number of dwellings to 385 and stated that the development was to be built in phases. Condition no's. 3, 21, 27, 28, and 29 are being appealed by the applicant. Condition no's. 45(c), 46(f) and 68 are being appealed by a third party. Conditions of note are also included below.

Condition no.2 states:

- (a) This permission authorises a total of 385 no. dwelling units and a neighbourhood centre only.*
- (b) The development shall be carried out in a phased manner in accordance with details (Coady Architects Drawing Number 0561 Rev. B), received by the Planning Authority on the 29th April 2016 and in accordance with the terms of this permission.*

Reason: *In the interest of clarity and in the interest of the residential and visual amenities of the area.*

Condition no.3 states:

Prior to the commencement of development, a revised Site Layout Plan shall be submitted for the written agreement of the Planning Authority whereby the following amendment is made:

- (a) Omit house numbers 124, 125, 143 and 144 and extend the area of public open space to incorporate these sites to create a larger public open space in this area.*
- (b) Revise the numbering of houses on the Site Layout Plan to total at 385 no. houses.*

Reason: *In the interest of clarity and in the interest of the residential and visual amenities of the area.*

Condition no. 21 states:

The developer shall construct the proposed cycle tracks on the Blessington Road in accordance with Arup Drawing numbers (BT-0100-01 to 04) received on 29/07/16 and the agreed final detailed design. The cycle track shall be constructed within the limits of the Blessington Road and on lands where the developer has sufficient legal control.

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

Condition no.27 states:

Prior to the commencement of development, the developer shall submit, for the written agreement of the Planning Authority, a detailed design of the junction improvements at the Blessington Road/Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning Authority prior to the commencement of the development. All installations shall be connected to Kildare County Council's Traffic Management Centre located at Aras Chill Dara, Naas, Co. Kildare. The cost of the design and implementation of these works shall be borne solely by the applicant. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing in Phase 1.

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

Condition no. 28:

Prior to the commencement of development, the developer shall submit, for the written agreement of the Planning Authority, a detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road/Blessington Road as per Dublin Road Corridor study proposals. The developer shall also submit for the written agreement of the Planning Authority, the installation of linked MOVA at both Blessington Road/Dublin Road and Blessington Road/Tipper Road junctions. The developer shall also install traffic CCTV and pole at both junctions to assist the monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning

Authority prior to the commencement of the development. All installations shall be connected to Kildare County Council's Traffic Management Centre located in the Council's headquarters in Aras Chill Dara, Naas, Co. Kildare. The cost of the design and implementation of these works shall be borne solely by the applicant. The junction layout and signal provision shall be constructed and implemented prior to the occupation of housing in Phase 1.

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

Condition no.29:

Prior to the commencement of development, the developer shall submit full drawings and details, for written agreement with the Planning Authority, for the improvement of pedestrian crossing facilities at Blessington Road/Friary Road junction in accordance with DMURS. The cost of the design and implementation of these works shall be borne solely by the applicant. The revised junction layout shall be constructed and implemented prior to the occupation of housing in Phase 1.

Reason: *To improve permeability through the proposed development to existing housing, school and local amenities in the adjoining area.*

Condition no.32:

The developer shall liaise directly with the developer and design team for the proposed residential development permitted under Kildare County Council Reference 15/176 (Bord Pleanála Ref. PL09.246340), in relation to all matters affecting the delivery of both developments and infrastructural improvements required on the Blessington Road.

Reason: *In the interest of proper planning and development, and traffic safety.*

Condition no.45 (c):

Prior to commencement of development, the developer shall submit full surface water drawings, details and design calculations for the written agreement of the Planning Authority to include (inter alia):

(C) Details of the location and detailing of the dropped kerbs for overload flow in extreme storm events from the scheme (only in areas where the open

space is to be used for attenuation) and details to demonstrate how this water can migrate to the attenuated drainage network shall be submitted.

Reason: *To ensure proper development and minimise flooding.*

Condition no.46 (f):

The rate of discharge of surface water to the surface water sewerage system shall be restricted to that of a greenfield run-off rate.

Reason: *To ensure proper development and minimise flooding.*

Condition no.55:

There shall be a separate management company for the residential element of the development and the commercial/retail element (i.e. neighbourhood centre). Details shall be agreed with the Planning Authority prior to commencement of development.

Reason: *To facilitate the potential future winding up of the management company for the residential element of the development if the residents request Kildare County Council/Irish Water to take in charge all public areas and all of the public infrastructure serving the housing element of the development.*

Condition no.68:

Pumping Station:

(a) Odour monitoring shall be carried out on site during the operation of the development.

(b) The noise level attributable to the pumping station operations associated with the proposed development shall not exceed 55dB(A)(Leq) over a continuous one hour period between 0800hrs and 1800hrs Monday to Friday inclusive (excluding bank holidays) and between 0800hrs and 1300hrs on Saturdays, when measured outside and noise sensitive location house in the vicinity of the site. Sound levels shall not exceed 45dB(A)(Leq) at any other time.

(c) A Noise Assessment shall be carried out on the site by a competent Noise Consultant in the event of complaints about noise or any other time

specified by the Planning Authority and shall give advance notice as specified by the Planning Authority. The locations of the noise monitoring stations shall be agreed with the Planning Authority in writing. The Noise Assessment Report shall be submitted to the Planning Authority.

(d) *There shall be no wastewater discharge from the pumping station and storage area to the adjacent Craddockstown Stream.*

Reason: *In the interest of public health.*

3.2. Planning Authority Reports

3.2.1. The application was subject to a request for Further Information and Clarification of Further Information. Therefore, there are a number of planning and technical reports on file. They can be summarised as follows with emphasis on the content of the final reports.

First Planning Report:

- The land is zoned under the current Naas Town Development Plan. The proposal is generally in compliance with the policies and objectives contained therein in terms of zoning, uses, access and layout.
- Notes that there is a dominance of 3 and 4 bedroom dwellings and that the number of 2 bedroom dwellings is quite low and considers 3 no. single storey houses insufficient. Notes that 10 house types are proposed but considers a more balanced mix is required.
- Notes housing is laid out in rows, clustered courtyards and block forms, and that cul-de-sacs have been avoided.
- It is not considered that distinct character areas have been provided.
- Considers that more durable front boundaries are required and concerns with layout at several points, in particular E1 and A1 houses at corners.
- Notes that the Transportation department seek Further Information in relation to long stretches of road.

- Concerns in relation to the quality, hierarchy and dispersion of open space – considers that additional open space is required in the mid-north area which would require a reduction in house numbers.
- Proposal of Management Company is not considered appropriate. The Building Control section have concerns in relation to potential problems.
- Notes that a Social Infrastructure Assessment has been included with the application, which states that the Department of Education will undertake demographic reviews, and that a new 1,000 pupil school is envisaged for the town in 2016.
- In relation to Surface Water, notes that an Engineering Report has been submitted and that a network of attenuation tanks and flow control devices are proposed. Report prepared by Consultants on behalf of KCC highlights some concerns. Foul drainage considered acceptable.
- Part of the site is identified in Map 8.1 of the Naas Plan which requires a specific Flood Risk Assessment. FRA notes the main source of flooding is fluvial from the three neighbouring streams – the Tipper West, the Castlesize and Craddockstown streams. Water Services Section require Further Information.
- Transport department expressed concerns in relation to the prematurity of the development pending the construction of the road between Blessington Road through to the Tipper Road and Dublin Road. Concerns raised in relation to the trip rate used in the TIA.

Further Information was requested on 29th January 2015 for 45 items under the headings of: Design and Layout, Housing Mix and Design, General Layout/Design Issues, Public Open Space and Playgrounds, Boundary Treatment, Visual/Residential Impact, Neighbourhood Centre, Architectural Conservation, Transportation Issues to include an independent Road Safety Assessment and detailed phasing of the development, Taking in Charge/Management Company, Flood Risk Assessment, Surface Water Drainage and Attenuation Design, Pumping Station, Fire Safety, Environmental and Third Party submissions.

Following the response to the Further Information on 29th April 2016, the planning authority considered it to be significant and the applicant was requested to re-advertise the fact that significant further information had been submitted.

Second Planner's Report:

- Considers that changes proposed to the design mix, layout, and character areas are acceptable. The applicant's response to the breakdown of areas to be taken in charge by the Council and areas to be controlled by a management company is considered acceptable. The applicant's response in terms of the Flood Risk and Surface water is considered acceptable subject to conditions.
- Considers that clarification of Further Information is required for a number of items. A request for Clarification of Further Information was issued to the applicant on the 8th July 2016. Clarification was required with respect to the juxtaposition of house type E2 at various locations, how the community use of the unit in the neighbourhood centre is managed, and Transportation issues. The Transport department sought clarification specifically in relation to details to reduce speed on Blessington Road, cycle lanes, paving and one way systems, internal layout of straight horizontal roads, visitor parking and relocation of proposed pedestrian crossing on Blessington Road. The clarification request also advised the applicant to address the third party submissions made on foot of the re-advertisement of the Further Information request response. It was noted that the number of houses reduced from 395 to 389 in the response.

Third Planner's Report

The Third Planner's Report dated 22nd September 2016, following the clarification response from the applicant, considered that the response addressed the concerns of the Transport department subject to conditions.

- In relation to the concerns over house type E2, it was proposed to change the house type simplifying the massing and visual appearance to the rear of the semi-detached units which was considered acceptable. The management company will ensure the room in the neighbourhood centre will be available for use by the community.

- The Planner considered that the design of the proposal improved during the course of the application, but considered that the development would benefit from an increased public open space in the central northern area which should be dealt with by condition, which would result in a further reduction of house numbers to 385. It was considered that the general layout complies with the Urban Design Manual for Residential Developments and the development management standards as set out in Chapter 13 of the Naas Town Plan. It was noted that all internal sections of the Council have cited no objections subject to conditions, and consequently recommended a grant of permission.
- The planning authority carried out a full EIA and an Appropriate Assessment Screening of the development.

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

3.2.2. Other Technical Reports

The application was referred to (summary):

- **Transportation** – Transport department expressed concerns with the proposal in terms of increased traffic congestion, in the absence of road objective RP04 (to construct a distributor road linking Dublin Road to the Blessington Road via the Tipper Road). It was further considered that the proposal would endanger public safety by reason of traffic hazard, lack of adequate and safe pedestrian and cycle facilities and obstruction of road users due to the extra traffic generated and would not be in the interest of proper planning. It was also noted that outside parties were exploring options to address the congestion at Blessington/Ballycane Road and Blessington /Dublin Road junctions. Further information was sought including the provision of a Road Safety Audit by an independent auditor and to revise construction phasing and to address the trip rates. Following the response to Further Information, clarification of Further Information was sought in relation to addressing the Road Safety issues. Final report - no objections subject to conditions.
- **Water Services Section** – External consultant engaged – Consultants note that three watercourses join with each other within the site prior to flowing

under the R410 Blessington Road (Tipper west stream, Castlesize stream and the Craddockstown stream). Draft mapping is available for flood extent and depth. Draft mapping indicates that the site is subject to significant flooding from the watercourses. It is noted that the R410 culvert is an important hydraulic feature in the submitted FRA and the OPW CFRAM mapping. The capacity and efficiency of the culvert broadly controls upstream water levels and the point at which overland flows start to bypass the culvert and flow in a north-easterly direction along the northern boundary of the R410 towards and through the Mountain View estate. Further information was sought to address a number of items in relation to surface water attenuation and flooding. Upon receipt the Consultants state that matters relating to flooding have been addressed satisfactorily and recommend conditions to be appended. No objection subject to conditions.

- **Environment** - no objection subject to conditions.
- **CFO** - no objection subject to conditions.
- **Housing** - no objection.
- **EHO** - no objection subject to conditions.
- **Building Control** - Further Information requested in relation to the management company – upon receipt no objection subject to conditions.
- **Heritage Officer** - Further Information requested with respect to the farmstead to the north-east boundary indicated on the 1837 map – upon receipt no objection subject to conditions.

3.3. Prescribed Bodies

The application was referred to:

- **Irish Water** – no objections subject to conditions.
- **An Taisce** – requests that the development be examined under the test requirements of Box 5.2 of the NSS.
- **Development Applications Unit, DoAHG** – no objections subject to conditions.

- **Inland Fisheries Ireland** - no objections subject to conditions.
- **EPA, Fáilte Ireland, National Heritage Council, Waterways Ireland** – file referred – no submissions on file.

3.4. **Third Party Observations**

A total of 57 submissions were made. Some submissions were made in relation to the impact on specific houses in the nearby housing estates. Common areas of concern related to the scale of the development, potential flooding, increase in traffic, and the need for the relief road. These concerns are also the subject of the appeal and are expanded upon in section 6 of this Report.

Following the response to the request for Further Information, the application was re-advertised and 20 submissions were made. Concerns raised were similar to the original submissions and will be expanded upon in section 6 below.

A submission from the **National Transport Authority (NTA)** following the advertisement of the Further Information fully supports the development, stating it is consistent with the principles of land-use and transport integration in the Transport Strategy for the Greater Dublin Area 2016 – 2035. It further notes that Blessington Road is designated as a Primary/Secondary Cycle Route NA3, and that it is critical that development is facilitated with or includes infrastructure for pedestrians and cyclists to move seamlessly between the site and Blessington Road and that Blessington Road itself is improved.

4.0 **Planning History**

The site has been subject to a number of planning applications - the planning applications are:

- **Reg. Ref. 08/500073, ABP Ref.PL73.232688** – Permission was refused in September 2009 for the development of 126 residential dwellings on the northern portion of the subject site (5.22Ha). The Board's reason for refusal related to constraints at the Osberstown Waste Water Treatment Plant.

The site of the proposed development is in the River Liffey catchment and the development would ultimately be connected to the Osberstown Wastewater Treatment Plant, which in turn discharges into the River Liffey.

Having regard to- (a) the importance of the Liffey as a major source of drinking water for the Greater Dublin area, (b) the location of the water abstraction point on the Liffey at Leixlip, downstream of Osberstown, (c) the existing constraints at the Osberstown Wastewater Treatment Plant, which is currently operating beyond its design capacity of 80,000 p.e., (d) the extent of other developments granted planning permission, but yet to be constructed and which would be dependent on the said Osberstown Wastewater Treatment Plant, (e) the lack of certainty in respect of future capacity improvements to the Wastewater Treatment Plant, (f) the existing biological status of the River Liffey, which has been classed by the Environmental Protection Agency as of moderate status (3-4) downstream of Osberstown, (g) article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, which requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, and (h) article 28(2) of the said Regulations, which states that a surface water body whose status is determined to be less than good shall be restored to at least good status not later than the end of 2015, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of sewerage facilities and the period within which this constraint may reasonably be expected to cease and would be prejudicial to public health.

- **Reg. Ref. 08/500081, ABP Ref. PL73. 233930** – Permission was refused in January 2010 for the construction of a neighbourhood centre incorporating 9 no. retail units, convenience store, restaurant, crèche, medical centre, community hall and offices, 157 surface car park spaces and 88 underground car parking spaces.

The Board refused permission for the following reasons and considerations: Reason No.1 was identical to reason in case PL73.232688 and Reason no.2 was as follows:

Having regard to the prominent positioning of the site along a key approach road to Naas town, and at the entrance to major future expansion of the town, it is considered that the proposed development does not provide an appropriate architectural response in terms of design quality and layout on this key site. The design and layout submitted is considered to be lacking in any real sense of place or coherent design quality, the architectural treatment appears disjointed, fails to provide a good hierarchy of spaces or coherent elevational treatment (including an excessive range of finishes). The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

- **Reg. Ref. 01/500101 ABP Ref. PL73.131622** – Permission was refused in February 2008 for the development of 490 dwellings and neighbourhood centre. The development comprised a mixture of detached and semi-detached dormer bungalows, semi-detached two storey dwellings, two-storey townhouses, blocks of apartments, crèche, filling station with grocery shop, doctor's surgery, car sales showroom, general office and ancillary works.

The Board refused for three reasons:

1. *The proposed development would give rise to a poor quality housing/ apartment design and layout with an uneven and poorly distributed hierarchy of useable open space and a rigid internal road system that does not provide adequately for pedestrians or cyclists. The proposed design of the neighbourhood centre, by reason of its form and bulk, would not provide a high quality development or a sense of identity or place on this gateway approach to Naas. The proposed development would constitute a substandard form of residential amenity for future residents and would seriously injure the amenities of the area. The proposed development would be contrary to the policies relating to design and layout, as set out in the Naas Town Development Plan, 2005-2011, and would, therefore, be contrary to the proper planning and development of the area.*
2. *Development of the kind proposed would be premature by reference to the existing deficiencies in the provision of sewerage facilities (upgrading of*

the Osberstown treatment plant and the infrastructure connecting the site with the treatment plant) and the period within which this constraint may reasonably be expected to cease.

3. *Having regard to the scale of the proposed development, accessed from a single access point on the Blessington Road, the Board is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and development of the area.*

Within the vicinity of the site the Board has recently granted permission for another housing scheme. It is located on the southern side of the Blessington Road, to the south east of the Oakfield Housing estate and west of the Craddockstown Golf Course known as 'The Craddockstown Development' herein.

- **Reg. Ref. 15/176, ABP Ref.PL09.246340** – Permission granted in July 2016 for the development of 284 houses. The Board conditioned the development to be carried out in two phases with the construction of a maximum of 124 units and site development works only as part of phase 1. The remainder of the houses are not to be developed until a contract for the construction of the Link Distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council, or as otherwise agreed by the planning authority. Other conditions of note and of relevance to the subject application include Conditions no.8, 9 and 10 which are similar to conditions appended to the subject application by Kildare County Council. Condition no.8 states:

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a detailed design for the junction improvements at the Blessington Road/Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the planning authority prior to commencement of development. All installations shall be connected to Kildare County Council Traffic Management Centre. The cost of the design and implementation of these works shall be borne solely by the

developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing.

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

Condition no.9 states:

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road/Blessington Road as per Dublin Road Corridor Study proposals. The developer shall also submit details of the installation of linked MOVA at Blessington Road/Dublin Road and Blessington Road and Tipper Road junctions. The developer shall also install traffic CCTV and pole at both junctions to assist the monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All installations shall be connected to Kildare County Council Traffic Management Centre. The cost of the design and implementation of these works shall be borne solely by the developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing.

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

Condition no. 10 states:

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, full drawings and details for the improvement of pedestrian crossing facilities at Blessington Road/Friary Road junction in accordance with DMURS.

Reason: *To improve permeability through the proposed development to existing housing, school and local amenities in the adjoining area.*

5.0 Policy Context

5.1. Development Plan

The site is subject to the policies and objectives of the Naas Town Development Plan 2011 – 2017. Chapter 2 of the Naas Plan considers the Strategic Context and Core Strategy. Chapter 4 refers to Housing, Chapter 7 refers to Movement and Transport, Chapter 8 to Water Drainage and Environmental Services, Chapter 13 to Development Management and Chapter 14 to Land Use Zoning.

Chapter 2 notes that the Regional Planning Guidelines designate Naas as a Large Growth Town I. It notes that the population target for 2017 is 27,933 which in turn requires a new housing target of 3,610 units.

Chapter 4 Housing states that Outer Edge of Urban-Rural transition zoning areas should have a density of 20-35 units per Ha. The Land Use Zoning Map identifies the site as being zoned “C11 – New Residential” and comprising 19Ha. A portion of the subject site is zoned “N – Neighbourhood Centre”.

Chapter 7 includes Map 7.1 Naas IFPLUT Preferred Framework Plan. It is an objective to carry out a number of specific projects during the plan period including **RP04**: *To construct a distributor road linking the Dublin Road to the Blessington Road via the Tipper Road.*

There are also Road Improvement, Realignment and Widening objectives including:

RW05: *To realign and widen roads at the following locations (inter alia): (a) Craddockstown Road, (b) Tipper Road, (c) Friary Road between its junctions with the Blessington Road and Poplar Square.*

And,

RW06: *To seek to improve road junctions at the following locations (inter alia): (a) Dublin Road and Blessington Road, (k) Tipper Road and Forenaughts Road*

Chapter 8 notes that *The provision of additional treatment and network capacity in the Osberstown catchment is imperative to address current water quality issues, to facilitate development that has been unable to take place due to capacity constraints, and to permit Naas to fulfil its strategic settlement and economic role*

identified in the *Regional Planning Guidelines*. Phase 2 of Osberstown was expected to increase capacity to 130,000PE by 2014.

With respect to Flooding SW7 states:

SW7: *To ensure that development in areas liable to flooding and areas where the conveyancing capacity of watercourses is limited must so far as is reasonably practicable, incorporate the maximum provision to reduce the rate and quantity of runoff. For example: a) Hard surface areas (car parks etc) should be constructed in permeable or semi-permeable materials, b) On site storm water ponds to store and / or attenuate runoff from the development should be provided, c) Soak-ways or French drains should be provided to increase infiltration and storage and minimise additional runoff.*

Map 8.1 identifies areas where specific Flood Risk Assessments must be carried out. The southern portion of the subject site is included on the map.

Chapter 13 provides information in relation to minimum standards in terms of floor area sizes, storage space requirements, and private and public open space standards. For dwellings of two bedrooms or more, 2 car parking spaces are required.

In chapter 14, the area is zoned “C – new Residential” which is *To Provide for New Residential Areas*. There are a number of sites specifically identified. The subject site is C11 and is considered to be 19Ha in area. A small section of the southern portion of the site is zoned “N – Neighbourhood centre” which is *To provide for new/existing neighbourhood centres and associated facilities*. A copy of the zoning map is included as part of this file.

5.2. Other Guidelines

The DoEHLG Guidelines on ‘Sustainable Residential Development in Urban Areas’ (2009) outline sustainable approaches to the development of urban areas. These set out national policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations.

5.3. Natural Heritage Designations

There are a number of Natura 2000 sites within 15 km of the site as follows:

- Red Bog SAC Site Code 000397
- Mouds Bog SAC Site Code 002331
- Ballynafagh Lake SAC Site Code 001387
- Ballynafagh Bog SAC Site Code 000391
- Wicklow Mountains SAC Site Code 002122
- Pollardstown Fen SAC Site Code 0396
- Wicklow Mountains SPA Site Code 004040
- Poulaphuca Reservoir SPA Site Code 4063.

6.0 The Appeal

The application is subject to four no. third party appeals and one first party appeal against conditions. The third party appeals are from: 1) Jimmy and June Kelly, 2) Paddock Residents Association, 3) Patricia and Vincent Keogh, and 4) Mountain View Residents Association.

The third party and first party appeals are detailed below.

6.1. Grounds of Third Party Appeal

Jimmy and June Kelly

The appeal in summary states:

- Appellants are supportive in principle of the proposed development which addresses a housing need in Naas. Appellants own land situated immediately to the east of the site and their lands share a contiguous boundary with the subject lands.
- Wording of a number of conditions are ambiguous or imprecise.
- Condition no.45 addresses the requirement for surface water drainage details. The appellants request that the condition 45(c) is amended to include the

requirement that details of measures proposed to convey overland flows in extreme storm events from their land will be dealt with within the applicant's lands, such that there is no negative impact on flood levels on their lands.

- Request that condition 45(f) is revised to state that “The rate of surface water discharge to surface water sewerage **and to watercourses and streams** shall be restricted to greenfield runoff rate”. *[Note this is assumed to refer to Condition 46(f)].*
- Condition 68 relating to odour monitoring at the pump station should specify the frequency of monitoring and the minimum acceptable standard.

The Paddocks Residents Association

The Paddocks Residents Association requests the Board to reduce the scale of the development, delete the through road, improve access to non-car modes of transport, to reassess the traffic impact and to curb need to commute to employment centres in the greater Dublin area:

- Development is too large and poorly sited relative to employment, schools and retail facilities and is likely to adversely impact surrounding areas.
- No economic or demographic information provided to justify its size – no evidence of demand in the area for this number of houses.
- Likely to increase level of traffic flow between Naas and Dublin and through the town centre. Trip generation rates used in the TIA are too low for a commuter based economy with no public transport or coherent system of pathways and cycle ways to the town centre, or places of employment.
- Development depends on an already congested section of Blessington Road which is operating at capacity during peak hours – there is no direct access to Dublin road or the N7. In the absence of a decision on the completion of the ring road it is premature.
- Through road will end up being a rat run. No proposals to provide a proper junction with a right turning lane on the Tipper Road.
- Proposals for junction improvements on Blessington road will do little to improve the capacity of the road.

- Distance between the proposed development and the rear of house no's. 40-55 The Paddocks is insufficient. The large 5-bedroom house at the entrance at Tipper Road will dwarf other houses. The existing boundary wall is 4 foot high – a 2m high wall must be built.
- Stormwater from the Paddocks is currently piped to the open space area which adjoins the proposed development. The site is a flood plain and the designated open space is effectively the flood area of the existing stream. These spaces will not be safe or enjoyable given the risks associated with children playing beside water – for much of the year this space may be unusable.
- The requirement for a waste pump is undesirable and will require high maintenance and operating costs. Proposal takes no account of the reserve capacity required in the Naas Wastewater treatment works. Water treatment capacity may be insufficient. This reason was critical for the Board's decision to refuse the last application.

Patricia and Vincent Keogh

The appeal in summary states:

- Flooding – field frequently floods, with Blessington Road side locally well known as an historic flood plain.
- Attenuation tanks – Concern regarding the use of the tanks and the maintenance. A Management Company is not acceptable.
- Firmly opposed to the water feature element due to child safety.
- Refers to previous reason for refusal with respect to biological status of river Liffey and ask for Irish Water to confirm matters have been resolved.
- Refers to traffic concerns particularly impact on Tipper Road, T junction at Forenaughts and Johnstown Village and impact on Fishery Lane.
- Query capacity of local area to accommodate increase in population.
- Similar concerns to the Paddocks submission in relation to the large house at the entrance to Tipper Road near their bungalows.

The Mountain View Resident's Association

The Mountain View Resident's Association submitted an appeal. In summary it states:

- Blessington Road will be unable to accommodate the additional traffic.
- Car usage will increase substantially due to location of secondary schools and lack of cycling facilities. It is noted that all construction traffic will use Blessington Road.
- Management of the Pumping station across from Mountain View already causing problems and not functioning properly – cannot see how it can cater for 389 extra houses.
- Note that 2 flood events have occurred in the 30 years of the existence of the estate - in 1993 and 2009. Consider that Mountain View has approximately 6% AEP event but that the CFRAM models 1D2D do not consider “worst case design” scenarios. Query why new EIA Directive has not been used.
- Estate is too big in comparison to Mountain View (104 houses), the Paddocks (92 houses) and Elmwood is moderately sized.

6.1.1. Applicant Response to Third Party Appeals

Response to Jimmy and June Kelly

The applicant in summary states:

- Applicants have no issue with the amended wording proposed for conditions 45(c) and 46(f).
- Applicants consider the pumping station has been designed in accordance with Kildare County Council's document “Requirements for foul pumping stations and associated infrastructure” published in 2012, and in light of the built-in design features odour monitoring is not considered necessary.

Response to the appeals by the Paddocks and Mountain View Residents Associations and Patricia and Vincent Keogh,

The applicant addressed the items and enclosed an Engineering Report. The response in summary states:

- Applicants do not accept that the scale of development is not appropriate. Naas is designated a 'Primary Development Centre' in the Greater Dublin Area and should plan for growth up to 50,000 persons (RPG's). Proposal is located on zoned lands sequentially located to existing development. Site is zoned appropriately for new residential and neighbourhood centre.
- Naas is well served by community infrastructure, and as the proposal is for a phased development, the number of school places will not be needed instantaneously.
- Consider that the proposed style of housing along the western boundary adjacent to the Paddocks has taken into account the single storey dwellings of the Paddocks. No habitable rooms face west and the depth of the rear garden is generous to provide separation distances of 28-33m to eliminate any issues of overlooking.
- Reference is made to the improvements to junctions, paths and turning lanes. A Construction Traffic Management Plan will be agreed with the Planning Authority prior to commencement of development.
- The applicant considers that the trip rates used adequately represent the anticipated number of trips to and from the development.
- Applicant considers that the TIA was updated to reflect the revised phasing (i.e. 118 units in phase 1) as well as the Craddockstown development adjacent to Oakglade (ABP Ref. 246340). Notes that all mitigation measures will be in place prior to the operation of phase 1. The R410 Blessington Road/R447 Ballycane Road junction will operate within capacity in 2017 and will adequately cater for the traffic generated by phase 1. By 2022 when the full development is completed, the junction would be approaching capacity. Proposed mitigation measures would substantially improve the operation of the junction and bring it to within acceptable limits. The junction would operate within capacity to 2032 with the proposed orbital ring road in place.
- The Blessington/Dublin Road junction would be operating close to capacity in 2017 even without the proposed development. It is proposed to improve the junction's operational performance through the reconfiguration of the signals to MOVA adaptive control.

- There is no capacity need for a right turn pocket at Tipper Road and the Road Safety Audit did not identify any concerns relating to the junction layout with the Paddocks.
- The through road has been designed to reduce traffic speeds and discourage through traffic which is consistent with DMURS. Two entrances ensure that the impact of the development is spread across the road network.
- Reference is made to the public bus services from Naas Town Centre and the applicant requests the Board to agree that the proposal will underpin the demand for public transport between Naas and Dublin and elsewhere.
- It is proposed to provide improved pedestrian and cycle facilities in the vicinity and considers that further improvements are the responsibility of the Council.
- All the residential dwellings are outside of the flood plain. Remodelled Flood zones A and B are located in the Open Space which is allowable under the Flood Risk Guidelines. Refer to the Flood Risk Assessment which demonstrates that the proposed strategy is appropriate. The majority of the site lies within Flood Zone C. All buildings will have finished floor levels above the minimum standard required by the Naas Town Draft SFRA (1 in 1000 year fluvial flood plus 500mm freeboard). Should an extreme pluvial event occur, the onsite public open space area will provide protection to all residential units and managed to an acceptable level without increasing flood risk elsewhere.
- The FRA notes that the lands can be expected to flood to some degree in a 1 in 10 year return period which correlates with the appellant's observations that the lands have flooded twice in the past 30 years. The objective is to contain the flood risk in the pond area for the majority of storm events and then allow the public open space to flood out, as it does in existing conditions for extreme weather events. In doing so it will mimic the existing scenario, thereby ensuring no increase in flood risk either within the subject lands or to adjacent landowners.
- With respect to wastewater, Osberstown works are expected to be completed Winter 2016. The pumping station was constructed to cater for the future development on the subject lands and should not give rise to noise complaints.

- Other issues – Boundary treatment: The applicant will engage with each homeowner to discuss and agree boundaries on the commencement of works.
- Consider neighbourhood centre will accommodate community use and has been designed to create a strong visual presence onto Blessington Road and as a suitable gateway to the town.
- In relation to phasing, the applicant considers that the number of units proposed per phase is measured and capable of being delivered in a sustainable manner.

6.1.2. Planning Authority Response to Third Party Appeal

The Planning Authority responded third party appeals. The response to the third party appeals states:

- In relation to condition 45(c), the planning authority state that some of the 1 in 100 year storm water is proposed to flow along some sections of internal road in order to be collected in detention basins in the open spaces. The overland flows referred to, do not relate to upstream catchments or lands outside the boundary. Issues of upstream flooding were dealt with in the FRA.
- Condition 46(f) is a standard condition regarding green field run off.
- Considers that the location of the development is appropriate for new residential development and while scale is large, it will be developed in phases and is considered acceptable for a large growth town.
- The Transport Department considered the TIA acceptable and the trip rate therein.
- The development is to be carried out in a phased manner and as agreed external works are carried out. It was agreed in the application and grant of permission that phase 1 can only be delivered when junction improvement works have been carried out on the Blessington Road and phase 2 can only be delivered when the Blessington Road to Dublin Road project is under construction and a timeline for completion has been confirmed,

- Full permeability through the site will help spread traffic flows and the design will discourage rat running and HGVs.
- FRA was assessed by KCC Water Section and an external consultant. The grant of permission included specific conditions in relation to surface water and attenuation.
- Consider there is sufficient capacity in wastewater and water services.

6.1.3. Other responses

The third parties and the planning authority were invited to comment on the applicant's response to the appeal. The third parties and first party were invited to comment on the planning authority's response also.

In summary, the third parties stated:

- Applicant has not demonstrated that adequate consideration has been given to the interaction of high flows in the streams which traverse the development site on the ability of the surface water drainage system to perform as intended.
- Concerns in relation to the flood plain, maintenance of the 'pond' and the attenuation tanks by a management company remain.
- Continue to disagree with a water feature on safety grounds.
- Capacity of the Osberstown Treatment plant is still an issue – it would appear there is only capacity for 100 of the initial 185 houses proposed in phase 1.
- Request the location of the Paddocks storm water discharge pipe is confirmed and that a condition is included to ensure that should the water discharge to the subject lands it is appropriately incorporated.
- Permission should not be granted until such time as appropriate road structures are in place including the proposed road from Blessington Road to the Dublin Road. Request that no development takes place beyond phase 1 before the Blessington Road to Dublin road is fully complete and operational. This development will perpetuate Naas as a commuter town.

- Strongly disagree with the applicant's numbers using the Tipper Road and/or as a rat run and to public bus availability and to the request to the Board that the proposal is seen to underpin the demand for public transport.
- Scale of development is too large and now that the Naas Plan is subject to review, it is an opportunity for a full assessment of some of the proposed developments/use of lands to be reviewed by the public. Many items in the current plan have not progressed.

The Planning Authority stated:

- The applicant's response to the Further Information previously submitted provided suitable clarification that the proposed fluvial mitigation measures can operate as intended and that the site manages risk to itself and surrounding property. Some detailed design issues need refinement which were conditioned accordingly, with pre-commencement conditions covering the outstanding detailed design issues.
- With regard to the Paddocks stormwater discharge, it is suggested that prior to commencement it is investigated and its location clearly established and incorporated should that be deemed necessary.
- Irish Water have now confirmed that Osberstown WWTP has reached its capacity milestone of 100,000 PE and the upgrade to 130,000 PE is imminent which will cater for the development requirements of Naas for the foreseeable future. Foul pump has been conditioned to be designed in accordance with Irish Water and KCC specifications.

6.2. **First Party Appeal against conditions**

The First Party have lodged an appeal against conditions no's. 3 and 21 and also include 27, 28 and 29. The conditions are detailed in full in Section 3.1 above. Condition 3 relates to the omission of 4 no. houses in the mid-northern half of the development to extend the open space in this area. Condition 21 relates to the construction of a cycle track on the Blessington Road. Conditions 27, 28 and 29 relate to improvements to local road junctions and co-ordination with the developers on the opposite side of the Blessington Road.

Condition no.3:

- The applicant is seeking the removal of this condition in its entirety. Applicant considers that the proposal has an overprovision of open space in the design as submitted at application and FI stage.
- The increase in open space from 21.5% to 22% is not considered material and the proposed omission of the houses is not justified from either a visual or residential amenity perspective.
- Notes that the Council did not seek any clarification on the acceptability of the open space during the process.
- The central pocket park open space as currently presented comprises 0.2Ha and includes a toddler play area, planted mounds, seating and an informal 'kick-about' area. The space is 70m in length and 30m in width.

Condition no.21:

- Applicant supports the provision of the cycle track along Blessington Road but considers it reasonable that the cost of its construction, including the land ceded is off-set against development levies incurred under Section 48.

Condition 27,28 and 29:

- Applicant seeks clarification on the wording of the conditions. Applicant agrees that the junction upgrades are required.
- Seeks clarity with the allocation of costs given that similarly worded conditions were included in respect of the nearby residential development to the south of the site recently granted permission by the Board in July 2016 (ABP Ref: PL09.246340).
- Requests wording is altered so as to acknowledge that the works could be facilitated by more than one developer and that there is an appropriate allocation of costs between the two permissions.

6.2.1. Planning Authority response to First Party Appeal

- Condition 3: While the overall quantity of open space was deemed acceptable, it is considered that the overall layout and quality of the residential scheme would benefit from the removal of the houses.

- Condition 21: Comments noted.
- Conditions 27, 28 and 29: Comments noted. Appreciate that there is a cost to developer but works are necessary. The issue of off-set of levies is a matter for KCC Senior Management to deal with.

7.0 **Assessment**

I will deal with both appeals, the third parties and the first party, separately.

7.1. **Third Party Appeals:**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. I am satisfied that the principle of development is in compliance with the relevant statutory plans and guidelines. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Scale of Development
- Vehicular access, pedestrian and cycle facilities, and Traffic Impact
- Flooding and Flood Risk Assessment, waste treatment and foul pumping station
- Open Space quality and quantity
- Design, layout and amenities
- Environmental Impact Assessment
- Appropriate Assessment.

7.2. **Scale of Development**

The proposed development is located on lands zoned residential, identified as 'C11' in the Naas Town Development Plan. A portion of the lands are zoned 'N' New Neighbourhood centre.

A number of the appellants consider that the scale of the proposal is too large and query the capacity of the local area to accommodate the increase in population.

They state that there was no accompanying justification (economic or demographic) for a development of this scale as part of the planning application documents.

The Naas Plan notes that the population target for Naas is 27,933 persons by 2017. In order to achieve this population target, the Plan sets a target of 3,610 new dwelling units over the lifetime of the Plan. The Plan designates a number of sites throughout the town for residential development including the subject site.

The Naas Plan states that *Outer Edge of Urban-Rural Transition* zoning areas should have a density of 20-35 units per Ha. The subject site has a density of development of 26.8 units per hectare - within the range specified in the Plan.

A Social Infrastructure Assessment accompanied the Planning Application which concludes that Naas is relatively well serviced by community facilities. There is reference in the application documentation to a new Secondary School opening in 2015, and I note that the Community College welcomed its first cohort of students in August 2015 to a facility on Craddockstown Road. A Planning Application was submitted in April 2016 for a new 1000 pupil school in the Millennium Park.

The subject site is proposed to provide for 389 units (reduced to 385 by condition of KCC grant). The development is appropriately zoned, appropriately scaled to comply with the expected density of development and furthermore, is proposed to be phased. The proposal will be provided with its own neighbourhood centre and crèche facility.

Therefore, I consider that the proposed scale and density of development is appropriate for this greenfield site having regard to the zoning objectives, as well as the pattern of development in the area. Accordingly, I do not consider that the proposed development would seriously injure the residential amenities of the existing community by virtue of its scale nor would it cause undue impact on facilities in the area.

7.3. Vehicular access, pedestrian and cycle facilities, and Traffic Impact

7.3.1. Through Road

The development is proposed to be accessed from both the Tipper Road and the Blessington Road. The appellant's express concerns that the through road will become a rat-run and request that the through road is omitted from the project. The

Council's Transport Department considers that the through road is required to help spread the traffic and I would concur that only one entrance/exit for a development of almost 400 houses would be likely to cause considerable issues.

As part of my site visit I drove the route from Tipper Road to the Johnstown junction of the N7 as suggested by the appellants. I consider that it is a circuitous route via Forenaughts T-junction or Fishery Lane into Johnstown village and on to the N7. There may be a small number of drivers that choose this route regardless, but I do not consider this to be a sufficient reason to omit the through road. The design and layout of the through road has attempted to minimise the attraction for use as a rat-run. I am satisfied that the through road should remain as part of the design.

7.3.2. Entrance at Tipper Road

The appellants consider that a right turning lane at Tipper Road is required and that the entrance at Tipper Road does not deal with the interface with the Paddocks road junction. The applicant states that there is no capacity need for a right turn pocket at Tipper Road and the Road Safety Audit did not identify any concerns relating to the junction layout with the Paddocks.

Given the location of the proposed Tipper Road entrance within the 50kph speed limit, the traffic calming measures already in place, the layout of the proposed scheme at the Tipper Road end, and the established residential uses at this location together with the Road Safety Audit information, I am satisfied that the vehicular movements generated by the proposed scheme would not have a significant material impact on the Paddocks estate or conflict with traffic or pedestrian movements in the area.

7.3.3. Cycle/Pedestrian facilities

The appellants consider that there is no coherent system of pathways and cycle ways to the town centre or places of employment. As part of the application it is proposed to improve the facilities along Blessington Road by providing a footpath along the northern section of Blessington Road, as well as providing a cycle way in each direction, within the lands owned by the applicant (or the Council) from the proposed new entrance to the junction with the Ballycane Road as shown on ARUP drawings BT-0100-00 to BT-0100-05. It is proposed to provide two pedestrian and cyclist accesses to Blessington Road in the south-west portion of the development –

closest to the town centre. Whilst I accept that the cycle route is not complete to the town centre, I am of the opinion that the scheme will substantially improve cycling and pedestrian access for the existing and future residents of the area. This will assist in the delivery of the Cycle Network for Naas, Primary/Secondary route NA3, as identified on sheet N18 of the Cycle Network Plan for the Greater Dublin Area as prepared by the National Transport Authority.

7.3.4. Trip Generation Rates

The appellants consider that the Trip Generation Rate is too low at 0.67 trips per household. The applicant outlined, in the response to the Further Information request, the source of the information which informed their use of 0.67 trips per household. I consider that the use of traffic count information for nearby residential estates would be reflective of the expected trip rates. The appellants consider that the Paddocks estate, being 30 years old, is not representative of the age cohort that is likely to live in the new development due to the number of retired persons etc. which would influence the trip rate. Information has been provided by the applicant regarding trip rates of Oakglade estate (built early 2000's) which was used by the applicants for the recent permission granted by the Board for the new development to the south of Blessington road. The trip rates are similar for both the Paddocks and Oakglade. I am satisfied that the trip rate used is acceptable and I agree with the applicant that the commuter trips from Naas tend to be spread across a number of hours, resulting in a less pronounced peak hour with slightly higher than usual shoulder peaks.

7.3.5. Traffic congestion

The appellants have particular concerns in relation to the capability of Blessington Road to accommodate the additional traffic, and consider the proposal is premature pending the delivery of the distributor road linking the Dublin Road to the Blessington Road via the Tipper Road. There is no direct access to Dublin Road or the N7 proposed, and it is stated that Blessington Road already suffers from congestion. Concerns were raised about adding to congestion on the N7 to commute to Dublin, and the lack of public transport in close proximity to the Blessington Road.

The Transport Department did express concerns with the proposal initially, but following Further Information and Clarification of Further Information, they had no objections to permission being granted subject to conditions.

Upgrades to traffic junctions in the general area are proposed in the EIS (see Section 7.8 below for more detail) as well as in the responses to the request for Further Information. The EIS concludes that post mitigation measures, the overall impact of the proposed development on the surrounding road network varies from imperceptible to moderate up to 2022. Beyond 2022, it is expected that the distributor link road will be completed, otherwise the operational performance of the Blessington Road will be significantly reduced.

From the information supplied, most junctions will operate within capacity in 2022 with the proposed mitigation measures in place. The exception is the Blessington Road/Dublin Road junction. It is stated in the applicant's response to the appeal that this junction will be operating close to capacity in 2017 even without the proposed development. MOVA improvements are proposed which will reduce the queuing impact. The EIS states that the initial phase will have a slight impact, with the relative impact of the proposed development increasing to moderate by 2022. By 2032, with the link road in place, the operational performance is expected to improve considerably with the proposed development having an imperceptible impact.

Following the Further Information request, the applicant carried out a junction assessment for the revised phase 1 (118 houses). The assessment included the consequent traffic of phase 1 (124 houses) of the recently granted Craddockstown permission (ABP Ref. PL09.246340). It was concluded that all junctions will operate within capacity in 2017 with mitigation measures in place. The applicant states that all later phases of the development would occur in tandem with the delivery of the proposed link road or other suitable traffic management measures as deemed appropriate by Kildare County Council, in accordance with Smarter Mobility

The Planning Authority, in their response to the third party appeals, considers that the development as granted by the authority is conditioned such that phase 2 can only be delivered when the Blessington Road to Dublin Road project is under construction and a timeline for completion has been confirmed. However, no such condition exists on the Planning Authority's decision to grant permission. This

condition had been appended to the Craddockstown development in the Board's decision to grant permission (ABP Ref. PL09.246340). There is no restriction on development contingent on the delivery of the link road proposed in the subject application.

It is clear that the proposed development will have an impact on the traffic junctions ranging from slight to moderate, until the link road is in place. No information has been provided in terms of dates for the development of this link road by any party. As noted above, the Board conditioned Phase 2 of the Craddockstown development (ABP Ref. PL09.246340) to be carried out when a contract for the construction of the Link Distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council, or as otherwise agreed by the Planning Authority. Both the Planning Authority and the Applicant have stated that development beyond Phase 1 of the subject application will proceed in tandem with the delivery of the proposed link road or other suitable traffic management measures as deemed appropriate by the Council. Therefore, I consider that a similar condition would be appropriate and should be applied in this instance, should the Board be minded to grant permission.

7.4. Flooding and Flood Risk Assessment, Surface Water, waste treatment and foul pumping station

7.4.1. Flooding and Flood Risk Assessment

Flooding concerns were raised by all third party appellants.

The southern half of the site is identified on Map 8.1 of the Naas Town Plan which requires a site-specific Flood Risk Assessment to accompany proposals for development in these areas.

The Flood Risk Assessment which was prepared by the applicant states that the majority of the site is located in Flood Zone C, and the open space is proposed in Flood Zone A and B. It is proposed to shape the public open space adjacent to the main watercourse to provide compensatory storage in storms exceeding 1 in 50 years, thereby reducing the footprint of Flood Zone A and B. The objective is to contain the flood risk in the proposed pond area for the majority of storm events and then allow the public open space to 'flood out' as it does in existing conditions,

ensuring no increase in flood risk either within the subject lands or to adjacent landholders.

I am satisfied that the applicant has adequately addressed flood risk with the proposed design, including attenuation tanks and flow control devices and the location of the open space in the Flood Zone A (a use considered a water compatible development in the Flood Management Guidelines 2009).

The applicant states that the drainage scheme would be maintained by a Property Management Company. The Planning Authority included a condition to ensure that two separate management companies are set up – for the residential element and for the retail/commercial element. This was conditioned to facilitate the potential future winding up of the management company for the residential element of the development, if the residents request Kildare County Council/Irish Water to take in charge all public areas and all of the public infrastructure serving the housing element of the development. I would recommend that if the Board are of a mind to grant permission, a similar condition is appended to ensure that maintenance of the storm water system throughout the entire development is carried out on a regular basis to ensure that the system operates as intended in the event of an extreme event.

7.4.2. Surface Water

One of the appellants expressed concerns with the wording of two conditions relating to surface water and run-off and requested that the wording is amended with respect to overland flows from adjacent lands (see Section 3.1 above for wording of conditions). The applicant states that the design has accounted for any overland flows from adjacent lands as per the existing conditions, thereby ensuring negligible impacts on adjacent landowners. I am satisfied that the mitigation measures detailed will ensure negligible impact to adjacent landowners. Similarly, for condition 46(f), the system has been designed to maintain a discharge rate of greenfield run-off to the existing stream and no unacceptable residual risk is predicted.

The Paddocks residents state that the pond will block the discharge point of the existing stormwater pipe for that development. The applicant states that no evidence has been found for its existence but they are happy to accept a condition that it is

incorporated should it be found. I would recommend that a condition to this effect is included should the Board consider granting permission.

7.4.3. Waste Treatment

The capacity of the waste treatment plant to cater for the proposed development was raised by an appellant. I note that Irish Water has not objected to the proposed development and I understand that the Osberstown Waste Water Treatment Plant has now been upgraded to accept the wastewater from the expected growth identified in the Naas Plan. Therefore, I am satisfied that the biological status of the River Liffey will not be significantly impacted as a result of this proposed development.

7.4.4. Foul Pumping Station

A number of concerns were raised about the capability of the existing pumping station to adequately cater for the proposed development. A number of issues were raised about odour and noise emanating from this facility already.

It is proposed to discharge the foul sewerage to the existing pump station located opposite Mountain View estate 200m west of the site, from where it will be pumped to Osberstown. Connection to the pumping station will be via a new gravity pipe along Blessington Road. It is proposed to construct a new pumping station in the south-west corner of the site to discharge to the new gravity pipe.

The applicant states, in the response to the appeal, that the pumping station was constructed by the applicant and was designed to cater for the future development of houses on the land and was designed in accordance with Kildare County Council's document 'Requirements for Foul Pumping Stations and associated infrastructure'. The EIS also states that the recommissioning works for the second pump at the existing KCC station will be complete by the time the proposed development is operational.

I am satisfied that the new pumping station and the existing will adequately cater for the proposed development and mitigation measures outlined in the EIS will satisfactorily address any odour or noise issues.

7.5. Open Space quality and quantity

The appellants express concern with the quality of the open space, particularly around the neighbourhood centre. It is considered that this will likely be flooded often and therefore unusable.

The open space has evolved over the course of the application and for the most part I am satisfied that the space is suitable as designed for various types of recreational activity.

I do however share the Planning Authority's concern about the open space in the northern half of the development. I fully accept that there is sufficient quantity of open space proposed throughout the development, but would question the quality and usability of open space on the northern half of the development. There is open space proposed at the entrance on Tipper Road – however, this is not suitable for 'kick about' space. I agree with the Planning Authority that a further four houses should be removed to ensure that the central area is suitable for children from the northern half of the development to have somewhere sufficiently large to enjoy different types of activities.

This condition is also the subject of a first party appeal and for completeness will be restated in the appropriate section below.

7.6. Design, layout and amenities

Residents from the Paddocks and Mountain View estate raised concerns with the layout and design of the houses to the rear of house no's. 40-55 of the Paddocks estate. They consider that the 5-bedroom house at the entrance to the estate will dwarf the bungalow houses in the Paddocks. I do not agree with this viewpoint because the first house from the entrance at Tipper Road is not directly to the rear of any of the houses of the Paddocks estate and is at a sufficient distance to avoid any overbearing impacts.

The house type proposed to the rear of 40-55 the Paddocks incorporates a design for what the applicant calls "controlled views". House types H and J as proposed in this area do not have habitable rooms facing west. The depth of the rear gardens is designed to provide a minimum of 28-33m separation distance. This exceeds the requirements of the Sustainable Residential Development Guidelines which recommends a minimum of 22m between opposing rooms. I am satisfied that the

design and layout of the houses would not seriously injure the residential amenities of residents in the Paddocks.

Concerns were raised about potential damage to the well-established rear gardens in the Paddocks. I note that the developer has committed to agreeing boundary detail with each resident of the Paddocks which should address any issues.

As noted in Section 7.2 above with respect to issues of scale, I am of the opinion that the area has adequate local services and amenities to cater for the increase in population and will not seriously injure the amenities of the area.

Safety concerns were raised about the existence of a water feature for children. The public open space, including the water feature, is overlooked and riparian planting will form a physical barrier. I also note that a 'toddler fence' of 600-750mm is proposed which will be concealed within the planting. I also note that the stream currently forms part of the open space for the Alderwood estate on the southern side of the Blessington Road.

7.7. First Party Appeal against Conditions

The first party has appealed against conditions no's.3, 21, 27, 28 and 29.

Condition no.3 relates to the requirement to remove 4 no. houses from the mid northern half of the development and to replace them with open space. The applicant provides information on the quality and quantity of open space provided. I fully accept that there is sufficient quantity and indeed, for the most part, the quality of the open space is acceptable. I do have concerns that the northern half of the development is underserved and agree that a larger area here would improve the quality of open space for adjacent residents and therefore, I recommend that the condition is not removed.

Condition no.21 relates to the development of cycle tracks along Blessington Road. The applicant requests that the cost of the provision of the cycle tracks are off-set against the development levies. The Planning Authority in response 'noted the comments'.

The Kildare County Council Development Contribution Scheme 2015 – 2022, does not identify any particular cycle scheme for this area as part of works to be carried

out over the lifetime of the scheme. This cycle way is identified as part of route NA3 by the National Transport Authority and I do agree that the costs of the cycle way outside of the applicant's lands should be off-set against levies and consider it appropriate that the planning authority consider this point when agreeing levies.

Condition no's. 27, 28 and 29 are also appended to the grant of permission on the Craddockstown development. The applicant is seeking clarity with respect to the allocation of costs between both developments. The applicant requests that wording of the conditions are altered to acknowledge that the works could be facilitated by more than one developer and that there is an appropriate allocation of costs between the two permissions. The Planning Authority responded by stating that contributions are a matter for senior management.

I consider this to be a reasonable request. However, upgrades to junctions are required for this project, are identified in mitigation measures in the EIS, and must proceed in tandem with the development regardless of what happens with the Craddockstown development. I do consider the removal of the use of the word 'solely' from these conditions to be appropriate.

7.8. Environmental Impact Assessment

The Environmental Impact Statement (EIS) accompanying the application has been prepared by RPS, and is presented in the grouped format in three documents with the main document supported by a separately bound document comprising the appendices. The Non-Technical Summary is set out in a separate document included on the file and is required to provide a summary of the EIS in non-technical language. The statement submitted with the current application provides such a summary, in my opinion.

The proposal falls within the requirements of Class 10 (b) (iv) of Schedule 5 of the Planning and Development Regulations 2001 as amended, whereby an EIS is required for projects comprising of '*Urban Development which would involve an area greater than 2 hectares in the case of business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'. The overall site area is approximately 21.85Ha having regard to the overall combined size of the site (new residential and neighbourhood centre and road frontage).

I consider that information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended, are met. No significant difficulties were encountered in compiling information.

The specialist chapters are set out from Chapter 4 -14 and interactions are addressed in Chapter 15.

Chapter 1 provides details of the screening and scoping undertaken and details the consultation carried out with the Planning Authority. The full scoping document is attached as Appendix A.

Chapter 2 provides details on the Description of the Project including alternatives examined which includes alternative locations, layouts and designs. In terms of alternative locations, it is noted that the site is zoned residential and consideration of alternative locations is not pertinent. An alternative location in this instance is considered to be a 'do nothing' alternative which would mean that the appropriately zoned site would not be used for the purposes of meeting the need for new accommodation requirements, potentially resulting in un-zoned lands coming under pressure for development. Alternative site layouts were considered including the previous planning application layouts and alternative neighbourhood centre layouts. The iterative process considered other layouts and designs and it is considered that the proposal has undergone a robust consideration of relevant alternatives. I consider that the EIS provides a reasonable and rational response to the matter of alternatives.

Chapter 3 outlines the Planning and Development Context. Chapter 4 addresses Human Beings. Chapter 5 considers Flora and Fauna (Ecology/Diversity). Chapter 6 considers Soils, Geology and Hydrology. Chapter 7 considers Water. Chapter 8 Noise and Vibration, Chapter 9 Climate (Air Quality), and Chapter 10 Landscape and Visual. Material Assets are considered over three chapters; Chapter 11 Material Assets – Traffic and Transport, Chapter 12 Material Assets – Waste Management and Chapter 13 Material Assets – Utilities. Chapter 14 considers Cultural Heritage (Local History, Archaeology & Architectural Heritage). Appendix B provides further detail on Archaeological Testing. Chapter 15 considers Interactions of the Foregoing.

Appendix C includes a Preliminary Tree Survey Report. Appendix D includes Cable percussion borehole logs and Trial Pit logs and figures. Appendix E provides more information on Waste including legislation, Construction & Demolition Waste Statistics and an Outline Construction & Demolition Waste Management Plan. Appendix F provides a figure for Infrastructure Utilities. Appendix G provides traffic drawings and the Road Safety Audit Stage 1. Appendix H provides a preliminary Outline Specification notes for External Materials. Appendix I provides an Outline Dust Minimisation Plan. Appendix J provides Landscape and Visual Photographs. The proposed development minimises environmental impacts and subject to recommended conditions provides for a sustainable residential community.

7.8.1. Human Beings

The likely significant effects of the proposed development on human beings are addressed under several of the headings of this environmental impact assessment.

Of particular relevance are matters relating to socio-economic impacts and impacts on the immediate community of the Paddocks, Mountain View, Alderwood/Oakglade estates, with respect to traffic, noise, dust, landscape and employment opportunities.

The proposed development will have short term impacts. During construction, it is expected that there will be an increase in noise levels, albeit within limits.

Construction traffic is not expected to cause a negative impact as it will be outside recognised peak hours. The long term impact will be generally positive through the delivery of a new residential community as part of the established area of Naas which will see the population increase, having remained stagnant for the last number of years. I consider that the residual impacts of the proposal would have a positive impact on the area.

7.8.2. Flora and Fauna (Ecology/Biodiversity)

This should be read in conjunction with the AA – Screening below. The chapter outlines the desktop review and field surveys undertaken. The site is characterised by grasslands – the northern half of the site is covered by improved agricultural grassland (GA1) which changes gradually to wet grassland towards the southern end near the streams. The watercourses are described as depositing lowland river (FW2) and most have associated hedgerows. Hedges surround the western part of the site and there are several treelines (WL2). The terrestrial fauna consists of few

species because of the openness of the habitat. Bat surveys were carried out and no roosts were confirmed within the site although three types of bats were recorded. Bird fauna is limited. The presence of amphibians was not confirmed during site surveys but it is expected that they would use the streams and ditches.

There are potential impacts on several legally protected species found within the site. Mitigation measures include retaining the vast majority of hedgerows and treelines along the site watercourses. Other measures are put forward to protect ecology during construction. Following the implementation of the mitigation measures, the overall impact on flora and fauna is deemed minor negative which I consider acceptable.

7.8.3. Soils, Geology and Hydrogeology

The soil maps indicate that the soil predominantly consists of basic deep well drained mineral soil derived from calcareous parent materials. A band of basic deep poorly drained soil is located across the southern part of the site. Close to the stream the soil consists of mineral alluvium. Subsoils consist of till derived from limestone across much of the site. The GSI database indicates that there are no geological heritage areas in the vicinity of the site.

The site has a relatively thick, generally low permeability subsoil that overlies a poor aquifer and a historically stable environment. There are no perceived sources of contamination during the operational phases and during the construction phase a Construction Traffic Management Plan will be prepared. Appropriate, standard practices during the construction phase will ensure against the potential for pollution of soil. No significant residual impacts on soils and geology are expected.

7.8.4. Water

A Flood Risk Assessment has been carried out.

The site is located within a catchment flowing into Dublin Bay and within the Eastern River Basin District. The site is not located within the vicinity of the River Liffey. However, it is hydrologically connected via the Castlesize river which is a tributary of the Liffey. The Tipper West, the Castlesize and the Craddockstown Demesne stream merge within the site to form the Castlesize river. The Morrell river is located to the east of the site but is not hydrologically connected. Maintenance of water quality during the construction phase is the key issue. The employment of good construction

management practices will counter any potential for risk of pollution of soil, storm water runoff or groundwater.

During operational stages there is a flood risk. There is a potential risk of ground water flooding due to the relatively high water table on the site. It is proposed to mitigate the risk through a combination of measures including storm-water attenuation and flow control devices. The rate of discharge of surface water is limited to greenfield run-off rates.

A wide range of measures have been specified which will ensure that discharges are controlled to prevent potential pollution impacts to all receiving surface water systems and their downstream catchment areas. No negative residual impacts are anticipated with the implementation of the construction and operational mitigation measures.

7.8.5. Noise and Vibration

Noise surveys were carried out in 4 locations. Short term noise impacts are likely to occur during the construction phase, albeit within acceptable limits, and minor short term vibration impacts may also occur during construction. During the operational phase the main potential source of noise is the increase in road traffic noise and there may be some noise associated with the foul pump but the siting of it is at least 50m from the nearest existing residence. Periodic monitoring is recommended during construction to determine noise levels particularly during 'noisy' activities. I am satisfied that there will be imperceptible impacts.

7.8.6. Climate (Air Quality)

Construction related dust impacts can be anticipated and mitigation measures will be put in place to reduce the impact. Construction vehicles, generators etc. will also give rise to exhaust emissions. Traffic related air-emissions may also occur in the operational phase. With appropriate mitigation measures as detailed in the draft outline Construction & Traffic Management Plan the impact is deemed negligible.

7.8.7. Landscape and Visual

The existing environment is typical of most peri-urban areas. Agricultural parts of the site are described as being of moderate scenic quality with few remarkable or distinct features. In an easterly direction, several long distance views are potentially

available, however several hedgerows obstruct these views. The development will result in a change to the landscape which will result in effects. The change within the landscape context is considered moderate as the development is an extension of typologies already present in the area.

During construction good site management in terms of control of lighting and hoarding will be maintained. The design of the proposal has incorporated a mitigation strategy to minimise the operational impact.

During construction there will be a change to the landscape and there will be negative visual impacts for residents and visitors to adjacent areas. In the longer term there will be some minor negative effects to houses adjacent to the site. However, there will be minor positive effects to Alderwood housing estate where the new open spaces form a substantial part of the views. Landscape works are proposed to reduce and offset any impacts generated due to the development where possible.

7.8.8. Material Assets – Traffic and Transport

Improvements in footpaths and cycle ways are proposed which is a positive impact for the surrounding community.

The existing road network and junctions have all been assessed.

Construction phase traffic will be considerably less than that noted for the operational phase. Construction Traffic will be managed through a Construction Traffic Management Plan which I consider acceptable.

The operational impact has considered two scenarios – ‘base’ and ‘base plus development’. ‘Base’ conditions assume that the proposed development does not take place. The base also includes traffic generated by all committed development. ‘Base plus development’ considers three scenarios; Opening year 2017 with no orbital distributor road and 68 residential units, interim year 2022 with no orbital route and the full development completed, horizon year 2032 with orbital route completed. An additional sensitivity test has been carried out to include the Craddockstown Development (southern side of Blessington Road).

The proposed full development has the potential to increase traffic volumes by more than 5% at all junctions in either 2022 or 2032. Therefore, seven junctions have been

assessed further. Proposed mitigation measures including junction upgrades and increasing traffic signal cycle times, and implementation of MOVA adaptive signal control will result in the impact on the surrounding road network varying from imperceptible to moderate up to 2022. Beyond 2032, the operational performance of the Blessington Road/Dublin Road junction is likely to be significantly reduced without the completion of the planned orbital route.

During Further Information, the phasing of the development was amended and further impact assessments were carried out. I am satisfied that with the exception of the Blessington/Dublin Road junction, all other impacts are acceptable. I do not consider that the impact on the Blessington Road/Dublin Road junction is acceptable and consider that beyond Phase 1 of the development, the link road should be developed.

7.8.9. Material Assets – Waste management

The construction phase of the development will result in the generation of surplus wastes such as excavation materials not suitable for reuse. A Construction and Demolition Waste Management Plan will be prepared and the impact will be temporary, slight and negative. The predicted impact of the operational waste will be long term, moderate and negative.

7.8.10. Material Assets – Utilities

The impact on electricity, water, foul sewer, storm water, gas, telecommunications and public lighting, traffic signalling and utilities owned by other stakeholders are considered herein.

During construction the contractor will be obliged to put in place measure to ensure that there are no interruptions to existing services. Capacity exists in all utilities for the proposed development (including Osberstown WWTP) and the predicted impacts during operation are slight, negative and long term.

7.8.11. Cultural Heritage (Local History, Archaeology & Architectural Heritage)

Desk based research as well as field surveys were carried out. During the scoping process the DAU responded recommending that archaeological testing ahead of development be carried out. Pre-Development intrusive testing was undertaken in July 2015. The subsurface remains of a previously unrecorded archaeological

site/feature were uncovered. It is likely that this feature represents a levelled Burnt Mound or Fulacht Fiadh.

There are no Protected Structures, nor any garden feature of interest within the study area. Consequently, there is no potential for direct impacts to any structures or features of Architectural Heritage interest.

Mitigation measures include appointing an archaeologist to undertake all archaeological processes required of the development. The burnt spread feature shall be subjected to a full excavation.

There are no predicted adverse impacts with respect to historical events or structures of architectural heritage significance or interest. The development will result in the removal of a previously unrecorded feature which will now be added to the SMR records. It is considered that this feature is subjected to 'preservation by record' – the impact is considered to be beneficial. I consider that this is acceptable.

7.9. Interactions of the Foregoing

The main interactive impacts arising from the proposed development are adequately addressed in the EIS. Cumulative impacts have been taken into account including the Craddockstown development to the south of the Blessington Road recently granted permission by the Board. I consider that the development, cumulatively with other developments, is not likely to have significant effects.

7.10. **Appropriate Assessment**

An appropriate assessment screening report prepared by Faith Wilson Ecological Consultant was submitted with the application.

I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.

3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

Project Description and Site Characteristics

The proposed development is as described in the report above and in the application submissions as revised. The site is in an outer suburban location and constitutes land which is currently in agricultural use.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

Eight Natura Sites are identified as being within a 15km radius of the site. The sites are:

Site Code, Site Name and Designation	Approx. distance from the site at Tipper West	Qualifying Habitats and Species
000397 Red Bog SAC	7km	Transition mires and quaking bogs
004063 Poulaphouca Reservoir SPA	8.3km south east	Greylag Goose (<i>Anser anser</i>) Lesser Black-backed Gull (<i>Larus fusus</i>)
002331 Mouds Bog SAC	9.5km West	Active Raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion
001387 Ballynafagh Lake SAC	11.5km north-west	Alkaline fens Vertigo moulinsiana (Desmoulin's Whorl Snail) Euphydryas aurinia (March Fritillary)
002122 Wicklow Mountains SAC	11.7km east	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) Natural dystrophic lakes and ponds Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths Alpine and Boreal heaths Calaminarian grasslands of the <i>Violetalia calaminariae</i> Species-rich <i>Nardus</i>

Site Code, Site Name and Designation	Approx. distance from the site at Tipper West	Qualifying Habitats and Species
		grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) Blanket bogs (* if active bog) Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) Calcareous rocky slopes with chasmophytic vegetation Siliceous rocky slopes with chasmophytic vegetation Old sessile oak woods with Ilex and Blechnum in the British Isles
000391 Ballynafagh Bog SAC	12.2km north-east	Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion
000396 Pollardstown Fen SAC	13km south-west	Calcareous fens with Cladium mariscus and species of the Caricion davallianae Petrifying springs with tufa formation (Cratoneurion) Alkaline fens Vertigo angustior (Narrow mouthed Whorl Snail) Vertigo geyeri (Geyers Whorl Snail) Vertigo moulinsiana (Desmoulins Whorl Snail)
004040 Wicklow Mountains SPA	14.8km east	Merlin (Falco columbarius) Peregrine (Falco peregrinus)

A Conservation Management Plan for all of these sites has not been published yet but the following general objectives have been outlined by NPWS.

“The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and

Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at national level”.

Assessment of likely effects

The site is not within a designated site, thus there would be no direct impacts from the proposed development. It is hydrologically connected to the River Liffey via the three streams known as the Tipper West Stream, Castlesize Stream/River and Craddockstown Demesne stream. These watercourses provide a hydrological link to the Natura 2000 sites downstream in Dublin Bay but by virtue of their distance from same any ecological impacts are deemed unlikely.

The proposed development will not have any significant impacts, direct or indirect, on the qualifying species or habitats of the Natura 2000 sites listed above.

In terms of cumulative impacts, the site is located on appropriately zoned lands and, taken in the context with existing development, is not considered to result in likely significant cumulative effects.

Screening Statement and Conclusions

In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the sites location within the Naas town boundary on lands zoned “C11 - New Residential” and “N - Neighbourhood Centre” in the Naas Town Development Plan 2011-2017, to the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Naas Town Development Plan 2011 - 2017, the Urban Design Manual - A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009 and the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of April 2016, 16th day of May 2016 and on 29th day of July 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and commitments identified in the environmental impact statement, and other plans and particulars submitted with the planning

application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development

3. The proposed development shall be amended as follows:
 - a. Omit house numbers 124, 125, 143 and 144 and extend the area of open space to incorporate these sites to create a larger public open space in this area.
 - b. Revise the numbering of houses on the Site Layout Plan to total at 385 no. houses.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. The development shall be carried out in a phased manner, in accordance with details submitted on the 'Construction Phasing' Coady Partnership Architect's Drawing Number 0561 Rev. B, received by the Planning Authority on the 29th day of April 2016 and in accordance with the terms of this permission. No works shall commence on the construction of phase 2 to 5 as indicated on the 'Construction Phasing' drawing, until a contract for the construction of the Link Distributor Road from Blessington Road to Dublin Road has been signed by Kildare County Council or as otherwise agreed by the Planning Authority.

Reason: To allow phased residential development having regard to the capacity constraints on the existing road network in the Naas area and in the interest of the proper planning and sustainable development of the area.

5. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the Mitchell & Associates Landscaping proposals received by the planning authority on the 29th April 2016 and the 29th July 2016, and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

7. The developer shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

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

8. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority details of a public lighting scheme, which shall be designed in consultation with the Project Ecologist and in accordance with the recommendations and mitigation measures contained in the Environmental Impact Statement.

Reason: In the interest of amenity and public safety.

9. 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.

Reason: In the interest of visual and residential amenity.

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

Reason: In the interest of public health.

11. Prior to commencement of development, the stormwater discharge pipe from the Paddocks estate is to be investigated and its location clearly established with appropriate enabling works to incorporate it into the proposed works, if deemed necessary, in agreement with the requirements of the planning authority.

Reason: In the interest of public health.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

13. (a) The roads and traffic arrangements serving the site (including 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. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

(d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.

(e) The developer shall provide footpaths, toucan crossings and cycle paths and gateway signs as detailed on Arup Drawing numbers (BT-0100-01 to 06) received on 29/07/16 and as agreed final detailed design with the planning authority.

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

14. Prior to the commencement of the development the developer shall submit for the written agreement of the planning authority, a detailed design for the junction improvements at the Blessington Road/Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning Authority prior to the commencement of the development. All installations shall be connected to Kildare County Council Traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne by the developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing in phase 1.

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

15. Prior to the commencement of the development the developer shall submit, for the written agreement of the Planning Authority, a detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road/Blessington Road as per Dublin Road Corridor Study proposals. The developer shall also submit, for the written agreement of the planning authority, the installation of linked MOVA at both Blessington Road/Dublin Road and Blessington Road/Tipper Road junctions. The developer shall also install traffic CCTV and pole at both junctions to assist the

monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning authority prior to the commencement of the development. All installations shall be connected to Kildare County Council Traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne by the developer. The junction layout and signal provision shall be constructed and implemented prior to occupation of housing in Phase 1.

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

16. Prior to commencement of development, the developer shall submit full drawings and details, for written agreement with the Planning Authority, for the improvement of pedestrian crossing facilities at Blessington Road/Friary Road junction in accordance with DMURS. The cost of the design and implementation of these works shall be borne by the developer. The revised junction layout shall be constructed and implemented prior to the occupation of housing in Phase 1.

Reason: To improve permeability through the proposed development to existing housing, school and local amenities in the adjoining area.

17. Prior to the commencement of the development the developer shall submit, for the written agreement of the Planning Authority, a detailed upgrade and junction improvement design for the new signalised junction at the development entrance, R410 Blessington Road and Oakglade estate. The developer shall also include for MOVA in the design of the junction and install traffic CCTV cameras and poles at junction to assist the monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning Authority prior to the commencement of the development. All installations shall be connected to Kildare County Council Traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne by the developer. The agreed junction improvements shall be constructed and implemented prior to occupation of housing in Phase 1.

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

18. The developer shall liaise directly with the developer and design team for the proposed residential development permitted under An Bord Pleanála Ref. PL09.246340, in relation to all matters affecting the delivery of both developments and the costs of infrastructural improvements required on the Blessington Road.

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

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 8 weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or by any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000, as amended, and of the housing strategy in the development plan of the area

20. The construction of the development shall be managed in accordance with a detailed Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, site operational hours and off-site disposal of construction/demolition waste.

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

21. 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.

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

22. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the dwellings are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

23. 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. The contribution shall be paid prior to the 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 including an allowance for the ceding of land for the cycle lane on Blessington Road or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance

until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

Ciara Kellett
Inspectorate

17th January 2017