



An
Bord
Pleanála

Inspector's Report PL09.249158

Development	Development of 385 dwellings, crèche and associated site works.
Location	Rickardstown and Roseberry, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	16/975.
Applicant	Tom O'Brien receiver of assets of Declan Gardiner.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party vs. Grant and First party vs. Conditions.
Appellant	1. James Kelly 2. Rickardstown/Roseberry Residents Association 3. Roseberry Hill Residents Association 4. Tom O'Brien (First Party)
Observer	Aine Ryan.

Date of Site Inspection

24th November 2017.

Inspector

Ciara Kellett.

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1.0 Site Location and Description

- 1.1. The appeal site is located c. 1.5km to the north-west of Newbridge town centre. It comprises of two distinct areas linked by a narrow tract of land linking the north-east parcel of land and the south-west parcel. Both parcels of land are green fields currently. The overall site is 13.1 hectares and the developable area is stated as 12.8 hectares.
- 1.2. It is located c.600m at its nearest point from Newbridge Train Station to the south. The Newbridge Greyhound stadium is located just to the north-west off the Station Road. Sarsfield GAA club is on the opposite side of Sexes Road. The Roseberry Hill Housing estate and The Meadows housing estate are in the vicinity as well as a small number of one-off houses. It forms the outer edge/northern fringe of Newbridge Town Local Area Plan boundary. It is zoned for residential purposes. Agricultural zoned lands lie beyond the site.
- 1.3. The south-west parcel is bounded to the west by the R415 Station Road and to the south by Sexes Road. The junction of these two roads forms the south-west corner of the entire site and is known as Byrne's Cross. Its northern boundary is bounded by Rickardstown House and an actively worked farm. The boundary is formed by a mixture of hedgerows and fencing. The eastern boundary of this parcel is formed by the rear gardens of the relatively recently constructed housing estate Roseberry Hill. It measures 5.8Ha and is one open field. It is proposed to accommodate 201 units and the crèche on this site.
- 1.4. The north-east parcel is bounded by Mooney's Road to the north and north-east, Roseberry Hill housing development to the south and south-east. The northern most section of Roseberry Hill estate is currently under construction and under the control of the applicant of this application. The Rickardstown Farm adjoins the western boundary. It is 7.02Ha and comprises two open fields. There is a derelict cottage and outbuilding in the north-east corner of this site. It is proposed to accommodate 184 units in this site.
- 1.5. The overall area is gently undulating with a high point of +102.59 AOD at the centre of the proposed link. This high point falls to the southern boundary by c.6m and to the northern most corner by c.15m.

1.6. Appendix A includes maps and photos of the site.

2.0 Proposed Development

2.1. The development as initially proposed included 385 dwellings, comprising of 327 no. 2 storey 3/4 bed roomed houses; 48 no. 3 storey duplexes consisting of 24 no. 1 & 2 bed apartments and 24 no. 2 & 3 bed roomed units; 6 no. 2 storey 2 bed roomed townhouses and 4 no. 3 storey 3 bed roomed townhouses, totalling 44,473sq.m gross floor area.

2.2. The development also includes 1 no. 2 storey crèche of 541sq.m. Open space of 19,449sq.m is proposed, as well as associated internal roads, car parking and ancillary site development works. It is proposed to be a 4-phased development over 7 years. Phase 1 is for 89 units, Phase 2 for 95 units, Phase 3 for 88 units and the crèche, and Phase 4 for 113 units.

2.3. Of the houses proposed 4 no. are detached, 262 no. are semi-detached and the remainder are terraced units. In terms of percentages, 1 beds make up 4%, 2 beds make up c.8%, 3 beds c.65%, and 4 beds make up c. 23%.

2.4. New vehicular accesses are proposed from Station Road and Sexes Road. Two vehicular links are proposed to adjoin the Roseberry Hill development as well as a third pedestrian link with Roseberry Hill. A pedestrian link with Sexes Road is also proposed. A series of pedestrian walkways link all parts of the site internally.

2.5. Open space is proposed which includes 11 defined spaces of different sizes and for different purposes throughout the development.

2.6. The development will connect to existing public water supply and drainage services.

2.7. An Environmental Impact Statement accompanies the proposal, as well as a Planning Report, a screening report for Appropriate Assessment, an Architect's Design Statement, Landscape Design Statement, Tree Report and Survey, Flood Risk Assessment Report, Services Report and Construction Management Plan as well as standard drawings and documents.

2.8. Following the request for Further Information changes were proposed including a reduction in the number of dwellings from 385 to 364 which included the removal of all apartment and duplex units. The number of 2 bed roomed units increased, as well

as changes to the overall layout and alignment of some houses, and a relocation of the crèche to the southern parcel of land along Sexes Road, to be completed as part of Phase 2. Additional open space was provided and improvements to the road design were incorporated.

- 2.9. Following the request for Further Information, revised public notices were published on May 16th 2016. Revised drawings, Engineering Drawings and Reports, Landscape Drawings, Road Safety Audits, revised Social Infrastructure Report, and technical notes accompanied the response to the request.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 67 conditions. Notable conditions and conditions being appealed by the applicant include:

- Condition no. 2 permits 355 units, refers to phasing and states that the crèche is required as part of phase 2;
- Condition no.3 removes vehicular access onto Station Road and replacement with pedestrian/cycle access only, revisions to the design of crèche and adjoining houses, removal of 10 semi-detached houses and replacement with 5 detached houses, amendments to rear gardens, omission of units 279 – 81 and replacement with open space, and reconfiguration of block 289 – 306;
- Condition no.12 is similar to Condition no.67;
- Condition no.31 requires the applicant to submit a revised entrance layout onto Station Road for pedestrian and cyclist access only;
- Condition no.39 requires the applicant to provide 2 pedestrian/cyclist accesses onto Sexes Road – location to be agreed with the Planning Authority;
- Condition no.42 requires the applicant to construct the permeable links with Roseberry Hill (1 no. filtered and 2 no. full) and ensure all footpaths are linked, and the applicant is to liaise with the adjacent landowner in order to obtain consent to enter the estate to construct the links;

- Condition no.46 notes that car parking has not been provided for unit no.168, drawings are to be submitted to include for parking;
- Condition no.56 requires a payment of €70,000 for car park shortfall;
- Condition no.59 states that there are sewer constraints in the catchment at the sewer rail crossing, downstream at Sexes Road and at Tankardsgarden foul pump station. Connection to the sewer will be contingent on a detailed network assessment to identify the necessary upgrades to the sewer infrastructure, the impact of the ULVRSS Contract 2A Newbridge Eastern Interceptor sewer which is currently at CPO stage. Phasing of the development or alternative measures may be required to be dealt with at sewer connection stage;
- Condition no.64 states that Archaeological Areas 1-5 should be excavated out archaeologically;
- Condition no.66 requires the applicant to pay a Development Contribution of €2,180,331; and
- Condition no.67 requires a security of €710,000.

3.2. **Planning Authority Reports**

3.2.1. The application was subject to a request for Further Information which was re-advertised. 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:

- Principle of development is acceptable but considers the provision of 49 no.3 storey duplex units to be inappropriate for this urban/rural transition area.
- Phasing acceptable but considers crèche should be delivered as part of Phase 2 in a revised location.
- Considers the lands to fall within the category of outer edge of rural transition considering location to the north and agricultural zoned lands bounding site.

Considers density excessive and should be more in keeping with Roseberry Hill which is 25/26 units per hectare.

- Consider connections to Roseberry Hill should be revised to provide a softer connection between the two areas.
- Limited passive surveillance over Public Open Spaces noted. Revisions to layout and design of open spaces required.
- Notes no detached units and requires increase in 1 and 2-bedroom dwellings in the form of townhouses rather than apartments.
- Comments on a number of individual dwellings within the development.
- References Development Plan standards for boundary treatments and considers hedgerow running through the site has been disregarded.
- Considers development lacks central open space and areas 7, 8, and 9 should not be included in calculations. Revised proposal required. Further landscaping detail required.
- Notes Transport Department report and their willingness to grant permission for phase 1 and 2 only subject to a satisfactory response to a Further Information Request.

Further Information was requested on 8th November 2016 for 5 items which included a number of subsections. Request included:

- Transport section had reservations with the development given the difficulties of congestion in the area along Sexes Road and Station Road. Transport department consider that only a limited level of development can take place. Applicant requested to submit a revised site layout plan which sets out development on the southern portion of lands only;
- 17 items were listed under this heading which related to a revised layout, including that the density is considered to be too high, access to Station Road not acceptable, duplex units not permitted, crèche to be relocated to southern portion of land, revisions to house styles and pocket parks, increase number of 2-bed units, provision of 4/5 bedroom units, number of units fail to provide minimum 11m distance between boundaries, boundary treatment, and submit

a Social Infrastructure Assessment with any revised development proposal for the southern portion of the site;

- Further to above, which require a revised layout, comments from Transportation and Environment (in relation to specific chapters of the EIS) to be addressed;
- Address intersections of Foul Sewer and Surface water;
- Note that in the event of a grant of permission the proposed development cannot commence until a definite date for the contract signing for Newbridge Eastern Interceptor Sewer and no more than 20 units are occupied until such time as the ULVRSS Contract 2A is completed.

Following the response to the Further Information received on 1st June 2017, the planning authority considered it to be significant and the applicant was requested to re-advertise.

Second Planner's Report:

- Notes that the new County Development Plan 2017 – 2023 has been adopted since the request for Further Information was issued.
- Notes changes to the planning application including the reduction in the number of units from 385 to 364.
- Summarises the 9 submissions received from third parties following the re-advertisement.
- References internal reports where there is no objection subject to conditions, including a condition to prohibit vehicular traffic onto Station Road recommended by the Transport Department.
- Addresses each response from the applicant to the Further Information request. With respect to Transport concerns, notes that applicant carried out additional surveys including a real time drone survey to demonstrate that the network is not congested and that the Transport Departments concerns relate to congestion remote from the site. Applicant considers there is no technical reason why the development should be restricted to the southern portion only.

- With respect to concerns from the Environment Department the applicant states that the density is reduced from 30.1 units per hectare to 28.4 units per hectare due to the removal of the duplex units. Planner considers lower density acceptable.
- Notes relocation of crèche and move to phase 2 of the development. However, considers design and scale not acceptable and states that this should be addressed by way of condition.
- With respect to revisions to specific house types and layouts applicant submitted changes. Planner considers further amendments are required and can be addressed by way of condition.
- Open space amendments put forward by the applicant are acceptable. 12 no. open spaces are proposed evenly throughout the development. Arguments relating to open space no.11 are addressed in terms of its inclusion within or outside of the overall area (originally part of the Roseberry Hill development). Applicant considers that if it is omitted from calculations the overall open space is 14.6% of the area. Planner considers additional measures can be put in place to ensure a higher quality layout which can be addressed by way of condition.
- Revised mix of housing considered acceptable providing for a mix of 2, 3 and 4 bedroomed houses. Considers 10 semi-detached units should be replaced with detached dwellings.
- Boundary treatment proposals considered acceptable.
- Planner concludes that there are still some outstanding issues which are listed in the Report under each phasing element of the proposal. It is concluded that these issues can be addressed by way of conditions.
- The planning authority carried out a full EIA.
- The Planner recommended a grant of permission subject to conditions.

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

3.2.2. Other Technical Reports

The application was referred to (summary):

- **Transportation** – Transportation note their concern with the scale of the development and the impact on surrounding roads. Note only road improvements in the area are from Byrnes Cross on Station Road to the railway bridge and from Byrnes Cross to Sexes Bridge in the form of road resurfacing, footpaths, cycle tracks and lighting. Transport department willing to grant permission for phase 1 and 2. Requests details on specific design issues within the development and upgrades/additions of pedestrian crossings on adjacent roads. Following response, no objection subject to conditions including condition to omit Station Road vehicular access.
- **Water Services Section** – Further Information requested with respect to the surface and foul water intersections. Recommends that no more than 20 units in the proposed development are occupied until such time as the ULVRSS Contract 2A has been completed and commissioned. Following response, no objection subject to conditions.
- **Area Engineer** – no objection subject to conditions.
- **Heritage Officer** - no objection subject to conditions.
- **Environment Section** – Requests Further Information on a number of different items detailed in the EIS. Following response, no objection subject to conditions.
- **Chief Fire Officer** – no objection subject to conditions.

3.3. Prescribed Bodies

The application was referred to:

- **Irish Water** – no objection subject to conditions.
- **Transport Infrastructure Ireland (TII)** – No objection.
- **Development Applications Unit, DoAHRRGA** – no objections subject to conditions.
- **Iarnrod Eireann** – No objection in principle but notes concern with proposed development alongside other permitted developments leading to an increase

in the volume of traffic using the existing road infrastructure over the main Dublin-Cork Railway line.

- **Inland Fisheries** - no objections subject to conditions.

3.4. Third Party Observations

A significant number of submissions were made mainly from residents in Roseberry Hill. Some submissions were made in relation to the impact on specific houses in the nearby housing estates and objections to the opening up of cul-de-sacs in Roseberry Hill estate. Common areas of concern related to the scale of the development, overlooking into rear gardens of Roseberry Hill, increase in traffic, sewage and water pressure, extended construction duration of 7 years, apartments, green spaces not adequately distributed in the development, lack of school spaces, and protection of existing hedgerows and trees. 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 9 submissions were made. Concerns raised were similar to the original submissions and will be expanded upon in section 6 below.

4.0 Planning History

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

- **ABP Ref.PL09.235758, KCC Reg. Ref. 08/2072** – Permission was refused by the Board in September 2010 for the construction of 281 houses for two reasons. The first reason was due mainly to the deficiencies at the Osberstown Wastewater Treatment Plant and the potential impact on the water status of the River Liffey, and the second reason stated that the existing 225mm sewer serving the network is surcharging and has no capacity.
- **ABP Ref.PL09.226927, KCC Reg. Ref. 06/100**, – Permission was refused by the Board in July 2008 for the construction of 312 dwelling units and retail units for two reasons. The first reason considered the development premature having regard to the uncertain date for the completion of the upgrade of the

Osberstown Wastewater Treatment Plant and the Newbridge East Sewer Interceptor. The second reason stated that the proposal did not comply with the zoning objective for the site which referred to the provision of a 5-acre site for community development.

Within the vicinity of the site there a number of permissions for residential development.

- **KCC Reg. Ref. 16/1107:** Permission granted in June 2017 for the development of 100 dwellings on a site to the south of Sexes Road and Roseberry Hill and south-east of the subject site.
- **KCC Reg. Ref. 11/286:** Permission granted in July 2011 for amendments to the Roseberry Hill development previously granted permission Reg. Ref. 07/2607.
- **KCC Reg. Ref. 13/493; KCC Reg. Ref. 07/2607:** Permission granted in July 2008 for revisions to the development originally granted planning ref. 03/2557 and revised under ref. 05/2668.
- **KCC Reg. Ref. 05/2688:** Permission granted in April 2007 for 252 dwellings in Roseberry Hill.
- **ABP Ref.PL09.131392, KCC Reg. Ref. 03/2557** – Permission granted in August 2004 by the Board for the development of 304 houses – Roseberry Hill.

5.0 Policy Context

The site is subject to the policies and objectives of the Kildare County Development Plan 2017 – 2023, and the Newbridge Local Area Plan 2013 – 2019.

5.1. Kildare County Development Plan 2017 – 2023

Over the course of the application process, the new Plan was adopted. Chapter 2 refers to the Core Strategy, Chapter 4 refers to housing, Chapter 6 to Movement and Transport, Chapter 7 to Infrastructure and Chapter 17 to Development Management Standards.

- 5.1.1. Table 2.2 of Chapter 2 identifies Newbridge as a Large Growth Town II as well as Maynooth and Leixlip. Section 2.9 notes with respect to growth that *'Of the proportion allocated to the Hinterland, in line with national and regional policy to direct growth into designated growth centres, a minimum of 60% of the allocation is directed to the main urban centres (Naas, Newbridge, Kildare, Monasterevin, Athy and Kilcullen)'*.

Policy **CS2** states:

Direct appropriate levels of growth into the designated growth centres and moderate sustainable growth towns.

- 5.1.2. Section 6.5 of Chapter 6 refers to Walking and Cycling. Policy **WC3** states:

Ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within the existing areas in order to maximise access to town centres, local shops, schools, public transport services and other amenities.

Section 6.6 refers to Road and Street Network. Policy **RS8** states:

Ensure that the planning, design and implementation of all road and street networks within urban areas across the county accord with the principles set out in the Design Manual for Urban Roads and Streets (2013), the National Cycle Manual (2010) and other relevant standards where appropriate.

- 5.1.3. Section 7.5.3 of Chapter 7 refers to Wastewater. Policy **WW7** states:

Support Irish Water in delivering key waste water projects in the county including: Osberstown Wastewater Treatment Plant Upgrade, Leixlip Wastewater Treatment Plant Upgrade, Upper Liffey Valley Sewerage Scheme, Kildare Town Network Upgrade, and Local Network Reinforcement Projects.

- 5.1.4. Chapter 17 refers to Development Management Standards. Section 17.2.4 refers to overlooking and requires that *'in general a minimum distance of 22 metres between opposing above-ground floor level windows is required for habitable rooms. In cases of innovative design where overlooking into habitable rooms does not occur, this figure may be reduced'*.

Section 17.4.6 refers to Apartment Development. It notes that *'The provision of apartment schemes shall only be considered in appropriate locations, at a suitable scale and extent. Primarily this will be in town centre locations and proximate to public transport'*.

5.2. Newbridge Local Area Plan 2013 - 2019

Chapter 3 of the Plan considers the Town Profile, Chapter 4 outlines the Key Challenges, Chapter 6 the Future Development Strategy, Chapter 7 Policies and Objectives and Chapter 8 Land Use Zoning Objectives.

- 5.2.1. Chapter 3 notes that Newbridge had a total population of 21,561 persons in the 2011 census and the average household size is 2.91 persons which is higher than the national average of 2.73 persons. It notes that Newbridge is projected to accommodate 10.1% of the residential growth in Kildare equating to a net requirement of 2,609 units over the Plan life.
- 5.2.2. Chapter 6 notes that the Plan ensures the supply of suitably zoned serviced land to accommodate the future growth of Newbridge, in line with its designation in the Regional Planning Guidelines as a Large Growth Town II.
- 5.2.3. Table 10 of Chapter 7 identifies the 20 sites zoned for residential development and the number of units expected to be granted based on 35 units per hectare. The subject site is identified as comprising C7, C8 and C9. The number of units stated in Table 10 expected to be permitted on the lands totals 200 on C7, 133 units on C8 and 116 units on C9, which is a total of 449 units. Table 11 states that outer suburban/greenfield density parameters are 30-50 units per hectare.

Policy **HL1** states:

To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space.

Policy **HL6** states:

To restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of

development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. Duplex units shall not generally be permitted.

Section 7.3.3 notes that Osberstown Wastewater Treatment Plant first phase of upgrade is due for completion in 2015.

Under section 7.7 objective **SR09** states:

To realign, widen and/or improve the following railway bridges subject to environmental and conservation considerations: a) Blackberry Lane Bridge, b) Morristownbiller Road Bridge, c) Station Road Bridge, d) Sexes Bridge, e) Mooney's Bridge.

Under Section 7.8.3 wastewater is addressed. It states '*that that upgrading of the Newbridge Eastern Interceptor sewer will commence mid 2015 with the additional necessary network upgrades to the Liffey Valley Catchment to commence mid 2016*'.

Map 3 does not include the site for a requirement to submit a site specific Flood Risk Assessment.

- 5.2.4. Table 17 of Chapter 8 notes that the zoning objective for C sites, New Residential, is '*To Provide for New Residential Development.*' The subject lands are zoned 'C' and specifically C7, C8 and C9.

5.3. **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.

5.4. **Natural Heritage Designations**

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

- Pollardstown Fen SAC Site Code 000396 c. 1.2km west of the site
- Mouds Bog SAC Site Code 002331 c.1.2km north

- Ballynafagh Lake SAC Site Code 001387 c.8.8km north
- Ballynafagh Bog SAC Site Code 000391 c.10.5km north
- River Barrow and River Nore SAC Site Code 002162 c. 13.4km south-west

6.0 The Appeal

The application is subject to three no. third party appeals and one first party appeal against conditions. The third party appeals are from: 1) James Kelly, 2) Rickardstown/Roseberry Residents Association, and 3) Roseberry Hill Residents Association.

The third party and first party appeals are detailed below.

6.1. Grounds of Third Party Appeal

6.1.1. James Kelly – Rickardstown Farm

The appeal in summary states:

- No objection in principle to the proposed development.
- Clarity required on boundary treatment along the shared boundary. Mr. Kelly is the legal owner of the existing boundary hedge and no works are to take place which affect the boundary hedge without express permission.
- It is not clear what the boundary treatment is proposed to be at the crèche area which forms the boundary. Request a 2.1m high concrete block wall plastered and capped.
- Note the Planning Authority requested Further Information on the capacity of the existing 225mm foul sewer to accommodate the houses. Request confirmation that there is capacity to facilitate the connection of future houses that may be constructed on the adjoining lands in Mr. Kelly's ownership. This legal assurance formed part of the original sale of the lands the subject of this application.
- Submits copy of previous submission on earlier planning application which were subject to the same legal agreement. Request the Board to make modifications to ensure the proper provision of all boundary treatments, and

access and engineering services to be put in place to allow remaining lands to be properly serviced.

6.1.2. **The Roseberry Hill Residents Association**

The appeal in summary states:

- Application does not provide a clear view of the proposal. Many residents did not understand the complexities and scale of the proposal and did not submit objections.
- No evidence of a Construction Management Plan.
- Concern with the number of 'prior to commencement conditions'.
- A 'Clear sense of place' is not apparent.
- Removal of vehicular access onto Station Road will lead to increased volumes of traffic through Roseberry Hill. Roads not adequate to take this additional traffic. Health and safety concerns with extra traffic. Numerous accidents in the area.
- Current documentation outlines deficit in sewage provisions. Water pressure is a critical issue.
- Photos included showing traffic issues, as well as personal objections from many of the residents.
- Concern with school places.

Following the First Party appeal against conditions, a second submission was received from Roseberry Hill Resident's Association with respect to the first party's appeal against certain conditions. They note that in agreement with the Rickardstown/Roseberry Hill Residents Association, there are too many 'prior to commencement' conditions which will have no third party input. Consider that the number of such conditions warrants a re-submission of a planning application.

6.1.3. **The Rickardstown/Roseberry Residents Association**

The appeal in summary states:

- Number of houses granted permission is not definitive and allows applicant to remove or replace houses. Condition no.3 allows for things to be submitted for agreement with the Planning Authority without input from third parties.
- Lack of play space for 6-700 children.
- Road and bridge network is at peak capacity as is.
- Foul sewer and Osberstown upgrades are not completed and the Board has refused permission for other smaller developments. Proposal is premature.
- Request that the Board condition this development to be built on a phased basis. Conditions are not coherent.
- Existing problems with surface water and flooding on surrounding road and field network. Hedge and bank at Mooney's Road are slipping.
- Development Plan contains objectives for road improvements along Mooney Road to continue this road in the future to the Morrinstown Road and effectively create a ring road north of the railway line. No land take has been proposed to accommodate these works.
- Request an internal fence be erected to prevent unplanned exits onto road network.
- Landscape Plan does not address all existing issues and third parties excluded from commenting. Reference Japanese Knotweed on site.
- Of the 67 conditions, 31 have yet to be finalised with no third party input.

6.2. Applicants Response to Third Party Appeals

The applicant was provided an opportunity to respond to the third party appeals. A technical response from DBFL Consulting Engineers accompanied the response. In summary it states:

- With respect to boundary treatment along shared boundary with Mr. Kelly, Landscape Drawings submitted at Further Information stage illustrate boundary treatment proposed.

- With respect to services, notes that his lands are currently zoned 'I – Agriculture'. Landscape Drawings indicate that vehicular access roads run to the boundary with Mr. Kelly's lands which provides suitable connectivity potential in the future. Water and foul service drawings show that should connection be required; those connections can be facilitated through future road connections.
- A preliminary Construction Management Plan was submitted with the application and was included with the EIS. Of note is the statement contained therein that no construction traffic will be permitted through Roseberry Hill.
- Notes that the first party have appealed a number of the conditions. Consider that the conditions do not materially alter the terms of the proposed development that would inhibit or restrict third party rights.
- Concur with third party on removal of access onto Station Road.
- Technical response to traffic concerns of third parties addressed in DBFL Technical response. Evidence substantiates the applicant's assertion that traffic congestion is not an issue in the immediate vicinity. Where there is some queuing such as in the morning peak, the junctions clear within one signal cycle as is shown in the drone survey. School traffic drop off points which lead to haphazard parking and manoeuvres are not a capacity issue, but more of a management and enforcement issue.
- Foul sewerage – the Osberstown Wastewater Treatment Plant has been upgraded and capacity is available for the Upper Liffey Catchment. The Newbridge Eastern Interceptor Sewer Contract 2A is nearing commencement by Irish Water which addresses previous capacity restrictions in the Newbridge area. Irish Water have no objections to this proposal.
- Water pressure – no issues have been raised by the Council or Irish Water with respect to reduced water pressure.
- Flooding – the development has been attenuated in full to greenfield run-off rates. It is classified as being within Flood Zone C and compatible with residential land use. The reference to flooding on Mooney's Road is a function of the absence of a maintained drainage system. The site will not discharge to

the drainage ditch along Mooney's Road. It will discharge to a new surface water drainage system constructed by the Council as part of the Rosconnell development and extended west as part of the Roseberry development.

- With respect to sense of place comment, refers to Architects Design Statement and Landscape Masterplan. Lists key design objectives identified at the outset. Refers to 4 neighbourhood areas each with their own distinctive character and identity.
- Vehicular connection to Roseberry Hill is in the interest of good urban design and proper planning.
- Good range of schools and amenities in the area.
- Unclear where the appellant sourced the figure of 6-700 children requiring dedicated play spaces. Refers to EIS and Social Infrastructure Assessment. Not all children will be of an age to avail of the dedicated play spaces and demand will not occur at any one time but be spread over years.
- Consider the development was always proposed to occur in 4 distinct phases and was conditioned as such. Whether or not applicant or another party develops the proposal, the condition will remain in place.
- Regarding improvements along Mooney's Road, this was not raised by the Council and the applicant understands that no detailed proposals are in place. Consider that should proposals come forward, the development has been designed to accommodate any likely works as agreed during pre-planning discussions with the Council. An indicative alignment is presented in DBFL drawings.
- With respect to fencing and unplanned exits, it is noted that there is proposed a grass verge, footpath, cycle lane and a second grass verge along Sexes Road. A similar arrangement along Station Road for the full length of the site is proposed. The boundary at Mooney's Road comprises thick, mature hedgerow and tree growth. Along the boundary with Roseberry Hill, there are rear gardens for 80% of the development. No unplanned exits would emerge. Desire lines are catered for.

- Considers appellants reference to outstanding issues in terms of landscaping and boundary treatment is unclear. Consider proposals to be very clear and set out in detail in drawings and Landscape Design Statement. EIS acknowledges where the Japanese Knotweed is located and how it will be addressed. The two trees to be removed are both young ash trees. There are 570 no. additional trees proposed in the open spaces and along the boundaries.
- Concludes that the proposal is fully consistent with adopted policy for the area and considers that evidence submitted at Application and Further Information stages deals with the majority of the appellant's points.

6.3. Planning Authority Response to Third Party Appeal

The Planning Authority submitted a response to the third party appeals. In summary it states:

- Applicant is seeking a 7-year permission not 10 years.
- All apartment and duplex units were omitted in response to the request for Further Information.
- The number of units permitted has been reduced to 355 by conditions and may reduce further in compliance with other conditions to protect the residential amenities.
- Transport department recommends that all conditions are included in any grant of permission. They have particular concerns about allowing vehicular access onto Station Road adjacent to the signalised junction at Byrne's Cross.
- Note Irish Water are relevant body regarding foul sewer network issues.
- Regarding surface water consider that the development is designed in accordance with GDSDS and incorporates SuDS features.
- No flooding should occur.

6.4. Other responses

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

In summary, the third parties state:

- Adjacent farm owner (Mr. Kelly) restates concerns with boundary and in particular requests a 2.1m high wall where there is a new boundary (former location of crèche).
- Mr. Kelly accepts that future connections to roads and services have been addressed by the applicant.
- Roseberry Hill Residents Association refute any claims of 'NIMBYism'.
- Restate concerns over health and safety due to traffic through the estate and water pressure.
- Conditions no's. 3, 26, 31, and 39 clearly alter the plans and the preliminary Construction Management Plan needs to be amended to take account of these changes. There is no clear statement as to where the construction traffic will enter the lands. Station Road access is removed by condition. Condition no.42 requires all operational traffic to be funnelled through Roseberry Hill.
- There has been no substantive analysis of the impact of the closure of the Station Road access via condition on the Roseberry Hill estate.
- Sanitary infrastructure cannot accommodate the level of development proposed – application is premature.

The third parties and first party were invited to comment on the planning authority's response also. The first party responded. There is overlap in the response to the Planning Authority submission with respect to their comments on the third party appeals and the first party appeal. It is therefore addressed under the heading of the First Party Appeal below.

6.5. Observations on third party appeal

One observation on the appeals was received. In summary, it states:

- Conditions attached – considers that conditions which radically alter the development are usually unacceptable. Consider a refusal and a re-lodgement is the most equitable solution.
- Impact arising from omission of Station Road vehicular access not fully assessed.
- Infrastructure capacity and precedent pertaining to the site. Development is premature.

6.6. First Party Appeal against conditions

The First Party have lodged an appeal against 20 no. conditions including no's. 2, 3, 5, 6, 8, 12, 13, 14, 21, 23, 24, 26, 27, 31, 34, 41, 42, 43, 45, and 67. In a number of conditions, the applicant questions the rationale and wording. The timing of the conditions and when they are to be fulfilled/carried out is also referred to. In summary:

Condition no.2:

- Condition states how many units are permitted (355 no.). Figure may not be reflective of the impact of other conditions and is therefore not precise; Conflicts with Condition no.3; Request the Board to clarify this condition.

Condition no.3:

- Request to reduce scale of crèche is not sufficiently precise – crèche is 22m away from nearest units, crèche is c7.9m high – dwellings are c.9.5m high; Condition is not clear or unambiguous; Reason for omission of units in phase 3 and 4 is not clear and runs contrary to principles of proper planning by replacing two units with one; No specific design or rationale provided.

Condition no.5:

- Applicant requests that should it be attached to any grant, it is altered to allow for site clearance and other works prior to any agreement being reached; preferable if condition is linked to the first occupation of any units.

Condition no.6:

- Request that site development works are allowed to proceed and material details are agreed prior to completion of units; no mention of phasing which limits flexibility; request at very least the Board link the agreement of materials to phasing.

Condition no.8:

- Applicant requests clarity with the terms used “an advanced or initial stage”; unclear what is meant; preferable if left to a later stage of each phase of development, at an appropriate time to the relevant planting season.

Condition no.12:

- Consider this condition is a repeat of condition no.67 and is not necessary.

Condition no.13:

- Applicant considers this is unnecessary as all environmental mitigation has been set out in the EIS.

Condition no.14:

- This is considered unnecessary having regard to EIS and terms of condition no.1; clarity as to the meaning of ‘a demonstratively qualified Ecological Clerk of Works’ is required.

Condition no.21:

- Applicant has no particular issue with this condition but considers it would be preferable for all related conditions to be addressed in a single Construction Management Plan and linked to phasing.

Condition no.23:

- Request wording is revised to better reflect and allow for phasing.

Condition no.24:

- Applicant requests the above would be adequately covered by a single condition relating to the provision of a Construction Management Plan linked to each phase of development.

Condition no.26 & 27:

- Request that condition 26 and 27 be replaced with a single condition stating that the applicant shall comply with the requirements of the water services section.

Condition no.31:

- Applicant considers that Station Road entrance accords with good design and permeability. Allows for traffic to disperse in a more even manner onto surrounding road network. Requests the Board to omit this condition.

Condition no.34:

- Wording requires amendment so scope of condition is clear. Wording should be amended to provide for agreement on condition of road prior to works and to provide for referral back to the Board in the event of a disagreement.

Condition no.41:

- Consider it unreasonable that the Planning Authority reserve the right to unilaterally alter the CMP. Note that it is normal practice for CMPs to be evolving documents with various stages agreed during the construction programme. Suggest standard wording similar to condition no's. 21 and 24.

Condition no.42:

- Applicant seeks clarification as to whether this condition is necessary. Application drawings set out links proposed and the relevant consents were submitted. Request this condition is omitted.

Condition no.43:

- Applicant questions the requirement to agree details of the overall development. Request that the lighting detail is linked to the phasing of the development to facilitate a more efficient and realistic construction programme. Preferable if condition was altered to require agreement prior to installation as opposed to prior to commencement of construction of the rest of the development.

Condition no.45:

- Seeks clarification as to what respect the car parking is not already in compliance.

Condition no.67:

- No issue with wording, it is a repeat of condition no.12. Request Board to consider a wording that permits a rolled or phased security arrangement and omits discretionary aspect to the amounts set out. Consider the Board's standard wording might be more appropriate.

6.7. Planning Authority response to First Party Appeal

The Planning Authority responded to the First Party appeal. In summary:

- Condition no.2: History of house numbers explained. Request the Board to attach a condition specifying the units permitted.
- Condition no.3: Redesign of crèche should demonstrate that it does not have an overbearing effect on the houses to the west. House numbers to be omitted were so included to increase the separation distance between existing adjoining developments and subject proposal.
- Condition no.6: Linking of details of external finishes to phasing is acceptable to the Planning Authority.
- Condition no.8: Recommend that hedgerow planting and open space areas be established at the initial stages of each phase.
- Condition no.12: Agree that this is a duplication of no.67.
- Conditions no's. 13 & 14: Recommend both conditions are attached to enable the Planning Authority to readily check by reference to a single document that agreed protection measures are in place.
- Conditions no's. 26 & 27: Water services section require surface water conditions to be designed in accordance with GDSDS and incorporate SuDS.
- Condition no.31: Transport Department refer to their report and recommend all conditions are included. They have concerns about allowing vehicular

access onto Station Road adjacent to the signalised junction at Byrne's Cross which, if permitted, would result in a conflict of traffic movements.

6.8. Other responses

The applicant was provided an opportunity to respond to the Planning Authority's response to their appeal. In summary it states:

- Condition no.3: Replacement of semi-detached units – house type B is proposed which has no habitable room windows facing existing dwellings. This applies to other dwellings conditioned to be omitted. 22m distance is achieved and obscure glazing is used. With respect to the crèche suggest rewording to revise the roof height and profile on the north-east elevation.
- Condition no.31: The applicant has demonstrated that there is no reason to limit access onto Station Road. Junction assessment showed that it would operate within capacity in all scenarios.
- Condition no's 26 & 27: The development is designed in accordance with the GDSDS and SuDS. The site is not within a Flood Zone.
- Condition no.6: Note Planning Authority accept condition linking the detail to the phasing.
- Condition no.8: Clarification welcome. Consider the establishment of new hedgerow should take place within the later stages of each phase to facilitate the delivery of each phase and prior to occupation of each phase.
- Condition no.14: consider this introduces new documentation alongside the EIS. Clarity still required to the meaning of a "demonstratively qualified Ecological Clerk of Works".

7.0 Assessment

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:

- Vehicular access, pedestrian and cycle facilities, and Traffic Impact
- Access through Roseberry Hill
- Density, permitted number of dwellings and house types
- Infrastructure – water and wastewater capacity, phasing of the development
- Landscaping and boundary treatment
- Crèche design
- Clear sense of place
- Construction Management Plan
- Flooding
- First party appeal against Conditions
- Environmental Impact Assessment
- Appropriate Assessment.

Each section of the assessment is structured to guide the Board to the relevant section of the EIS relating to the particular topic (where applicable), the policies and objectives of the Development Plan (where applicable), and the issues raised in the appeals and the applicant's response (where applicable).

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

7.1.1. Traffic and Transport is covered in Section 6 of the EIS. A number of concerns relating to transport are raised by all parties. I will address the proposed accesses into Roseberry Hill in section 7.2 below but other transport issues are addressed herein.

7.1.2. Station Road Vehicular Access

With respect to vehicular access, the removal of vehicular access from the development onto Station Road by condition no's. 3 and 31 is of concern to both the

first and third parties for similar reasons. The Council's Transport Department required a condition to be included to omit vehicular access onto Station Road and for the access to be redesigned to permit only pedestrians and cyclists. The reason for this is stated as being in the interest of pedestrian, cyclist and traffic safety.

There are four vehicular accesses proposed for the development – Station Road and Sexes Road, as well as the two accesses into Roseberry Hill. I consider that four accesses from the development will allow for vehicular traffic to disperse in a more even manner onto the surrounding road network. The Transport Department expressed concerns with the Station Road access from the outset but provided limited specific detail as to why. The Transport Department states that Station Road bridge, which is further south of the proposal, operates without significant queuing of traffic, and has a separate pedestrian bridge.

The applicant in response to the request for Further Information stated that following discussions with the department the main concern was safety of road users at the entrance/egress of the site. The applicant commissioned a road safety audit which considered sightlines and visibility and it raised no particular concerns. A DBFL Drawing accompanied the response to the Further Information request which indicates sightlines of 90m in both directions, as well as the use of appropriate signage and kerbing along Station Road to prevent 'undertaking' of traffic turning right into the new development. Footpaths and cycle lanes are proposed along Station Road for the full length of the development boundary. This will further improve road safety for both pedestrians and cyclists.

I am not satisfied that there will be benefit to removing the Station Road access. This access provides for increased permeability, ease of access to the development coming from a northerly direction, and disperses the traffic in a more even manner throughout the development. Sightlines are in excess of the requirements for 50kph speeds, and footpaths and cycle paths are being provided to improve safety

Furthermore, I consider that should the Station Road access be closed to vehicular traffic, traffic needing to get to Station Road will simply use the access proposed at Sexes Road and arrive at Byrne's crossroads regardless, which was a concern of the Municipal Engineer.

The third parties are concerned that the restriction of Station Road to non-vehicular traffic only would result in all the traffic from the development going through Roseberry Hill. I consider that traffic accessing/egressing the south-west parcel would in fact avail of the Sexes Road access if Station Road was unavailable. Notwithstanding that, I agree with the third parties that there has been no analysis carried out on the impact to Roseberry Hill if Station Road was restricted to pedestrian and cyclist traffic.

In conclusion, I am of the opinion that Station Road access for all modes of transport provides for increased permeability, will help disperse traffic throughout the development more efficiently, provides sufficient sightlines, is in accordance with policy RS8 of the County Development Plan, good urban design and DMURS and should be retained.

7.1.3. Pedestrian and Cycle Facilities

Following the response to Further Information a pedestrian crossing was provided at Sexes Road opposite the GAA club which is to be welcomed. I note that a separate pedestrian access was provided onto Sexes Road adjacent to house no.24 on the DBFL Drawing 152105-2000 at initial application stage but was subsequently removed in later drawings. Condition no.39 requires the applicant to provide 2 pedestrian/cyclist accesses onto Sexes Road – location to be agreed with the Planning Authority. I consider that two pedestrian accesses should be reinstated, in accordance with good urban planning and DMURS, and Policy WC3 of the Plan and parking for the relevant houses to be redesigned.

There is full pedestrian permeability throughout the development and with the reinstatement of the pedestrian accesses referred to above onto Sexes Road, there will be good permeability both within the site and to the external environs. This reinstatement can be addressed by way of condition should the Board consider granting permission.

Concerns were expressed by third parties in relation to unregulated exits from the site onto Mooney's Road. Desire lines within the development are catered for, and additional landscaping will discourage exits onto Mooney's Road.

7.1.4. Traffic Impact

A significant number of concerns were raised regarding the traffic impact of the proposed development. Third party concerns mainly relate to the impact on Roseberry Hill and issues with the road safety audits.

The Council's Transport Department initially requested that only development on the southern portion of land be permitted. Following the response to Further Information, the Transport Department had no objection subject to conditions, which included the closure of Station Road to vehicular traffic.

As part of the application process the applicant has carried out traffic counts, monitoring and modelling, including a drone survey. The Transport Assessment considers that most of the development traffic will use Station Road Bridge or Sexes Bridge which I consider reasonable – the other bridges are remote from the site and unlikely to attract significant numbers of cars. Station Road bridge is a two-way bridge with a separate pedestrian footpath. Sexes bridge is signal controlled to shuttle traffic and has a pedestrian footpath the full length. The Transport Assessment indicates that the junctions have sufficient capacity and that the congestion issues arise at school drop off times. The school is located just south of the Roseberry Hill roundabout. It is likely that any congestion at school times is temporary and in the immediate vicinity of the school. It is also likely that Dublin bound commuter traffic would have departed earlier than the school drop off times.

The Newbridge Train Station is c.600m away from the site. Most dwellings in the estate are within an acceptable walking distance of the train station which will influence commuter patterns also. I noted during my site visit that there were still a number of spaces in the car park adjacent to the train station available mid-morning, should public transport commuters prefer to drive to the station.

Mooney's Road is indicated on Map 2 of the Newbridge Local Area Plan for street/road improvements. One of the third parties raised concerns that the development could impede the road improvements. This was not raised as an issue by the Planning Authority and the applicant states that the proposal has been designed to accommodate any upgrade proposals in the future. During my site visit I noted a significant drop in levels from the site down to Mooney's Road particularly at the north-east corner (the drawings indicate a level drop from +92.02m to +87.56m),

however there is a sufficient distance between the dwellings and the edge of Mooney's road to not prohibit any future upgrades of that road.

A third party states that Roseberry Hill estate already has traffic concerns particularly relating to the businesses (retail units and a crèche), which result in non-residential traffic. It is considered that there will be further traffic due to additional retail and crèche development. There is no element of retail proposed as part of the subject application. I am satisfied that the relocation of the crèche, adjacent to the main entrance on Sexes Road, will not result in extra traffic going through Roseberry Hill. Users of the crèche that do not live within the new development are unlikely to travel through Roseberry Hill to access it.

The third parties submitted photos of traffic delays and referred to a serious accident in the recent past. I acknowledge the appellant's concerns but am of the opinion that while accidents can happen and most often result in traffic disruption, this is not a reason to refuse the proposed development.

I am satisfied that the traffic junctions will operate within capacity and that any local congestion issues are temporary and generally confined to school times. The site is well within walking distance of the train station which provides a good rail service, and there are bus stops along Sexes Road. I am satisfied that the traffic impact is acceptable and will not result in a seriously negative impact on the surrounding roads.

7.2. Access through Roseberry Hill

- 7.2.1. At Planning Authority stage and as part of the appeals lodged with the Board, one of the most contentious issues raised by the third parties is the proposed accesses through Roseberry Hill. There are two accesses proposed which will provide vehicular, pedestrian and cyclist access into Roseberry Hill, and one for pedestrians and cyclists only.

The most eastern access is currently in use by construction workers and the area is in use for parking and storage. In the region of 70 dwellings are currently under construction opposite 280 – 289 Roseberry Hill.

I have reviewed the Planning History for the larger scale developments in the general area (Roseberry Hill) – in particular Reg. Ref 07/2607 and Reg. Ref. 05/2688

and the site layout drawings therein. The site layout drawings clearly indicate that the most eastern access was always going to lead to further residential development. Indeed, residential development was initially included as part of the 2005 application in the northern field of the subject application, and was to be accessed from this road, albeit development in this parcel was removed as part of the final grant. The second road access ended as a hammer head facing the rear gardens of proposed new dwellings which the Planner at the time noted was very poor design. This has been addressed in the subject application.

The appellants express concern with additional traffic coming through their estate both during construction and operation.

During construction the preliminary Construction Management Plan (pCMP) clearly states that there will be no construction traffic through Roseberry Hill. During my site visit I noted a HGV parked opposite no's. 280 – 289. However, the pCMP clearly states that all construction traffic will enter the site via Station Road and/or Sexes Road. It clearly states that no construction traffic will be permitted to access the site via the adjacent Roseberry Hill development. The pCMP is included as an appendix to Chapter 2 of the EIS, and as the development will have to be constructed in accordance with the commitments given therein, will form part of the mitigation measures that the contractor must comply with. Therefore, I am satisfied that no construction traffic will be permitted to access the site via Roseberry Hill.

During operation, concerns were noted with the width of the roads and in particular with the possibility of the Station Road access being a non-vehicular access only. I have addressed this issue in section 7.1 above and recommend that the Station Road access should remain open to vehicular traffic. This will spread the traffic more evenly throughout the estate. There seems to have been confusion amongst some third parties with respect to the Sexes Road access. There was concern that because the Planning Authority conditioned Station Road access to be closed to vehicular traffic, that all traffic would funnel through Roseberry Hill. This was never the case – Sexes Road access would have been available to occupants of the southern parcel of land. Notwithstanding this, I consider that some of the fears of the residents can be allayed with the retention of the Station Road access. This will limit the numbers of cars driving through the Roseberry Hill development.

With respect to the width of the road, this is considered acceptable and in accordance with design standards.

A third access into Roseberry Hill is indicated as 'possible' on the drawings for cyclists/pedestrians adjacent to no.162 Roseberry Hill. Condition no.42 required the applicant to provide the third access point. I concur with the Planning Authority that the applicant should be conditioned to provide this pedestrian/cyclist access to maximise permeability through the site.

In conclusion, I consider that the most eastern vehicular access was indicated on earlier planning permissions, and formed part of the link for the overall development from the outset. I consider that permeability and ease of access is good urban design and in accordance with DMURS and policy RS8 of the County Development Plan. I am recommending that, should the Board decide to grant permission, the Station Road access is retained which will allay some of the concerns of the residents, and I note that a firm commitment is given in the EIS that no construction traffic will go through Roseberry Hill.

7.3. Density, permitted number of dwellings and house type

7.3.1. Human Beings is addressed in Chapter 5 of the EIS and the EIS is referenced herein where applicable. The first party has appealed a number of conditions relating to house quantities and changes to house types, particularly as set out in Condition no.3.

7.3.2. The third parties consider that a number of the conditions imposed by the Planning Authority make it difficult to understand what the final number of houses actually permitted is. Furthermore, they consider that as a number of the conditions involve changes which are to be submitted as part of compliance they are removed from participating in the process.

Having regard to the Newbridge Local Area Plan, the density indicated on Table 10 for sites C7, C8 and C9 (which make up the subject site) is 35 units per hectare which would generate a total of 449 units.

The initial application sought permission for 385 dwellings which included 48 apartments and duplexes. This resulted in a density of 30 units per hectare.

In response to the request for Further Information and the Planning Authority's request that apartments and duplexes be removed, the overall number reduced to 364 units at a net developable density of 28.3 units per hectare. As part of the conditions imposed by the Planning Authority the number of units permitted does change. Condition no.2 states that 355 units are permitted in total. Condition no.3 requires that 12 semi-detached units are replaced with 6 detached units in phase 2 and 3. Three units are to be omitted and replaced with greenspace in phase 4. However, condition no.3 with respect to the crèche design, notes that the amendments required may result in the further omission of dwelling units.

Assuming 355 units, the density would reduce further to 27.6 dwellings per hectare. I have concerns that this density is too low for a serviced site, and a site clearly zoned for residential development. I consider the original density of 28.3 dwellings per hectare, while below the Sustainable Urban Design Guidelines of 35-50 dwellings per hectare, to be just acceptable having regard to the density of Roseberry Hill of 24/25 units per hectare. Thus, I will review condition no.3 and proposed changes contained therein.

- 7.3.3. Changes are proposed to the design of the crèche as part of conditions, due to concerns with units 87 and 88 which may also require the omission of unit 86. I will address the design of the crèche below.
- 7.3.4. Semi-detached units 96/97, 115/116, 130/131, 150/151, 166/167 and 182/183 are conditioned to be replaced with detached units. Units 96/97, 115/116, 130/131, 150/151 and 166/167 are located in the southern field and are alongside the boundary wall with Roseberry Hill to the east. I do not consider that the replacement of these units would provide an any more pleasing aesthetic to the development and being located at the end of the cul-de-sacs would not be very visible. While I accept that there are minimal detached units in the overall development, I consider that there is a reasonable mix of 2,3,4 and 5 bedroomed units throughout.

I note that the Planning Authority stated that they requested the replacement of semi-detached units with detached units to increase the separation distance between the proposal and adjoining dwellings. However, in the circumstance of these units, there is a 4m distance between the gable wall of no.96 and the gable wall of the existing dwelling no.9 Roseberry Hill. The gable walls of no.116, 131, 150

and 167 run along the back wall of dwellings on Roseberry Hill. The proposed units are all type B units which only have a bathroom window with obscure glazing at first floor on the gable wall. I do not consider that there could be issues with overlooking. Furthermore, unit no.131 which has a boundary closest to the rear wall of no.32 Roseberry Hill has been set back over 6m from its boundary wall.

Units 182/183 are also conditioned to be replaced with one detached unit to step the eastern gable away from the rear garden of unit no.184. Unit no.183 is an A type dwelling with only a landing window with obscure glazing at first floor which will not create overlooking. The front façade of no.183 could provide opportunities for overlooking into the rear living areas of no.184. However, I consider that the location of the two semi-detached pairs (no's.182/183 and no's. 184/185) could be slightly amended to avoid this while not radically breaking the building line.

As such, having regard to the reasons for this condition put forward by the Planning Authority for the changes, I do not consider it necessary to replace these semi-detached units with detached units.

7.3.5. Units 279, 280 and 281 are conditioned to be omitted and replaced with landscaped green space. I will address landscaping further below; however, I do not consider that green space in this particular area would be of particular additional benefit. I am recommending that the third pedestrian access is opened adjacent to no.162 Roseberry Hill and between unit no.196 and no.280 of the proposed new development which will provide easy access to Open Space areas no's. 4, 11 and 12.

7.3.6. Condition no.3 with respect to phase 4 requires block 289 – 306 to be reconfigured in a manner which provides for a more coherent form of development, and unit 306 is to be removed and replaced with green space. I agree with both first and third parties that it is unclear what is meant by a more coherent form of development. I consider that block 289 – 306 is acceptable in design and is not particularly different to block 222 - 240. I do agree that unit no.306 should be omitted and replaced with a green space. It breaks the building line and is the only dwelling in the development to do so. Should the Board agree with my recommendation, this omission will require that unit no.305 design becomes a B2 design to provide passive surveillance of the area.

- 7.3.7. In conclusion, I consider that the majority of changes with respect to quantum of development conditioned by the Planning Authority do not benefit the overall proposal, with the exception of the omission of unit no.306. Should the Board agree with my recommendations, this will result in an overall quantum of development of 363 units which maintains a density of 28.3 units per hectare.
- 7.3.8. As noted above, the Local Area Plan provides an indicative quantum of units to be developed on these zoned lands of 449 units which equates to c.35 units per hectare. While 28.3 units per hectare is below the Sustainable Residential Development in Urban Areas Guidelines recommendation of 35 – 50 units per hectare, I consider that this is acceptable in this instance having regard to the nature and pattern of existing development in the vicinity.

7.4. Infrastructure – water and wastewater capacity, phasing of the development

- 7.4.1. Chapter 8 of the EIS refers to Water and Hydrogeology.
- 7.4.2. Water pressure and wastewater capacity were raised as issues by third parties. A number of parties noted that previous refusal reasons on the site referred to the lack of wastewater infrastructure. From a review of the Planning History in Section 4 above, it can be seen that there were two refusals issued by the Board for development on this site in the past, in 2008 and 2010. Both applications were refused due to deficits in wastewater treatment capacity in Osberstown. The Osberstown facility has recently been upgraded and I am satisfied that this proposal is acceptable with respect to capacity.
- 7.4.3. I note that Irish Water have not objected to the proposal. As part of the request for Further Information, Irish Water requested the applicant to comment on a number of items including developing the proposal in line with the development of the Newbridge Eastern Interceptor Sewer (ULVRSS Contract 2A). The applicant responded referring to a condition placed on the nearby development, permitted by the Planning Authority Reg. Ref. 16/1107, which required the proposal to be phased as agreed at Connection Agreement stage. Following the response to Further Information, Irish Water note no objections to the development subject to conditions, including a condition relating to phasing. That states '*The phasing or other measures will be dealt with at sewer connection stage*'.

7.4.4. The development is proposed to be built in 4 phases over 7 years. The phasing proposal was requested by the applicant and is indicated on drawings that accompanied the application. This was accepted by the Planning Authority and a condition is included, condition 2(b), stating that phasing of the development is to be carried out in accordance with the details submitted on 01/06/17.

A third party concern relates to phasing and considers that the condition is not coherent. Having regard to condition no.59 as well as condition no. 2(b), I agree with the third party. Condition no.59 refers to the Irish Water condition which requires phasing in line with the interceptor upgrades.

I have concerns that the phasing outlined by the applicant will not align with the phasing that will be required by Irish Water. However, I note the EIS (section 8.3) states that the Newbridge East Interceptor is due to be complete in Q3 of 2019, and the peak flow generated from the site prior to this will be negligible, in relation to the capacity of the existing 1050mm diameter foul drain along Barrettstown Road. For clarity, I consider that the development should be conditioned to be built in accordance with the phasing diagram submitted by the applicant on 01/06/17, but occupation of the dwellings can be phased in accordance with the development of the Newbridge East Interceptor Sewer.

I consider that this provides the developer and the third parties with a coherent and clear phasing arrangement.

7.4.5. With respect to water pressure, the third parties state that there are issues in Roseberry Hill already with water pressure. This was not raised as a concern by Irish Water. It is proposed to serve the development from the mains along Sexes Road. The EIS states that there is no potential cumulative impact and that Irish Water have advised that provision of a water connection is feasible without infrastructure upgrade. There may be localised issues within the existing Roseberry Hill development, but Irish Water has not required any conditions or restrictions relating to water supply and I do not consider this to be a reason for refusal.

7.5. **Landscaping and boundary treatment**

7.5.1. The EIS refers to Flora and Fauna in Chapter 9 and Landscape and Visual Impact Assessment in Chapter 13.

7.5.2. Play Spaces

Concerns are expressed with the lack of 'play space' and it being insufficient for 6-700 children. As the proposal is phased over 7 years, I do not agree that there will be 6-700 children of an age to avail of such play spaces at any one time. Two play spaces have been identified as part of Public Open Space Area 3 and Area 6. A condition was appended by the Planning Authority requiring the applicant to submit details of the play areas. A third party considered that this acknowledges that further consideration should be given to this proposal. I do not agree – this is a matter of detail and can be agreed with the Planning Authority prior to commencement of development.

7.5.3. Japanese Knotweed

A third party considers that the treatment of the boundaries is a major concern and they refer to the presence of Japanese Knotweed. Japanese Knotweed is addressed in section 9.4.4 of the EIS and Mitigation Measure 3 refers to measures to control and prevent the spread of invasive species which I consider satisfactory.

7.5.4. Boundaries

The appellant Mr. Kelly, was satisfied with the applicant's response to his concerns with future services and road connections, but continued to express concerns with the boundary treatment to his land. Third parties also express concerns with potential danger to children accessing the farmyard. The drawings indicate that the existing hedgerow is to be retained, however except where there are dwellings proposed, it is unclear what the boundary treatment will be other than the retained hedgerows. There is a mix of timber post and wire fence, and a concrete wall along the boundary currently. I consider that there should be a fence as well as the additional trees and hedgerows proposed. This detail can be agreed with the Planning Authority should the Board consider granting permission.

7.5.5. Paladin fencing

Paladin fencing was originally proposed between new dwellings and Roseberry Hill. This was removed at Further Information stage, but I note that an alternative still exists on the drawings indicating a paladin fence (Landscape Plan – South, Drg. No. 1669- PL-P-02-IFP Rev A). I consider that this option is inappropriate for residential

dwellings and for the avoidance of doubt, recommend that a condition should be appended to prohibit the use of paladin fencing throughout the development.

7.5.6. Gardens for C and D type houses

Condition no.3 requires regularisation of the rear gardens of house type C and D. I agree with the Planning Authority as the current design provides for awkward shape gardens with access from parking spaces running along the rear of one dwelling creating an 'alley'. I recommend a redesign of rear gardens for these dwellings in all phases of the development for agreement with the Planning Authority.

7.5.7. Boundary with Mooney's Road

A third party references concerns with children and youth accessing the fields along gaps in the hedgerows. Particular concern is noted about Ros Connell residents accessing Mooney's Road through gaps in the hedgerow. The drawing submitted by the appellants at application stage identifies the gaps on land outside the subject site and further south on Mooney's Road. Notwithstanding this, I consider the development of dwellings designed to maximise passive surveillance of the proposed open spaces, and the permeability designed throughout the site will reduce the need for unofficial access onto Mooney's Road. While this will not solve the problem referred to by the third party, between Ros Connell and Roseberry Hill, which is not a matter for the subject application, the proposed design will provide permeability to the facilities of the area. The request for paladin fencing around the entire site is inappropriate for a residential development.

7.6. **Crèche design**

7.6.1. Chapter 5 of the EIS refers to Human Beings and notes the addition of the crèche.

7.6.2. The crèche was originally proposed at the link road between both parcels of land but was relocated adjacent to the entrance on Sexes Road. The first party has appealed condition no.3 which requires a redesign of the crèche, to reduce the scale and bulk and to provide for a more aesthetically pleasing entrance to the development, as well as demonstrating that open space meets the required standards for such facilities. The first party considers that the condition is not sufficiently precise.

7.6.3. The crèche sits to the east of dwelling units 87 and 88 and to the west of units 103 and 104. The Planner notes in the second Planner's Report concerns with the open space provision, and considers removal of unit no.86 to the north or no.87 to the west may facilitate the redesign of the area.

With respect to overbearing, House type D is 8.2m high and the crèche at its highest point is 7.9m high and is 6.47m high near house no.87. There is c.3.5m gap between both buildings at the nearest point. I am satisfied that there will not be an issue with overbearing, however I consider that no.86 should be omitted as noted below.

7.6.4. Having regard to open space, there is very little detail in respect of the open space for the crèche. I share the Planning Authority's concerns with respect to the quantity of private open space that is being proposed for the crèche. I consider that house no. 86 or 87 should be removed and replaced with private open space for the crèche. I consider that the removal of house no.86 is preferable as no.87 and 88 play an important role in passive surveillance. I would therefore recommend that unit no.86 is omitted to provide more open space for the crèche.

To offset this omission of one dwelling, I consider that a dwelling can be added beside unit no.38. No.38 is currently Type A2 and is a 3-storey 5-bedroom detached unit. I consider that 2 no. detached 3 storey, 5-bedroom units could replace the detached A2 unit. This will have the effect of increasing the number of detached units and offset the omission of unit no.86.

7.6.5. With respect to the actual design of the crèche, I consider it to be acceptable. I note that there is a large blank wall on the north-west elevation which overlooks the staff car park. I consider that this could appear austere when approaching from within the development. This elevation could be addressed to provide for a more interesting façade. In conclusion, I consider the design of the crèche to be acceptable and recommend a condition is appended to provide a comprehensive landscaping scheme incorporating the additional play area realised with the omission of unit no.86, and to provide an improved façade on the north-west face of the crèche.

7.7. **Clear sense of place**

7.7.1. A third party is concerned that the proposal does not provide for a clear sense of place. The first party has appealed conditions relating to external finishes which are

important in creating distinct character areas. The first party requests that condition no.6 is reworded to provide that finishes are agreed prior to completion of the units. One of the appellant's in a submission, notes that the materials being used in the latest phase of Roseberry Hill differ greatly from the existing units, and is not what the local residents expected to see. The submission considers that PVC glazing is being used rather than wooden frames etc.

I am not satisfied that finishes, which are important in creating distinct character areas, are only agreed prior to the commencement of the main structural works – wording suggested by the first party. I consider this proposed wording to be ambiguous as 'main structural works' is open to interpretation. I consider that materials and finishes should be agreed prior to commencement of each phase of development.

The Architect's Design Statement and Character Area images submitted with the application provide an indication of the materials and finishes proposed. This forms the basis for materials and finishes. I recommend that the details are subject to a condition to be agreed prior to commencement of each phase of development, should the Board recommend granting permission.

7.8. Construction Management Plan

- 7.8.1. Each section of the EIS considers the construction aspect of the proposal.
- 7.8.2. A third party and the first party refer to the Construction Management Plan. The third party considers that there is no evidence of a Construction Management Plan (CMP), and the first party seeks a number of conditions to be amalgamated into one over-arching condition to be addressed by a single CMP. The first party further requests that the CMP is linked to the phasing of the development.
- 7.8.3. A preliminary Construction Management Plan (pCMP) was submitted with the application and as noted in Section 7.2.1 above, it is part of the EIS. The development must be constructed in accordance with the commitments given therein. One of the key commitments is that no construction traffic can enter the site via Roseberry Hill. This should significantly allay the concerns of the residents during the construction phase.

7.8.4. The first party requests that a number of the conditions are amalgamated and dealt with by a single CMP. I agree that a single document is preferable for all parties. Relevant conditions are: 21, 24, and 41. Condition no.21 refers to project waste management, no.24 to accidental spills, and 41 refers to the right of the Planning Authority to alter the CMP in the event of traffic congestion or safety.

A single condition is appropriate should the Board decide to grant permission. I consider that if there are issues with traffic congestion and/or safety, the CMP should be written in such a manner to address this.

7.9. Flooding

7.9.1. Flood Risk is addressed in Chapter 8 Water and Hydrogeology of the EIS.

7.9.2. A third party refers to existing problems with flooding and surface water on the surrounding road and field network, and considers that the road at the low-lying area where house no's. 346 – 364 are proposed is flooded continuously. This is adjacent to Mooney's Road. During my site visit the change in levels between the site and the road was noted – the site is at a much higher level than the road. I noted that the ditch alongside Mooney's Road was very overgrown and there was ponding evident along the road following heavy rainfall.

7.9.3. The site is not located within an area which requires development proposals to be the subject of a site specific Flood Risk Assessment according to the Newbridge Local Area Plan. The site is considered to have a low probability of flooding. However, a Site Specific Flood Risk Assessment accompanied the application and Flood Risk is addressed in the EIS. It states that the northern field surface water catchment discharges to Mooney's Stream via existing drainage ditches and surface water pipe networks, while the southern field discharges to Sexes stream via existing drainage ditches and surface water pipe networks. Both streams ultimately discharge into the River Liffey located c.1.2km east of the site.

7.9.4. The site is considered to be located in Flood Zone C and the proposed development is therefore considered appropriate. Surface water will be controlled by a Hydrobrake flow control device and underground attenuation chambers and will be attenuated to the greenfield runoff rate. It is designed in accordance with the GSDS and SuDS methodologies. The Assessment notes that adjacent areas will not be impacted by

the development for up to the 1%AEP flood event, however storms greater than 1% AEP may result in overland flow being directed towards Mooney's Road and Sexes Road.

- 7.9.5. The applicant in response to the third party appeal regarding flooding stated that the site will not discharge to the drainage ditch along Mooney's Road. It will discharge to a new surface water drainage system constructed by the Council as part of the Rosconnell development and extended west as part of the Roseberry development, and the reference to flooding on Mooney's Road is a function of the absence of a maintained drainage system.
- 7.9.6. In conclusion, I am satisfied that the proposed development is designed in accordance with SuDS and the GSDS and is not located in an area identified as at risk of flooding.

7.10. First Party Appeal against conditions

- 7.10.1. The first party appealed a significant number of conditions. I have addressed a number of them above, however for completeness I will list the conditions herein and make recommendations with respect to the wording and/or refer the Board to where I have addressed it above.
- 7.10.2. Condition no.2 refers to the number of units granted and the first party was concerned that it may conflict with condition no.3 which required changes to numbers. I have substantially addressed this in section 7.3 and 7.6 above. Should the Board agree with my recommendations, a total of 363 units are permitted.
- 7.10.3. Condition no.3 required a significant number of changes to be made to the house types, numbers etc. I have addressed this in section 7.3 and 7.6 above. I recommend that the development should be modified only slightly. I agree with the Planning Authority that the rear gardens of house type C and D should be regularised to make the gardens a more uniform shape. I consider that house no.306 should be omitted (this results in the permitted number being reduced from 364 to 363) with little effect on the density.

The crèche design is acceptable, however I have concerns with the private open space and consider that house no.86 should be omitted to provide additional private open space. This is balanced by the recommendation of the addition of another

detached 3 storey dwelling adjacent to house no.38. The detail of the north-west façade of the crèche can be agreed with the Planning Authority – I consider that the blank gable wall is unacceptable at the entrance to the development.

- 7.10.4. Condition no. 5 refers to details of the play spaces. The Planning Authority require the details to be agreed prior to commencement and the applicant requests that this is linked to the first occupation. The landscape proposals identify the private and public open spaces which should be soiled and seeded and landscaped in accordance with those plans. Having regard to the nature of the construction activities, I consider it reasonable that these works are carried out prior to occupation of any dwelling in each phase.
- 7.10.5. Condition no.6 refers to finishes. The applicant requests that the agreement of finishes is not prior to the commencement of site development works, and that such agreement is only required prior to completion of the units or linked with phasing. This is addressed in section 7.7 above. As noted, I consider that the Character Area images which accompanied the application indicate in general the type of colours/materials for each area, and I consider that condition no.1 can ensure that this is adhered to. However, I consider that the specific detail can be agreed prior to commencement of each phase, but not prior to completion of units as requested by the applicant.
- 7.10.6. Condition no.8 refers to public and private open space. The applicant is requesting clarity on the wording which refers to phasing and states that the planting shall take place at an initial or advanced stage of each phase. I consider that this is ambiguous and landscaping should take place at an advanced stage of each phase. A standard condition requiring the applicant to replace any trees or hedgerows that die or are removed for a period of five years can be appended.
- 7.10.7. Condition no.12 is a repeat of condition no.67 and should be removed.
- 7.10.8. Condition no.13 requires the applicant to submit a schedule of protection measures. The applicant considers that this is not necessary as they have been set out in the EIS. I agree with the applicant and consider that this can be covered by condition no.1 and no.3.
- 7.10.9. Condition no.14 refers to the requirement for an Ecological Clerk of Works. I agree with the applicant that it is unclear what the meaning of a demonstratively qualified

Ecological Clerk of Works is. The EIS has identified a number of mitigation measures which must be adhered to and a standard condition relating to an Ecologist can be imposed. I consider this to be sufficient.

- 7.10.10. Condition no.21 is addressed above in section 7.8 in relation to the CMP.
- 7.10.11. Condition no.23 refers to the EIS and excavation of subsoil layers. The condition requires the applicant, prior to commencement, to submit details of the locations of all discharges to surface waters and proposed measures to control erosion. I consider this to be reasonable and that a standard condition to agree details with the Planning Authority should apply.
- 7.10.12. Condition no.24 is addressed above in section 7.8 in relation to the CMP.
- 7.10.13. Condition no's. 26 and 27 require the applicant to submit surface water and drainage calculations. The applicant requests that these two conditions are amalgamated into one condition, to comply with the requirements of the water services section of the Planning Authority. I consider this acceptable.
- 7.10.14. Condition no.31 refers to the Station Road entrance. This is dealt with in detail in section 7.1 above.
- 7.10.15. Condition no.34 requires the applicant to engage with the Municipal District Engineer to carry out inspections on the surrounding roads, so as to address any issues of deterioration due to heavy construction traffic. The applicant requires clarity on the scope and suggests alternative wording. I am of the opinion that this can be addressed as part of the CMP in terms of road sweeping etc. and the EIS provides commitments in relation to traffic during construction.
- 7.10.16. Condition no.41 is addressed above in section 7.8 in relation to the CMP.
- 7.10.17. Condition no.42 requires the applicant to construct the permeable links between the development and Roseberry Hill. The applicant considers this is unnecessary as the links are set out on the drawing. The third pedestrian/cyclist access is noted as 'possible' on the drawings. Clarity is needed to ensure that this is developed as part of this permission.
- 7.10.18. Condition no.43 refers to lighting. The applicant questions the need to agree the details prior to commencement, and suggests it is linked to the phasing and preferably prior to the installation. I note that no lighting drawings were submitted

with the application and therefore, I recommend that this condition is retained and details agreed prior to commencement of the entire development.

- 7.10.19. Condition no.45 refers to car parking spaces being in accordance with Development Plan standards. The applicant seeks clarity on where the development is not in accordance with the standards. I agree with the applicant that this condition is unnecessary. Sufficient parking is provided for each dwelling with the exception of unit no.168 which appear to have been overlooked on the drawings. Table 17.9 of the Kildare County Development Plan requires 0.5 car parking space per staff member plus 1 per 4 children. Details in relation to car parking can be agreed as part of the revised design of private open space as recommended above.
- 7.10.20. Condition no.67 refers to a bond. The applicant notes that this is a repeat of no.12. They state that they have no particular issue with the wording but do request that rolling or phased security arrangement is permitted and consider that the Board's standard wording is acceptable. I consider this to be reasonable.

8.0 Environmental Impact Assessment

- 8.1. An Environmental Impact Statement (EIS) accompanied the application. The application was submitted prior to 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. Under the transitional provisions of the 2014 Directive, the 2011 Directive (Directive 2011/92/EU) as transposed into Irish Legislation will apply to the appeal. I am satisfied that the information contained in the EIS complies with article 94 of the Planning and Development Regulations 2000, as amended.
- 8.2. The EIS accompanying the application has been prepared by Bilfinger GVA, and is presented in the grouped format in two documents with the main document supported by appendices after each chapter. The Non-Technical Summary is set out in a separate document 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.
- 8.3. Class 10(b)(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations state that an EIS is required to accompany any planning applications made for:

(i) Construction of more than 500 dwelling units.

(iv) Urban development which would involve an area greater than 2 hectares in a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere.

8.3.1. The proposal falls within the requirements of Class 10 (b) (iv). The overall site area is approximately 13.1Ha (12.8Ha developable area) having regard to the overall combined size of the site.

8.4. 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.

8.5. The specialist chapters are set out from Chapter 5 -15 and interactions are addressed in Chapter 16.

8.5.1. Chapter 1 provides an introduction and the legislative context and details of the screening and scoping undertaken.

8.5.2. Chapter 2 provides details on the Description of the Project. Appendices to this chapter include a Site Layout Plan, a Character Area Plan, a Construction Management Plan (CMP) and refers to the phasing over 7 years (planning permission requested for a 7 year period). The CMP collates the mitigation measures set out in individual chapters. The Design Aim and Design Objectives are discussed in this chapter, as well as the Architectural Style.

8.5.3. Chapter 3 outlines the Planning and Development Context.

8.5.4. Chapter 4 provides details of alternatives considered. It states that the site chosen is intrinsically suitable on the basis of location and zoning. It notes that alternative locations have been considered as part of the plan-making process and have been subject to Strategic Environmental Assessment (SEA). It is noted that retail and commercial uses were considered, however the inclusion of such uses was considered to be contrary to the stated policy objectives. A number of alternative layouts were examined. It is stated that the design of the proposal was shaped by a number of factors including surrounding land uses, views towards the site, road

pattern, site size and configuration, including the previous planning application layouts. Four alternative design layouts were reviewed. The first two were dismissed on the basis that density was too low at 24/28 units per hectare as well as other design issues. The fourth and final layout achieved a density of 30.1 units per hectare. An appendix is included with images of the alternative layouts proposed. I consider that the EIS provides a reasonable and rational response to the matter of alternatives.

8.6. Chapter 5 addresses Human Beings. Chapter 6 considers Traffic and Transportation, Chapter 7 considers Soils and Geology, Chapter 8 Water and Hydrogeology, Chapter 9 Flora and Fauna, Chapter 10 Waste Management, Chapter 11 Noise and Vibration, Chapter 12 Air Quality & Climate. Chapter 13 Landscape and Visual Impact Assessment, Chapter 14 Material Assets: Archaeological, Architectural and Cultural Heritage, Chapter 15 Material Assets: Site Services and Chapter 16 Interactions and Potential Cumulative Impacts.

8.7. The following sections set out what I consider to be the likely significant environmental effects arising, and it is arranged under the headings contained in the submitted EIS which reflects the environmental factors as prescribed in the legislation. This assessment should be read in conjunction with the preceding assessment contained at Section 7 of this report and, where appropriate, reference will be made back to discussion contained in those sections of the assessment.

8.8. Chapter 5 - Human Beings

The likely significant effects of the proposed development on human beings are addressed under Population, Economy and Community Facilities.

8.8.1. The receiving environment is considered to align with the boundary of the Newbridge LAP boundary. It notes that the population increased by 23% during 2002-2011 period. It is noted that 25% of the population are under 15 years and approximately 36% are between the ages of 25 to 44 years. The proposed development could result in an increase in population of 1,097 persons which would represent an increase of approximately 5.34% over the 4 phases. It is considered that the potential impact on population during construction is the minor inconvenience of increased traffic volumes. During operation, the increase in population is in accordance with the expected population growth rate for the town. It is not

considered that any mitigation measures are required with regard to population increase or household size and type. The predicted impacts include the population increase which is significant and long-term, however it is considered to be a positive impact as it is consistent with planning policy and a neutral impact in terms of household size and social class.

8.8.2. With respect to employment, it notes that in the receiving environment, unemployment continues to fall. The capital value of the project is estimated to be €87million and the period of construction is estimated to be 60 months. It is expected that during construction employment will be provided for approximately 313 people at any one time. This has the potential to provide construction and related employment. During operation the increase in population will create more of a demand for services and users of public transport. It is considered that no mitigation measures are required. The predicted impact is expected to be positive during construction and a positive but limited impact on employment during operation.

8.8.3. With respect to Community Facilities, it is considered that the area is well provided for. A survey was carried out of the Health Services, Community Centres and Churches, Education, Crèches, Youth centres, Sports, Libraries, Cinemas/Theatres and Parks. During construction there will be no loss of community facilities. During operation the increase in population will increase the demand for existing services and facilities. Education and childcare facilities will be in demand. It is considered that the demand will be met through existing provision and the proposed crèche will mitigate any expected impacts on childcare. Predicted impacts are expected to be neutral.

8.8.4. I consider that the residual impacts of the proposal which are in the main positive or neutral to be acceptable.

8.9. Chapter 6 - Traffic and Transportation

8.9.1. The methodology of this section of the EIS included Site Audits, Traffic Counts, Trip Generation, Trip Distribution, Network Analysis and Network Impact. Road Safety Audits were carried out as part of the request for Further Information which informed works on the external roads.

8.9.2. The receiving environment in terms of the road network, the existing cycling and pedestrian facilities are described. The Bus Éireann services are listed, as well as

private operators, and the train station c.600m away is noted. It is stated that the scheme does not prohibit the delivery of Mooney Road improvements. It is noted that the proposed development will benefit from 5¹ vehicular accesses which will be provided onto Station Road, Sexes Road and two into Roseberry Hill development. Pedestrians will be given priority within the internal site. Pedestrians will be provided with an additional access onto the Sexes Road. A Cycle way along Sexes Road is also proposed. As discussed in Section 7.1 above, a second pedestrian access onto Sexes Road is recommended should the Board consider granting permission which will further enhance permeability.

8.9.3. During construction, activities will be managed by a Construction Traffic Management Plan. A traffic generation and distribution model was prepared for the operational phase. As noted in Section 7.2 above, construction traffic going through Roseberry Hill is of major concern to the residents. The CMP states that there will be no construction traffic permitted through Roseberry Hill.

8.9.4. Mitigation measures for construction related parking are referenced. It is considered that HGVs will be evenly spread throughout the day. A Mobility Management Plan (MMP) will be prepared for operational phase.

8.9.5. With respect to predicted impact it is considered that there will be no more than 30-40 staff on site at any one time, generating 10-15 two-way vehicle trips during peak hours, which is not considered to create a traffic concern. During operation, TRICS data, Trip Distribution & Assignment, and Traffic Growth have been assessed to provide data on predicted impact during operation. The traffic flows are established as being below 10% threshold at the three off-site junctions in the AM peak but exceeded for the same junctions in the PM peak. Above the 10% threshold is considered to be material and a more detailed assessment should be undertaken to ascertain the specific impact on the networks operational performance.

The Network Analysis scenarios at five junctions for the “do nothing” scenario, 50 units at year 2018 and full build at 2033 are further assessed. The Junction Operational Performance Evaluation considers that all 5 junctions will operate within capacity. It is noted that Junction 1 Station Road/The Meadows/Sexes Road Junction will be at operational capacity of 90% in 2033.

¹ This is a typing error in the EIS and the actual number proposed is 4.

- 8.9.6. Appendices for this chapter are presented in a separate bounded document and include Traffic Flow Diagrams, TRICS database outputs, Transyt Output files, ARCADY Output files and PICADY output files.
- 8.9.7. Chapter 5 of the EIS states that there will be employment generated for 313 persons at any one time. I note that this section of the EIS refers to a maximum of 30 – 40 staff on site generating 10-15 two-way vehicle trips during peak hours. I acknowledge that not all employment will be on site and there will be a substantial number of staff not site based and others indirectly employed. However, this is a substantial difference. Notwithstanding this difference, I am satisfied that the impact during construction in terms of traffic numbers will not be significant having regard to the phasing proposed, car sharing of construction staff and preparation of a Construction Management Plan.

8.10. Chapter 7 – Soils and Geology

- 8.10.1. The methodology included preliminary ground investigations and a review of information available on the GSI mapping service. The receiving environment indicates a topsoil layer described as “deep well drained mineral (mainly basic)” underlain by a subsoil layer described as “till derived chiefly from limestone (carboniferous)”. Groundwater was not observed at any trial pit. GSI’s mapping service describes geology in the vicinity as mainly “Dinantian Pure Bedded Limestone”. Groundwater vulnerability is classified as “high” and underlying aquifers as locally important. It is expected that all topsoil stripped will be reused and where feasible excavated subsoil material will also be reused.
- 8.10.2. Stripping of topsoil will potentially result in exposure of underlying subsoil layers to the effects of weather and traffic and may result in erosion. There is the potential for accidental spills and leaks. Mitigation measures are proposed during stripping of topsoil, excavation of subsoil layers, construction traffic, and for spills. During operation there will be no further impact on soils and the geological environment.
- 8.10.3. I am satisfied that there will be no significant residual impacts on soils and geology.

8.11. Chapter 8 – Water and Hydrology

- 8.11.1. This chapter assesses the likely impact on the surrounding surface water and hydrogeological environments including Flood Risk, Surface Water Discharge, foul drainage and water supply.

- 8.11.2. Assessment included walk over surveys, review of existing topographic, Irish Water, EPA, GSI, and OPW CFRAM information.
- 8.11.3. It is noted that the River Liffey is the main hydrological feature in the receiving environment., located c. 1.2km to the east. The northern parcel of land discharges to Mooney's Stream via existing drainage ditches and surface water pipe networks. The southern parcel discharges to Sexes Stream via existing drainage ditches and surface water pipe networks. Both streams ultimately discharge into the River Liffey. The underlying aquifers are classified as Locally Important.
- 8.11.4. No flood events have been recorded on the site. The site is not located in an area where the LAP requires that a site specific Flood Risk Assessment is to be carried out.
- 8.11.5. Existing foul drainage network is located in the vicinity of the site which discharge to Osberstown WWTP. Pre-connection enquiry with Irish Water noted that a provision of a wastewater connection is "feasible subject to completion of an Irish Water Capital Project" which is understood to be the upgrade of the Osberstown WWTP and construction of the Newbridge East Interceptor. It is stated that the upgrade of Osberstown WWTP is expected in Q4 2016, and the additional flow generated from the site during the period prior to completion of the Newbridge East Interceptor in Q3 2019 will be negligible.
- 8.11.6. Water supply points are available to the north-east of the site within the Roseberry Hill development.
- 8.11.7. No adverse impacts are anticipated on hydrology or hydrogeology. The site is considered to have a low probability of flooding. The foul and surface water systems are completely separate.
- 8.11.8. Surface water will be controlled by a Hydrobrake and associated underground attenuation tanks and pass via full retention fuel/oil separator. Calculations are based on greenfield run-off rates.
- 8.11.9. Potential impacts during construction include surface water containing increased silt, accidental spills and leaks, concrete run-off, and improper discharge of foul drainage from Contractors compound. Potential impacts during operation include increase in surface water run-off, increased discharge to foul drainage and increased potable water consumption.

- 8.11.10. Mitigation measures include a site specific Construction and Environmental Management Plan and other standard construction practices. No specific measures are proposed over and above SuDS and other standard designs.
- 8.11.11. I am satisfied that there will not be an unacceptable impact on water and hydrogeology.
- 8.12. Chapter 9 - Flora and Fauna
- 8.12.1. A part of this chapter, field surveys were carried out as well as desk studies. The field surveys included bat surveys. There is a one storey derelict structure and small shed located in the northern field. A number of trees were also examined.
- 8.12.2. The receiving environment consists of recolonised bare ground previously tilled for agricultural purposes. The closest designated site is the Pollardstown Fen SAC (Site Code 000396) located 1.2km west of the site. There are four proposed NHA's within 5km of the site. An AA Screening Report accompanies the application (see Section 9 below) and concluded that there is no potential for significant effects on European Sites. Records of Protected and Red Listed Flora and Fauna species were consulted. It is considered there is potential for pine martens and hedgehogs on the site.
- 8.12.3. The habitat survey identified Dry Meadows and Grassy Verges (GS2), Hedgerows (WL1), Spoil and bare ground (ED2), Recolonising Bare Ground and Buildings and Artificial Surfaces (BL3). No protected Red Data Book or rare flora species were recorded. A small patch of Japanese Knotweed was identified growing along the hedgerow located on the north-east boundary. No bats were found during the survey of the derelict building. Two bat species were recorded during the dusk survey. Two species were detected during the pre-dawn surveys. A number of bird species were identified during the field surveys including an occupied Swallows Nest.
- 8.12.4. Potential impacts during construction could arise from site clearance, surface water being silt laden, noise, dust etc., removal of hedgerows and habitat loss.
- 8.12.5. It is proposed to remove c.456m of the 1,536m of hedgerow as well as two young Ash trees. The loss of areas of local importance habitats is considered to be significant at local level, and the accidental spread of Japanese Knotweed has the potential for long-term significant negative impact at a local level. The removal of the derelict building is not considered significant as no bats were present during

inspection. Vegetation clearance carried out during the breeding season has potential for significant negative impact.

8.12.6. During operational phase, potential impacts include increased lighting, increased population resulting in increased disturbance, surface water run-off and pruning of trees. In terms of terrestrial habitats, given the nature of the surrounding area the proposed development is likely to have a neutral impact during operation. The presence of buildings and artificial lighting is likely to result in some impact to bats commuting through.

8.12.7. Mitigation measures include pollution prevention measures, minimising hedgerow removal, replacement hedgerow to be of a similar species, 570 no. trees to be planted, control the spread of Japanese Knotweed, measures to reduce impact to bats and birds, and reduction of risk to maintained trees and hedgerows. During operation, lighting proposals for bats will adhere to Guidance Notes.

8.12.8. Following mitigation residual cumulative habitat loss impacts to hedgerow will be significant at county level.

8.12.9. I am satisfied that there will not be an unacceptable impact on Flora and Fauna.

8.13. Chapter 10 – Waste Management

8.14. The receiving environment notes that Kildare County Council is within the Eastern-Midlands Region Waste Management Plan 2015 – 2021. A detailed Construction and Demolition Waste Management Plan (C&DWMP) has been prepared and included as an appendix to this chapter. All waste from the site including the derelict structure and topsoil and subsoil are addressed. Excavated material is not expected to be contaminated and is expected to be reused on site as engineering fill with a small amount expected to be unsuitable. The amount expected to be removed offsite is 2,500m³.

8.14.1. During operation the expected volume of waste generated has been estimated.

8.14.2. Potential impact during construction could occur if the C&DWMP is not implemented and the target of 70% is unlikely to be achieved. During operation if waste is not stored or managed correctly it is likely to lead to litter or pollution issues.

8.14.3. Mitigation measures are described in the C&DWMP during construction. A site specific Operational Waste Management Plan (OWMP) is included as an appendix.

8.15. Chapter 11 - Noise and Vibration

- 8.15.1. A noise survey has been carried out to establish the baseline environment. Three locations were identified across the site. Two of the three surveys indicated that the noise environment was dominated by road traffic. The other survey indicated noise dominated by animals.
- 8.15.2. Reference is made to the NRA publication Guidelines for the Treatment of Noise and Vibration in National Road Schemes and British Standard BS 5228. Reference is also made to the British Standards relating to vibration.
- 8.15.3. It is predicted that during construction typical construction activity noise will occur on site. There is potential for the generation of significant levels of noise. Vibration is generally limited to excavation works. There is little likelihood of structural or cosmetic damage to existing neighbouring dwellings.
- 8.15.4. During the operational phase there will be very few significant sources of noise. The main potential source of noise is additional traffic on public roads. Information from the roads and traffic chapter has been used to determine the predicted change in noise levels. In order to increase traffic noise levels by 1dB traffic volumes need to increase by 25%. The proposal will not give rise to this magnitude on the surrounding road network. As such, all increases would be inaudible and the resultant impact imperceptible. The noise impact from the proposed development can be deemed to be insignificant.
- 8.15.5. Mitigation measures for precautionary purposes during construction are proposed. The contractor will be obliged to give due regard to BS 5228 and various practices are to be adopted. During operational phase there are no mitigation measures proposed.
- 8.15.6. I am satisfied that there will be imperceptible impacts.

8.16. Chapter 12 - Air Quality and Climate

- 8.16.1. This chapter notes that the key pollutants reviewed in the assessment are NO₂, PM₁₀, PM_{2.5}, benzene and CO with particular focus on NO₂ and PM₁₀. Key pollutant concentrations were predicted for nearby sensitive receptors for seven scenarios. Transport Infrastructure Ireland (TII) guidance states that the assessment must progress to detailed modelling if concentrations exceed 90% of the air quality limit

value when assessed by the screening method, or sensitive receptors exist within 50m of a complex road layout.

- 8.16.2. In terms of the receiving environment, Casement Meteorological Station data is used as well as EPA data.
 - 8.16.3. The potential impact of the proposal during construction phase is from dust emissions and greenhouse gas emissions. During operational phase potential emissions include traffic related emissions and potential for greenhouse gases which could impact on climate.
 - 8.16.4. To mitigate this a schedule of air control measures have been formulated for both phases.
 - 8.16.5. A Dust Minimisation Plan has been prepared. It is stated that provided the measures are adhered to as well as those in the Construction Management Plan, the air quality impacts during construction should not be significant. Construction vehicles may give rise to some CO₂ and N₂O emissions. Due to the short term and temporary nature of the works the impact on climate is not expected to be significant.
 - 8.16.6. During operation, EU legislation is noted as imposing stringent emission standards for key pollutants for passenger cars and commercial vehicles. TII guidance states that it should be assumed that pollutants will decline in future years.
 - 8.16.7. It is noted that additional measures in the National Climate Change Strategy are provided for vehicles.
 - 8.16.8. Following mitigation measures, fugitive dust emissions will be insignificant and pose no nuisance at nearby receptors. CO₂ and N₂O emissions will have a negligible impact on climate. During the operational phase the results of the air dispersion modelling study indicate that residual impacts on air quality and climate are predicted to be imperceptible.
- 8.17. Chapter 13 - Landscape and Visual Impact Assessment
- 8.17.1. This chapter notes that the term 'study area' refers to the site itself and its wider landscape context, in the study of the physical landscape and landscape character which may extend to 1km in all directions from the site. The study of visual amenity may extend outside the study area but the majority of visual impacts for a development of this nature would be most significant within 500m.

- 8.17.2. Methodology employed in the assessment included a desktop survey, site survey and photographic survey, assessment of potential significant impacts utilising the plan and elevation drawings and verified photomontages produced, mitigation measures, and evaluation of impacts.
- 8.17.3. The receiving environment is noted as being Rickardstown on the north-east edge of Newbridge. The Landscape Character Area is 'Central Undulating Lands' in the Plan and described as being part of the Lowland Plains and Boglands Major Landscape Type. It is rated as a 'Medium Sensitivity Landscape'. There are no scenic routes or viewpoints in the site. The site does not possess any significant features of note.
- 8.17.4. The site is gently undulating with a high point of +102.59AOD at the centre of the site at the link between the two fields. This high point falls to the southern boundary by 6m and to the north-east corner by 15m. The site is bounded by mature hedgerow in various states of management, from well managed internal hedges to external hedges that have been neglected for some time. Views are restricted but there are some sensitive views from rear gardens of Roseberry Hill.
- 8.17.5. View Points from 26 locations have been assessed. During construction, impacts range from significant to imperceptible. During operation potential impacts are described for short term, medium term and long term. During the short term impacts are considered to be moderately negative but after this, it is considered that there will be no further impacts.
- 8.17.6. Mitigation measures during construction phase include erection of site hoarding. During operation landscaping plans are included with the application.
- 8.17.7. Predicted impacts during construction are as described in the potential impacts section. During operation the predicted impacts would overall be slightly negative considering the low sensitivity of the urban fringe landscape towards the southern portion of the site and the existing residential zoning.
- 8.17.8. I am satisfied that the proposed development will not have unacceptable impacts on the Landscape.
- 8.18. Chapter 14 Material Assets – Archaeological, Architecture and Cultural Heritage.
- 8.18.1. Desk studies and a field survey was carried out, as well as a geophysical survey and archaeological testing.

It is stated that a portion of curvilinear ditch with a south-east facing entrance was identified at Rickardstown in 2012. This feature may have formed part of a ringfort or circular enclosure. It is recorded as reference KD023-112 and is noted as being within the proposed area. However detailed analysis of the original aerial photograph has ascertained that the cropmark has been incorrectly situated. It is c.50m to the south-east of the site.

- 8.18.2. A programme of archaeological test trenching was designed in order to test the anomalies identified in the geophysical survey within the central and southern field, and in order to ascertain whether subsurface archaeological features survive within the north-eastern field. A total of 82 trenches were investigated. Five areas were identified which appear to represent the remains of funerary activity dating to prehistoric period and potentially a small-scale settlement feature of uncertain date. The report concluded that groundworks associated with the development will have a significant direct negative impact on the features identified during testing. It is acknowledged that preservation in-situ is the preferable option which is not possible in this case, and as such it is recommended that features be fully preserved by record in advance of construction.
- 8.18.3. With respect to Architecture only one early demesne landscape is located within 1km of the site depicted as surrounding Piercetown House c.750m to the south-east. No buildings survive. Rickardstown House is located to the north of the site. The Newbridge Train Station is the nearest Protected Structure to the site c.600m to the south.
- 8.18.4. The only feature of built heritage on the site comprises a ruined and heavily overgrown vernacular farmyard and associated building in the northern part of the site. Analysis of aerial photography would suggest that it has been derelict since at least 1995. Rickardstown House lies directly to the north of the southern parcel of land. The house is currently vacant but the adjacent farmyard is in use.
- 8.18.5. The predicted impact during construction requires that all archaeology identified to date will be preserved in-situ or by record – depending on consultations with the Department of Arts, Heritage and the Gaeltacht. All architectural features of interest have been identified and subject to written and photographic record. No impacts are

predicted on the archaeology, architecture or cultural heritage during construction or operation phase.

8.18.6. I consider that the impacts are acceptable having regard to the mitigation measures proposed.

8.19. Chapter 15 - Material Assets – Site Services

8.19.1. The impact on electricity, gas, and telecommunications are considered herein.

8.19.2. An existing powerline is located within the southern portion of land and in the vicinity of the site's north-west boundary. Gas lines are located to the east and telecommunications infrastructure is located along Sexes Road.

8.19.3. There are no predicted impacts arising during construction or operational phases.

8.20. Chapter 16 - Interactions & Potential Cumulative Impacts

8.20.1. The main interactive impacts arising from the proposed development are adequately addressed in each chapter of the EIS. Cumulative impacts have been taken into account in every chapter of the EIS.

8.20.2. A simple matrix is included for the subject site and a summary description of the interactions is provided.

8.20.3. I consider that the development, cumulatively with other developments, is not likely to have significant effects.

8.21. Conclusions regarding the acceptability or otherwise of the likely residual impacts identified:

The main environmental assessment of the proposed development is set out above and it outlines the potential adverse impacts of the proposed works and it describes the mitigation measures. It concludes that there would not be any significant adverse impacts on the receiving environment or surrounding area after the mitigation measures are implemented and any residual impacts are not predicted to be significant.

9.0 **Appropriate Assessment**

- 9.1. An appropriate assessment screening report prepared by Scott Cawley was submitted with the application.
- 9.2. 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 Section 2 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

Five 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	Qualifying Habitats and Species	Relevant source-pathway-receptor links between proposed development and European Site
000396 Pollardstown Fen SAC	1.2km west	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> Petrifying springs with tufa formation (<i>Cratoneurion</i>) Alkaline fens <i>Vertigo angustior</i> (Narrow mouthed Whorl Snail) <i>Vertigo geyeri</i> (Geyers Whorl Snail) <i>Vertigo moulinsiana</i> (Desmoulins Whorl Snail)	Pollardstown Fen is located on the same groundwater aquifer 'Curragh Gravels aquifer' as the proposed development site. The development site is not within the catchment of Pollardstown Fen. Therefore there is no source-pathway.
002331 Mouds Bog SAC	1.2km north	Active Raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the <i>Rhynchosporion</i>	Moud's Bog is located on the same groundwater aquifer 'Curragh Gravels aquifer' as the proposed development site. Qualifying interests are directly associated with rainwater levels as opposed to groundwater. There is no pathway between both.
001387 Ballynafagh Lake SAC	8.8km north	Alkaline fens <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) <i>Euphydryas aurinia</i> (March Fritillary)	There is no hydrological link between the sites
000391 Ballynafagh Bog SAC	10.5km north	Active raised bogs	There is no hydrological link between the

Site Code, Site Name and Designation	Approx. distance from the site	Qualifying Habitats and Species	Relevant source-pathway-receptor links between proposed development and European Site
		Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion	sites
002162 River Barrow and River Nore SAC	13.4km south-west	Estuaries, Mudflats and sandflats, Salicornia, Atlantic salt meadows, Mediterranean salt meadows, water courses, European dry heaths, Hydrophilous tall herb fringe communities, Petrifying springs, old sessile oak, Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus</i> <i>Vertigo moulinsiana</i> , <i>Margaritifera margaritifera</i> , <i>Austropotamobius pallipes</i> , <i>Petromyzon marinus</i> , <i>Lampetra planeri</i> , <i>Lampetra fluviatilis</i> , <i>Alosa fallax fallax</i> , <i>Salmo salar</i> , Otter, Killarney Fern, Nore Pearl Mussel	There is no hydrological link between the sites

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”.*

The objective for Pollardstown Fen SAC and Ballynafagh Lake SAC is:

To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected

There are site specific Conservation Objectives for Moud’s Bog, Ballynafagh Bog SAC, and River Barrow and River Nore SAC.

Site specific Conservation Objectives for Moud’s Bog relate to restoring the favourable conservation condition of Active Raised Bogs having regard to a range of attributes and targets including habitat area, habitat distribution, hydrological regime, vegetation structure and composition. The long term aim for Degraded Raised Bogs still capable of regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs and a separate conservation objective has not been set in Moud’s Bog SAC. Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs and thus a separate conservation objective has not been set for the habitat in Mouds Bog SAC.

Site specific Conservation Objectives for Ballynafagh Bog SAC relate to restoring the favourable conservation condition of Active raised bogs having regard to a range of attributes and targets including habitat area, habitat distribution, hydrological regime, vegetation structure and composition. The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-

established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs and a separate conservation objective has not been set in Ballynafagh Bog SAC. Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs and thus a separate conservation objective has not been set for the habitat in Ballynafagh Bog SAC.

Site specific Conservation Objectives for the River Barrow and River Nore SAC relate to maintaining the favourable conservation condition of:

Desmoulin's whorl snail, White Clawed crayfish, estuaries, mudflats and sandflats, Salicornia, Killarney Fern, Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation, European dry heaths, Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels, Petrifying springs with tufa formation

having regard to a range of attributes and targets; to restoring the favourable conservation condition of:

Sea Lamprey, Brook Lamprey, River Lamprey, Twaité Shad, Atlantic Salmon, Atlantic salt meadows, Otter, Mediterranean salt meadows, Nore freshwater pearl mussel, Old sessile oak woods, Alluvial forests

having regard to a range of attributes and targets.

The status of the freshwater pearl mussel (*Margaritifera margaritifera*) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species. The Nore freshwater pearl mussel (*Margaritifera durrovensis*) remains a qualifying species for this SAC.

Assessment of likely effects

The site is not within a designated site, thus there would be no direct impacts from the proposed development. There are no watercourses located within the subject lands. The nearest streams join the River Liffey c.1km downstream. The Liffey flows for a further 58km before it discharges into a complex of marine and intertidal European Sites in Dublin Bay.

These watercourses provide a hydrological link to the Sites downstream in Dublin Bay, but by virtue of their distance from same, any ecological impacts are deemed unlikely.

The development site is within the 'Curragh Gravels East' groundwater body.

Foul effluent from the proposal will be discharged to the existing sewer and will be treated at Osberstown Wastewater Treatment Works prior to discharge to the River Liffey. Surface water will run off to existing surface water systems which join the River Liffey.

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.

10.0 Recommendation

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

11.0 Reasons and Considerations

Having regard to the sites location within the Newbridge Local Area Plan boundary on lands zoned "C7, C8 and C9 - New Residential" in the Newbridge Local Area Plan 2013-2019, 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

Newbridge Local Area Plan 2013 – 2019, the Kildare County Development Plan 2017 - 2023, the Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas, 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.

12.0 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 1st day of June 2017, 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 period during which the development hereby permitted may be carried out shall be 7 years from the date of this order.

Reason: The Board considers it appropriate to specify a period of validity of this permission in excess of five years, having regard to the scale of the development.

3. 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

4. The proposed development shall be amended as follows:
 - a. Omit house number 306 and replace with green space. House number 305 shall be changed to a B2 type house to provide for passive surveillance of this area.
 - b. Omit house number 86 and increase the private open space of the crèche.
 - c. House number 38 shall be replaced with two number detached 3-storey, 5-bedroom dwellings.
 - d. Two pedestrian/cyclist accesses shall be provided onto Sexes Road adjacent to house number 24 and house number 88.
 - e. The applicant shall construct a pedestrian/cyclist access between the development and number 162 Roseberry Hill.
 - f. The rear gardens of house types C and D shall be redesigned to provide a more uniform shape garden.
 - g. The north-west façade of the crèche shall be revised to provide for a more aesthetically interesting façade through the use of a mix of materials or additional windows.
 - h. Parking shall be indicated for unit number 168.
 - i. Amend house number 183 to prevent overlooking into rear living area of house number 184.
 - j. Revise the numbering of houses on the Site Layout Plan to total at 363 number 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.

5. (a) The development shall be carried out on a phased basis in accordance with the details submitted on the 1st day of June 2017. The first phase shall consist of not more than 88 dwelling units, together with their associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be submitted to and agreed in writing with the planning authority.

(c) The proposed crèche shall be completed and available for use prior to the occupation of any unit within phase 2 of the development or as agreed with the Planning Authority prior to commencement of development within phase 2.

(d) Occupation of dwellings shall be phased as agreed with Irish Water with respect to the delivery of the Newbridge Eastern Interceptor Sewer.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. 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 each phase of development.

Reason: In the interest of visual amenity.

7. Detailed plans and elevations of the proposed landscaping and boundary treatment to be provided along the boundary of Station Road, Sexes Road, and with the adjacent farmyard shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

8. The areas of public and private 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 landscaping proposals received by the planning authority on the 14th day of September 2016 and the 1st day of June 2017, and the detailed requirements of the planning authority in relation to the two play areas. This work shall be completed before any of the dwellings are made available for occupation of each phase and the public open space shall be maintained as public open space by the developer until taken in charge by the local authority, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

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

9. 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.

10. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

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

11. The development shall be carried out under the supervision of a suitably qualified ecologist appointed by the developer.

Reason: To protect the natural heritage of the area.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) For the terraced dwellings, this plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.

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

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes and through open spaces, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house in each phase.

Reason: In the interest of amenity and public safety.

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

Reason: In the interest of visual and residential amenity.

16. 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.

17. 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.

18. (a) The roads and traffic arrangements serving the site (including internal and external 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, including detailed

design of the proposed footpaths and cycle tracks on Station Road and Sexes Road and the tie in with the existing infrastructure, 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 a toucan crossing opposite Sarsfield GAA Club, three number road crossings at the entrance roundabout to Roseberry Hill and cycle paths as detailed on DBFL Drawing number 152105-2000 Rev B titled Road Layout Sheet1 received on 1st day of June 2017, and as agreed final detailed design with the planning authority. The cost of the design and implementation of these works shall be borne solely by the applicant. The work shall be completed prior to occupation of any dwelling unit.

Reason: In the interests of traffic, cyclist and pedestrian 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order,

the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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 phasing, 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 which shall prohibit construction traffic accessing the site via Roseberry Hill, details of 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. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

23. 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

4th December 2017