



An
Bord
Pleanála

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

Inspector's Report ABP-301371-18

Strategic Housing Development

Demolition of 16 no. existing buildings, construction of 264 no. residential units, neighbourhood centre, 3 no. retail units, childcare facility and all associated site works.

Location

Former Magee Barracks Site, Hospital Street (R445), Kildare Town, Co. Kildare.

Planning Authority

Kildare County Council

Applicant

Ballymount Properties Ltd

Prescribed Bodies

1. Minister for Culture, Heritage and the Gaeltacht
2. Heritage Council
3. An Taisce — the National Trust for Ireland
4. Transport Infrastructure Ireland

5. National Transport Authority
6. Irish Water.

Observer(s)	20 submissions received- See Appendix A for details
Date of Site Inspection	22 nd June 2018
Inspector	Lorraine Dockery

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The Inspector's Report relating to TC0017 describes the site as following and I broadly concur with this description:

'The site is located at the former Magee Barracks in the centre of Kildare Town, County Kildare. The southern portion of the large barracks site is accessed from Hospital Street (R445) and backs onto a number of existing housing estates, including: Magee Terrace, Campion Crescent, Ruanbeg, Rowanville and a newly constructed primary school.

The overall site is broadly level with a slight dip in the centre portion, the northern end rises sharply to an escarpment. There are a number of buildings associated with the former use of the site as a military barracks, accommodation blocks, officers' quarters, water tower, stores, kitchens etc. For the most part, all of the buildings are in a dilapidated state and suffer from fire damage and vandalism. There are large number of mature trees and hedging across the site. The parade grounds, of which there are two, are surfaced with tarmac punctuated with holes at regular intervals. The northern portion of the barracks, that does not form part of the consultation site, is agricultural grazing land.

The overall site cannot be easily viewed from the main thoroughfares, however, views of the barrack blocks can be had from Ruanbeg Estate and from housing at higher levels to the north. Ruanbeg Drive is notably lower than the site and lies approximately 3 - 4 metres below the level to the rear of the barrack blocks'.

- 2.2. The stated site area is 11.14 hectares.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of demolition of 16 no. existing buildings and the construction of 264 no. residential units, neighbourhood centre, 3 no. retail units, childcare facility and all associated site works at the former Magee Barracks site, Hospital Street (R445), Kildare Town, Co. Kildare.
- 3.2. The proposal includes the demolition of 16 buildings on site, all primarily centred on the former parade ground. All such structures are former military structures associated with the historic use of the site as a barracks.
- 3.3. The commercial element of the proposal comprises a stated 1325 square metres and includes a crèche, coffee shop including gallery space and three no. neighbourhood retail units.
- 3.4. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	11.14 hectares
No. of units	264
Density (nett)	34.3 units/ha
Height	1-3 storeys
Plot Ratio	0.28
Site Coverage	13.5%
Open Space provision	16.2%

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4+ bed	Total
Duplex/Apartments	12	26	26	-	64
Houses	-	-	172	28	198
TOTAL	12	26	198	28	264
As % of total	4	10	75	11	100%

Table 3: Unit Type

Type	Detached	Semi-Detached	Terrace	Apt/Duplex
Number	10	166	24	64

Table 4: Unit Sizes

Duplex/Apt	Size
Type G1	80-116m ²
Type G2	80-116m ²
Type G3	80-116m ²
1 Bed apt	52 m ²
Houses	
A1 & A2	109 m ²
Type B	135 m ²
Type C	135 m ²
Type E1 & E2	109 m ²
Type F	135 m ²

Table 5: Part V Provision

Requirement: 26 units	Provision: 26 units (12 x 1 bed, 7 x 2 bed, 6 x 3 bed, 1 x 4 bed)
	12 units- Type H apartments 7 units- Type G GF duplex apt 1 unit- Type F semi-detached 6 units- Type G duplex houses

Table 6: Car Parking Provision

Houses	400
Apartments/Duplex	90
Neighbourhood Centre	32
Total	522

Table 7: Bicycle Parking

Residents	96
Neighbourhood Centre	30
Total	126

- 3.5. A childcare facility is proposed with stated floor area of 680 square metres and capacity for 136 no. children.
- 3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. In terms of surface water disposal, infiltration/attenuation tanks are proposed with outfall to the public storm network. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.
- 3.7. The main vehicular access to Phase 1 development will be provided by an entrance off Hospital Street (R445) to the south of the site. A new signalised road junction is proposed, which includes for pedestrian crossings, upgrades to footpaths, road marking and traffic signalling.
- 3.8. Included with the application is a letter of consent from Kildare County Council, (dated 05/02/18), to make the application. A letter of consent from Kildare Town Educate Together National School, signed Gerry Breslin (dated 20/03/2018) is also attached to the application confirming their consent for a connection to be made from the residential lands to the school site and proposed boundary treatment, including a connection to existing footpaths within their lands, subject to agreement with the applicant on final details prior to construction. A letter from Columbia Estates Management (I.E.) Ltd and Lonadale Ltd (both dated 09/02/18 and both signed Patrick Kennedy, Director) confirming consent to make a planning application on lands within their ownership, as outlined on attached map has also been submitted.

3.9. A phasing plan has been submitted with the application, which outlines the following:

Table 8: Phasing

Phase	Proposed Works
1	Single site access from Hospital Rd (R445) Neighbourhood Centre Parade Park Magee Gardens 105 units
2	79 units Linear open space Communal gardens
3	Pocket parks 80 units Link with adjacent schools

3.10. A redundant wayleave/right of way runs along the eastern boundary of the subject site. There are no recorded public pipes in the wayleave, but it has been subject of encroachment over time. It is stated that the wayleave will be kept free from development and a new 2 metre high boundary wall is proposed along the existing fence line, which equates to the red line boundary in the application drawings.

3.11. An Appropriate Assessment Screening Report was submitted with the application, which concludes that based on best scientific evidence, it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects in light of their conservation objectives.

4.0 Planning History

18/273

Application for supermarket/discount foodstore on lands within overall Magee barracks site- to SW of proposed development. Further Information requested by the planning authority

18/149

Application for Cancer Treatment Clinic on lands within former Magee barracks site, to SE of proposed development. Further Information requested by the planning authority

16/13

Permission GRANTED for a two-storey school building. January 2016.

13/635 (PL09.243089)

Permission GRANTED for a two-storey national school. July 2014.

Part 8 (P82018.002)

Notice published by Kildare County Council for development of a public park (Cherry Avenue Park) on 18.1 acres of land on Dublin Road, Kildare, located to the south-east of proposed application site.

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 5th October 2017. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

1. Residential Density

Further consideration is required with respect of the documentation relating to the residential density of the site. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') as they refer to brownfield sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Kildare Town Centre and to established social and community services in the immediate vicinity.

2. Heritage

Further consideration is required with respect of the documentation relating to the heritage aspects of the site. This consideration and justification should have regard to 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') with specific reference to sustainable residential development and the enhancement and protection of the built heritage in terms of the site's historical context.

3. Public Open Space

Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the open space proposed particularly in the context of the surveillance of the open spaces (pocket parks), addressing level changes (Ruanbeg Drive), the usability of the active open space on the site and the integration with adjacent public open spaces (Ruanbeg and Magee Terrace) in the context of the landscaping proposals.

4. Design, Layout and Unit Mix

Further consideration of documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and also reference

to the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix, the configuration of the layout, design and alignment of roads, the creation of a high quality urban extension to Kildare town and the creation of character areas that reference the historical connections of the site should be given further consideration.

5. Part V of the Planning and Development Act, 2000 (as amended)

Further consideration is required in respect of the documentation relating to obligations under Part V of the Planning and Development Act 2000 (as amended). The further consideration should have regard to the requirements of the Housing Section of Kildare County Council in relation to this matter.

5.2. Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:

1. Details of consultation undertaken with the Department of Education and Skills and/or relevant School's Boards of Management in respect of access to the adjacent school site.
2. A bat survey report, which should address concerns relating to all relevant bat species.
3. Justification to be provided of the survey and testing proposed as part of the EIAR process in respect of archaeology.
4. A Construction and Demolition Waste Management Plan should be provided.
5. A phasing plan for the proposed development should be provided.
6. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion- density, heritage; public open space; design, layout and mix; Part V.

Density- considers that the proposal will deliver an appropriate form of high quality residential development for this substantial underutilised, zoned site at an appropriate density.

Heritage- Additional design interventions involving the retention and re-introduction of heritage references to preserve the memory of the military barracks are proposed.

Public open space- outlines amendments made on foot of Pre-Application Opinion

Design, layout and unit mix- further considered DMURS and the 12 criteria within the Urban Design Manual. In relation to unit mix, proposal provides for a good mix of dwellings and revised housing proposals contain eight individual unit types.

Part V- revised proposal has been submitted.

6.0 Relevant Planning Policy

National Policy

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

Local Policy

Kildare County Development Plan 2017-2023 is the operative County Development Plan.

Kildare Town is a designated Secondary Economic Growth Centre and a Moderate Sustainable Growth Towns (Table 2.2) with a surplus capacity for residential development.

Table 3.4 sets out the Development Capacity of County Kildare and Kildare Town shows a capacity surplus of 2,027 units over 134 hectares of zoned land.

Table 4.2 shows indicative density levels derived from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

4.6 Mix of Dwelling Types

Policy MD 1

Ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.

The **Kildare Town Local Area Plan 2012-2018** applies.

Zoning:

‘Objective Z – ‘Regeneration of Magee Barracks’.

The LAP outlines a number of policies and objectives that are specific to the regeneration of the Magee Barracks site, as follows:

Development Strategy 1. The Regeneration of Magee Barracks.

Development Strategy 7. Transportation Infrastructure and Development of Linkages - (vii) Develop an avenue at Magee Barracks connecting the Dublin Road and Melitta Road. (viii) Provide for connections between Magee Barracks and Melitta Road, Ruanbeg and Coolaghknock.

Section 7.6.2 provides a detailed **Design Brief** for Magee Barracks and comprises; drawings and guidance in relation to accessibility, permeability, enterprise/employment, amenity, site context and integration with the surrounding area.

Objective R 8: To establish a new neighbourhood centre within the Magee Barracks regeneration site with a suitable range of uses to meet the daily needs of residents/employees of the emerging new neighbourhood and the existing

surrounding residential area. This neighbourhood centre shall be of a size and function that ensures it complements rather than detracts or displaces retail or other activities from the town centre. The neighbourhood centre may be anchored by a supermarket (net retail floorspace of up to 1,500m²) and have a limited range of non-retail services, civic, community and commercial and leisure floorspace.

Objective RR 1: To encourage and facilitate the appropriate and sustainable re-use and regeneration of the Magee Barracks site for uses that are appropriate to its strategic location within the town creating a built environment that reflects both the military history of the site and the existing urban fabric.

7.0 Third Party Submissions

7.1. In total, 20 submissions were received. The majority were received from residents of the surrounding residential developments, many of whom welcome the appropriate re-development of the site but raise concerns in relation to specific issues. There were submissions from three public representatives and three residents/community groups. Birdwatch Ireland also made a submission. The submissions may be broadly summarised as follows:

- Compliance with zoning objective/strategic vision for the site- proposal lacking in employment/enterprise provision- materially contravene Kildare town LAP 2012- premature pending review of LAP- town is massively overzoned for residential development, proposal will result in housing target for the town being further exceeded
- Density/plot ratio too low considering edge of town location- close proximity to high quality public transport nodes
- Traffic concerns- need for comprehensive traffic management plan for town- concerns regarding submitted TIA- concerns regarding pedestrian and cycle access through Melitta Park
- Phase 2 lands- suggests creation of education campus next to primary schools, which would include secondary schools/pitches-future provision of key linkages not be prejudiced by current development proposal

- Failure to deliver neighbourhood park of size as set out in LAP- 4.04 hectares required under LAP for neighbourhood park- combined parks proposed are 1 ha in area- open space is only 2.7% higher than that required under minimum public open space requirements
- Not accepted that provision of two no. primary schools form substantial part of 10 acres of open space/community facilities referenced in LAP 2002 nor can it be construed as an education campus
- Permission not yet granted for cancer treatment facility, so therefore only community facility being provided is the childcare facility
- More suitable community uses should be provided- needs to reflect military history of site- retention of Officers Mess and other features that have linkages to military history- proposal removes key features from the site- removes its identity- absence of a county military museum and any tourism facility-no Social Infrastructure Assessment submitted-no provision for elderly accommodation
- Residential Amenity- noise pollution, reduction in light, overlooking, loss of privacy, anti-social behaviour, location of playground, health and safety concerns, vermin, boundary wall removal at Ruanbeg Drive and legal interest to do same- lack of consultation with local residents-provision of right of way/maintenance of rear access to properties bounding site
- Biodiversity- wildlife, invasive species, AA screening
- Require provision of swift nest bricks/boxes at suitable places throughout this development- would help to preserve and increase relatively small colony of swifts in the town
- Drainage and water conservation
- Renewable energy generation
- Misleading public notices/ site description on AN BORD PLEANÁLA website
- Procedural issues at Kildare CoCo

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 23rd May 2018. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to, inter alia, summary of views of third party submissions, Chief Executive Views, summary of Views of Elected Members.

Local policy context, zoning, assessment in context of Magee Barracks Design Brief, quantitative assessment which includes density, plot ratio, public open space provision, residential mix, planning history, commercial development as part of this application, car parking provision, roads and layout, social infrastructure provision, other matters, qualitative assessment which includes urban design assessment, environmental impact assessment report incl overall considered view.

The submitted appendices contains a summary of submissions received; recorded views of elected members and internal reports of Kildare CoCo.

Summary of Inter-Departmental Reports

Drainage Division:

Proposal acceptable - conditions attached

Roads, Transportation and Public Safety Division:

Refusal recommended

Despite several meetings and detailed 'Opinion Report' the applicant has not incorporated the recommendations of the Transportation Department into their design including the following:

- Traffic calming for R445 Hospital Street
- Road Safety Audit
- Proposed Phase 1 Internal Road Layout
- Proposed two-way cycle track on one side of the internal access spine road

Proposed application would endanger public safety by reason of a traffic hazard and obstruction of road users due to the movement of the extra traffic generated. The proposal does not comply with proper planning as it does not fully comply with appropriate design standards, DMURS and NTA's National Cycle manual.

Housing Department:

Deficiencies in storage and ceiling heights identified in some of proposed units.

Recommends a grant of permission; conditions attached

Parks Department:

Landscape plans are very detailed and to a high standard. However layout of some open spaces and passive supervision of these within the development is poor and the issues raised in An Bord Pleanála Opinion have not been addressed

Condition attached

Heritage Officer

Refusal recommended until a detailed Invasive Species Management Plan has been submitted

The main issues raised in the assessment were as follows:

Aspects of the proposed development have merit- responds to need for dwellings to be delivered in timely manner through SHD process, located close to Kildare town centre with numerous supporting services; site is in need of redevelopment and regeneration and failure to do so has blighted the entrance to the town. There is significant opportunity for the site to be appropriately regenerated, including the provision of housing.

Notwithstanding the above, there are elements of the proposal that are at variance with the County and Local Area Plans and it is in this regard that it is recommended that permission be refused on the following grounds:

1. Having regard to

- The status of the town as a Moderate Sustainable Growth Town in the Kildare CDP 2017
- The new dwellings target of 1527 units identified for Kildare town in the CDP during the period up to 2023
- The capacity surplus of dwellings deliverable on zoned lands in Kildare town during the Plan period
- The zoning of the subject lands for 'Regeneration of Magee Barracks' in the Kildare LAP 2012
- The provisions of the Design Brief for the lands set out in LAP
- The scale, nature and number of dwelling units on the site

It is considered that the proposed development would materially contravene the provisions of the Kildare Town LAP 2012 for failure to adhere to the provisions set out for the regeneration of a strategic site, would artificially distort the Core and Settlement Strategy figures set out in the Kildare CDP 2017, for future provision within Kildare town, would, in the absence of provision of wider range of uses on site, lead to an increase in commuting levels from the town, contrary to the provisions of the Core Strategy and would therefore fail to accord with the proper planning and sustainable development of the area.

2. There are aspects of the design of this proposal that would normally require significant amendment and attention prior to permission being granted. This includes traffic and road safety issues, the design, layout and scale of dwellings adjacent to boundaries, water services issues and issues regarding management of invasive species on site. To permit the proposed development in the absence of due regard for the aforementioned, would lead to the obstruction of road users, would be injurious to the residential amenity of adjacent land uses by virtue of overlooking/overshadowing, would be prejudicial to human health and would therefore be contrary to the proper planning and sustainable development of the area.

Conditions attached, in accordance with the legislation.

The report includes a summary of the views of relevant Elected Members, as expressed at the Kildare-Newbridge Municipal District meeting held on 16/05/18 and are summarised below:

- Zoned lands within the town that will meet requirements for housing-contravenes policies and objectives set out in LAP
- Extant permission for 1300 units- housing unit target of 1527 units to the year 2023
- Suburban type development
- Scope for delivery of multi-storey apartment uses and townhouse development
- Never intended housing would be primary use on this site
- Identified as a primary location for delivery of quality employment opportunities
- Should be developed as part of overall masterplan
- Tourism potential
- Concerns regarding supporting infrastructure
- Delivery of educational campus on part of site
- Premature pending traffic management plan for area
- Commitment for provision of 10 acres of land for community
- Residential amenity concerns
- Layout and design issues

9.0 Prescribed Bodies

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

- The Minister for Culture, Heritage and the Gaeltacht,
- Heritage Council
- An Taisce — the National Trust for Ireland
- Transport Infrastructure Ireland
- National Transport Authority
- Irish Water

Four bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

The Minister for Culture, Heritage and the Gaeltacht:

Archaeology:

Due to the scale of the proposed development, recommends that archaeological mitigation should be required as a condition of planning- condition attached

Transport Infrastructure Ireland:

No observations

National Transport Authority:

Considers that scale and use of the proposed development is aligned with the planning principles set out in Chapter 7 of the Transport Strategy for the Greater Dublin Area 2016-2035.

Raises the following:

- Proposed main access to SHD site and adjoining section of R445 is also included within boundary of live planning application Ref 18/149
- Concern regarding cycling facilities in particular use of two-way cycle track on one side of internal access road- does not comply with design criteria set out in National Cycle Manual

- Carriageway of R445 that is within site boundary should be redesigned to provide for fully segregated cycling facilities
- Discrepancy in figures relating to number of cycle parking spaces proposed- minimum of 126 spaces required under CDP
- Documentation refers to proposed pedestrian and cycle links as ‘future links’- any grant of permission should be contingent on the provision of such links

Irish Water:

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

10.0 Assessment

10.1.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Kildare County Development Plan 2017 and Kildare Town LAP 2012; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meeting; Inspector’s Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of development
- Design and Layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Appropriate Assessment
- Environmental Impact Assessment

10.2. Principle of Proposed Development

10.2.1. I note the nature and scale of the development proposed, namely an application for 264 residential units, together with a commercial element not exceeding 4,500 square metres gross floor space. The proposal is located on lands which are substantially located within the zoning objective 'Z', in which residential and commercial development, as proposed, is 'permitted in principle'. I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. It is stated in the documentation that the proposal comprises the first phase of an overall development of the applicant's 20.7 hectare landholding at this location. The application is accompanied by a masterplan for the overall lands, which indicates future phases of development on the remainder of the lands.

10.2.3. The zoning objective is 'Objective Z Regeneration of Magee Barracks', which aims to facilitate a wide range of uses to allow for the flexibility in the regeneration of the former Magee Barracks site in a sustainable manner (Table 14 of Kildare Town LAP 2012). It continues by stating that:

'This zoning allows for the development of the site for a mix of employment, educational, community and residential uses in accordance with the design brief set out in section 7.6 of the Plan.

The following key objectives for the regeneration of the site should be met:

- The sustainable regeneration of the site with uses and layout which integrate this site's edge of centre location with the town centre
- The provision of link roads in accordance with Section 7.7 and Map 8.2 of this Plan
- The protection and reuse of buildings and structures of historical importance listed in Table 12 of this Plan
- The protection of residential amenity of existing residential areas adjoining the site
- The provision of significant elements of public open space, including the

provision of a neighbourhood park

- Retaining the objective of the Magee Barracks LAP (2005) to provide community gain proposals on site. Development of these lands shall be the subject of Appropriate Assessment screening’.

These key objectives have been dealt with throughout my assessment.

- 10.2.4. The planning authority in their report contend that the proposal materially contravenes the provisions of the Kildare Town LAP for failure to adhere to the provisions set out for the regeneration of a strategic site, that the proposal would artificially distort the Core and Settlement Strategy figures set out in the Kildare CDP 2017 for future provision within Kildare town and would, in the absence of provision of wider range of uses on site, lead to an increase in commuting levels from the town, contrary to the provisions of the Core Strategy. They therefore consider that the proposal would fail to accord with the proper planning and sustainable development of the area.
- 10.2.5. Table 3.3 of the CDP shows that Kildare town has a housing unit target allocation of 1527 units over the period of the Plan while Table 3.4 states that based on an assessment of the zoned lands in County Kildare, there is potential capacity surplus of 2027 units in Kildare town. The planning authority considers that these subject lands are not specifically designated for new residential development and the proposal would significantly alter the settlement strategy figures for Kildare town to the detriment of currently zoned lands within the town and to the wider hinterland/County area.
- 10.2.6. The applicants in their submission have provided a summary of extant permissions and constructed developments to date on residentially zoned lands in Kildare town. The figure given for total extant units is 1029 units (957 units when those constructed have been omitted). This figure shows that there is remaining capacity for possible future residential development within Kildare town.
- 10.2.7. I refer the Bord to the ‘Land Use Zoning Objectives Map’ within the Kildare Town LAP which clearly shows the location of the subject site relative to Kildare town centre and relative to Phase 1/Phase 2 residentially zoned lands. I note that this Plan has been in place since 2012 so there has been ample time for developer’s to apply for permission on such Phase1/Phase 2 zoned lands during that period and

there has been relatively limited permissions granted on these lands during that time. I do not concur with the assertion of the planning authority that the proposal represents a material contravention of the plan. The proposal is located adjacent to the town centre on lands zoned for a mix of uses, in which residential development is permitted in principle. The site is located in much closer proximity to the town centre than other Phase 1/Phase 2 lands, some of which are located a considerable distance away from the town centre and I therefore consider that the development of this site for such uses is sequential in nature and could reasonably be seen as a natural extension to the town centre. I note that the NPF recognises the need for securing compact and sustainable growth and the redevelopment of regeneration sites within existing built-up areas is key in achieving this. The NPF further recognises that key future growth enablers will include identifying a number of ambitious large-scale regeneration areas for the provision of new housing and employment throughout Dublin and its metropolitan area. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing which also fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider that this former Magee Barracks site is one such site. No Social Infrastructure report has been submitted, as per the requirements of the County Development Plan (Policy CO 2). However, Kildare town is an established centre, designated as a Secondary Economic Growth Centre and a Moderate Sustainable Growth Town within the County, with its associated services and facilities. The site itself is located within a prime position and is serviceable. Connections are good with pedestrian access to the train station within 10 minutes from the site. An examination of the Irish Rail website shows that from Kildare train station, there is a good commuter service into Dublin city, with approximately 13 services before 9am on a weekday morning with direct services taking just over 0.5 hour into Dublin Heuston. There are also good bus links from the town.

10.2.8. In terms of material contravention, the planning authority also raise concerns in relation to the absence of provision of wider range of uses on site. I refer the Bord to the Design Brief for the site, as contained within Section 7.6.2 of the LAP. This brief is largely indicative in nature. Its principles for the future development of the site aim

to increase commercial and sustainable economic activity by facilitating and encouraging enterprise and the creation of employment. The planning authority have raised serious concerns regarding the level of commercial development on the lands, including uses with significant employment potential. I note a number of points in this regard. Firstly, this application has been lodged under the strategic housing process whereby there is a cap of 15% commercial development on any such site. Bearing this in mind, I note that the applicant has lodged two separate concurrent applications on the overall land holding for commercial development, one for discount foodstore (Ref. 18/273) and the other for a health care facility for cancer treatment (Ref. 18/149). The planning authority have requested further information on both applications. Secondly, I note that this application provides for a degree of commercial activity, with three retail units, a childcare facility and café/gallery uses proposed. I also note the location of two schools within the overall site. Finally, I note that a large area of Phase 1 commercial lands are located immediately opposite the R445 from the subject site. Taking the overall land parcel as a whole, and considering adjacent zonings, I am satisfied with the degree of commercial development being presently proposed and I do not concur with the assertion in some of the submissions received that Kildare will become purely a commuter town if this proposed development is permitted. The overall masterplan objectives are being fulfilled by the provision of educational, commercial, community and residential uses on the overall site and its immediate environs.

10.2.9. Therefore having regard to all of the above, I am satisfied that the proposal as provided for in this current application is acceptable in principle; is not a material contravention of local policy and is in accordance with the provisions of the National Planning Framework with regards to the sustainable development of such regeneration sites. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised brownfield site, in a compact form would be generally consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness in this regard. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing numbers within the general area, and would improve the extent to which it meets the various housing needs of the

community. The commercial element is such that it will enhance rather than detract from the town centre.

10.3. Design and Layout

- 10.3.1. The proposal involves the demolition of all existing buildings on site and the construction of 264 residential units in a mix of dwellings and duplex/apartment units, together with a neighbourhood centre and childcare facility. The residential units will consist of 200 no. houses, two-three storeys in height and 64 no. duplex units three storey in height.
- 10.3.2. The site had an important military function and presence within the town, being the first purpose-built barracks to be constructed by the Irish Free State, operating as such from circa 1900 until 1998. A number of vacant military buildings are evident on site, most of which date from between 1937-1943 all of which are in a poor state of repair and of limited architectural merit. There is an exception to this, in my opinion, the Officer's Mess Building which is located to the east of the main avenue. While the submitted Site Heritage/Sense of Place Document states that it is unremarkable, of little or no architectural merit, I consider that this is quite a harsh observation. It is possibly the most noteworthy of all the structures on site, in particular its modernist entrance to the centre of its south elevation. In my opinion, its retention would have been an asset to the scheme retaining a greater sense of history and heritage on this site. In addition to this, the water tower is another structure of note on site, dating from circa 1900.
- 10.3.3. I acknowledge that none of the structures on site are Protected Structures; this is not a Conservation Area and none of the structures are listed on NIAH. I note the information contained within the application, in particular the Structural Survey Report of the Officers Mess Building and Water Tower, detailing the extent of deterioration and that all structures on site were found to be in very poor physical condition, frequently being subject to anti-social behaviour, vandalism and fires. This was noted during my site visit. I note the LAP seeks the adaptive reuse of the Officer's Mess as an important gateway into scheme. The LAP is dated 2012 and since that time the buildings appear to have deteriorated significantly. The planning authority recognise that the loss of the buildings is regrettable but note the information contained on file in relation to their current state of repair. Given the

state of disrepair of the buildings on site, as outlined in the submitted documentation, including the Photographic Survey contained within Appendix 5.1 of the submitted EIAR, and as witnessed during my site visit, I consider their demolition acceptable in principle in this instance. Notwithstanding this, the historical significance of this site to the town should not be lost going forward and I welcome the interventions proposed in trying to achieve this. Elements like the preserving and relocating the clock from the water tower structure and using the footprint of the water tower as a paved public space; as too is the materiality and formality of the neighbourhood centre; the form and location of the main park; the naming of the character areas/streets/parks and the architectural details proposed. If the Bord is disposed towards a grant of permission, I recommend that a detailed photographic survey be undertaken of all the buildings proposed for demolition.

10.3.4. As is stated above, the design and layout of the proposal seeks to address the former military use of the site. Elements like the strong grid pattern, the formality of the main areas of open space; the detailing and materiality proposed, signage and name places all reflect the historical significance of the site. The layout is generally considered acceptable. The main commercial element is closest the Hospital Street entrance with the residential element located behind. A number of distinct character areas have been identified. A quality development is proposed within this application. At the present time, the site detracts significantly from the entrance to the town- it is underutilised, overgrown and badly in need of rejuvenation. In my opinion, the proposal, together with proposed adjoining commercial developments, if permitted, would help to rejuvenate the area, providing a natural extension to the traditional town centre. It is considered that level of commercial uses provided would compliment rather than detract from the town centre. I consider that the proposed gallery/exhibition space at mezzanine level above the café is sufficient to comply with the LAP requirement to provide a museum on the site. Its location above the café may lend it to being utilised more than a stand-alone structure. It is my opinion that the appropriate redevelopment of this underutilised site in the centre of the town is to be welcomed and that a quality redevelopment of the site would provide a much needed boost for area.

10.3.5. Density at 34.3 units/ha is proposed. I note that the number of units envisaged for the site within the LAP is 161 no. Given the location of the site, and having regard to

current national policy in this regard, I consider this to be a conservative figure. The planning authority in their Chief Executive Report acknowledge that the number of units capable of being delivered on the lands, notwithstanding the provisions of the LAP, may be expected to be higher than this figure of 161 units. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of this issue. I note the density has increased from 30 units/ha initially proposed at pre-application stage to 34.3 units/ha. While there is potential for a greater density on site and this figure may be considered to be somewhat borderline, on balance I consider it acceptable in this instance. I note recent decisions in the Kildare area cited by the applicant in their Statement of Response to An Bord Pleanála opinion and note the quality of development proposed with aims to satisfy LAP requirements and which includes for the provision of a neighbourhood park. Having regard to all of the above, I consider the density proposed to be borderline but acceptable in this instance.

10.3.6. I draw the attention of the Bord to the fact that I have serious concerns regarding the proposed unit type/mix. Table 2 above outlines the mix of unit types proposed and is copied here for ease of reference.

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4+ bed	Total
Duplex/Apartments	12	26	26	-	64
Houses	-	-	172	28	198
TOTAL	12	26	198	28	264
As % of total	4	10	75	11	100%

It shows that 75% (198) of all residential units proposed are three-bed properties, with only 10% (26) of the proposal being two-bed units. 4% are one-bed properties and all of these are earmarked for Part V allocation. Therefore, no one-bed units will be available on the open market. In addition, the majority of properties proposed are semi-detached houses (166 no.) with all houses having a floor area of either 109m² or 135m². I consider this issue of a lack of appropriate mix of dwelling type/size to be the biggest failing of the proposed development. The issue was raised in the Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála

and I consider the response to same to be inadequate. The applicant states that the revised housing proposals contain eight individual unit types. There are four variations of three-bed property proposed and I do not consider such variations to be classified as differing mix/type- irrespective of minor changes to floor plans and elevations, they remain three bed properties. Indeed, many of the variations of house type proposed are essentially the same unit design and size under a different name/title. For example Units E1 and E2 are exactly the same in terms of size, design and layout, except that one is mid-terrace and the other end-of terrace. As proposed, the development does not cater for a good population mix within the scheme, nor does it cater to persons at varying stages of the lifecycle. I also note that a Statement of Housing Mix, as required under Section 17.4.3 of the operative County Development Plan does not appear to have been submitted with the application. Section 4.6 of the operative County Development Plan 2017 deals with mix of dwelling types and states that the Plan sets out to ensure that new residential development provides a wide variety of housing types that reflect and cater for the diverse housing needs of the county's population. Policy MD 1 is noted in this regard.

10.3.7. I note section 28 ministerial guidelines in this regard, in particular the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and the associated Urban Design Manual, which sets out 12 criteria, drawn up to encapsulate a range of design considerations for residential development. Criteria No. 4, variety, recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both flats and houses of varying sizes. In addition, the NPF recognises that currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms. The NPF further recognises that varying housing needs that are required to be met, which include the housing needs of older people, people with disabilities, the travelling community, social housing generally, families of varying sizes and income levels and students. I consider that given the scale of the proposed development, relative to the overall size of Kildare

town, the proposed development will be an important and substantial intervention at this location. It is therefore imperative that it adheres to good planning practices, is not catering to a homogenous population and adds variety to the general area. Given the significance of the site to this town, it is important that the proposal provides a positive contribution to the housing mix. With 75% of the properties being three-bed units and with 4% being one-bed, all of which are being allocated to Part V, the proposed scheme cannot be considered to offer variety of unit type or size. 86% of all units proposed are three bed or larger properties. In addition to this, it is noted that almost 63% of the properties are semi-detached in nature, again offering little variety throughout the scheme. I draw the attention of the Bord to both the adjoining Ruanbeg Manor and Collaghknock Glebe developments, both of which are large developments adjoining the overall Magee Barracks lands. While I don't have access to their planning history, I would estimate that Ruanbeg Manor was constructed late 1990s. It is a large development, well over 200 units I would estimate, with the vast bulk of the properties being semi-detached or terraced in nature. While there appears to be a limited amount of two-storey apartments within the development, the vast majority of units appear to be standard three/four bed dwellings. In Collaghknock Glebe, a mix of semi-detached and detached properties are noted, also assumed to be three and four bed dwellings. I consider that this development, as proposed is essentially providing more of the same for Kildare town, which already appears quite well served with such properties. If the Bord is disposed towards a grant of permission, an option is to omit some of the units proposed, with the applicant applying, outside of the SHD process, for a revised proposal for this area/units. I did consider this option in my assessment, however I am not recommending it in this instance. This is a brownfield site, with the proposal comprising a complete redevelopment/regeneration of same. Given the circumstances, I consider that the principle of 'retrofitting' units by condition is not appropriate in this instance. I consider that the unit type/mix needs a complete re-assessment, which may alter the overall layout and I consider this would be more appropriately done through a new application for the entire area as outlined in red.

10.3.8. Public open space is provided by way of a neighbourhood park (Parade Park) located to the north-west of the neighbourhood centre, a local park (Magee Gardens) and a number of smaller pocket parks and incidental open space. I note that the

matter of public open space, in particular with regards to surveillance, level changes, integration and usability was raised in the Notice of Pre-Application Consultation Opinion, which issued from An Bord Pleanála. The applicant has provided a response to same within section 4.2 of the Landscape Design Rationale Report and the details provided therein are considered reasonable. The Parks Section of the planning authority in their report state that the landscape plans for the development are very detailed and to a high standard but note that the layout of some of the open spaces and passive supervision of these within the development is poor and that the issues raised by An Bord Pleanála at pre-application stage have not been addressed, in particular the Coolmoney Square and the Magee Terrace interface, both of which have the potential for anti-social behaviour. I note the comments and consider that adequate passive supervision of Coolmoney Square would occur, given the quantum of dwellings bounding it and their design/orientation. The creation of the visual interest at the end of the road axis is welcomed. I take the point of the planning authority in relation to the proposed open space to the rear of duplex units 001 to 020. This could have been dealt with better, however, given the degree of overlooking from these units at first floor level, together with the fact that a pedestrian link through to Magee Terrace will increase footfall in the general area, I do not have undue concerns in this instance.

10.3.9. Detailed landscaping drawings, together with a Tree and Hedgerow Survey and Arboricultural Impact Assessment have been submitted with the application. The proposal involves the removal of a substantial number of trees on site, with 9 no. proposed for retention. I note that only 1 tree on site is classified as being in good (A2) condition. Those proposed for removal will be replaced with an extensive range of planting within an overall landscaped layout. The Arboricultural Impact Assessment states that the tree population has been largely neglected and allowed to deteriorate in both condition and value over time. In terms of the proposal before me, the civic amenity space at the entrance to the site has the potential to significantly add to the amenity of this general area. The formality of the larger spaces is noted, reflecting the military significance of the site. Both passive and active recreational areas are proposed and all spaces are well supervised. Henry Howard Garden is designed so as to allow easy transition between it and the existing open space at Ruanbeg Drive, notwithstanding the level differences. I note there are

some concerns front the residents of Ruanbeg in particular in relation to safety and security concerns for children. Notwithstanding the concerns raised, I am of the opinion that the proposal for this area will improve connectivity between the two areas, creating a larger, more usable area for residents of both developments and I have no information before me to believe that it would compromise safety in the general area. Finer details in relation to this transition, together with proposed boundary treatments, could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission. The quantum, nature, location and usability of the open space proposed is considered acceptable. An acceptable level of connectivity/permeability is proposed. By virtue of the previous use of the site, it was insular in nature with no connections through to the surrounding area. A connection through to the school site is proposed, as is the linking up of the open space at Ruanbeg with that proposed in this current application. The link through to Magee Terrace is described as 'potential future options...subject to agreement with planning authority'. It appears that Magee Terrace has been taken in charge by the planning authority. This is considered to be an important linkage and the matter should be firmly dealt with by condition, if the Bord is disposed towards a grant of permission.

10.3.10. An issue has arisen relating to community gain and to an apparent commitment which was made to the community on the closure of the barracks. Table 14 of the LAP notes 'the commitment to the local community on the sale of the barracks, given by the (then) Minister for Defence in regard to *open space and community facilities* (my italics) representing about 10 acres of the site'. While Section 7.6.2.5 states that in relation to the Design Brief '...a *large neighbourhood park* (my italics) of c.10 acres is provided' (page 76). The planning authority acknowledges the discrepancy in the text of the LAP when it comes to details of the community gain- in some areas it is referred to as a 10 acre park while in others it is open space and community facilities representing about 10 acres. The planning authority acknowledges that the issue is open to interpretation and I would concur with this opinion. The applicants state that within the overall landholding, two primary schools, a childcare facility and a medical centre are in existence/proposed, which when taken with the proposed public open space for the overall former Magee Barracks lands, the figure for community gain far exceeds 10 acres (stated figure of

13.3 acres given by the applicants). Exact details have been outlined in BSM Drawing No. 314. I consider this to be a reasonable argument and I also consider that the quality and usability of the open spaces/community uses proposed for a population with varying needs is as important as the actual quantum of space provided and minutiae of figures. I note that just short of 5 acres (1.99 hectares) is being proposed in this current application, which does not include any open spaces within the Phase 2 lands of the masterplan. I also note the Part 8 proposal for the development of a public park (Cherry Avenue Park, Ref: P82018.002) on 18.1 acres of land to the south-east of the site, on the opposite side of the R445. The public consultation period for this ended on 23/03/2018 and I have no further information relating to same available to me. The quality development of this site will also be an important gain to the community in that it will significantly improve the entrance to the town and the visual amenity of the general area. The landscaping proposals submitted are considered to be of a high quality and the integration of the military past of the site into the overall design concept is welcomed and adds significantly to the overall development. Having regard to all of the above, I am satisfied with the level of community gain being afforded on these Phase 1 lands. Any further legal commitments/agreements, which I have not been party to and have no further details relating to same, are considered to be legal matters outside the remit of this planning application.

10.3.11. The issue of Part V of the Planning and Development Act, 2000 (as amended) was raised in the Notice of Pre-Application Consultation Opinion, which issued from An Bord Pleanála. The location of the 26 Part V units is generally considered acceptable. The Planning Authority has raised no issue in this regard, subject to conditions.

10.3.12. The proposed phasing, with development taking place over three distinct phases, is considered reasonable and acceptable. The provision of both the neighbourhood centre and neighbourhood park are proposed to take place within the first phase of development.

10.4. Impacts on Amenity

- 10.4.1. Impacts on residential amenity have been raised in many of the submissions received. Concerns have been raised in terms of inter alia, overlooking, loss of light, loss of privacy, health and safety concerns and noise pollution. Concerns have also been raised in many of the submissions received with regards indicative development shown on the submitted masterplan for the Phase 2 development to the north of the site. This Phase 2 development does not form part of this current application and such indicative proposals are not being assessed as part of this current application.
- 10.4.2. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in Rowanville/Ruanbeg Manor/Magee Terrace. In terms of Rowanville, the proposed units at this location are three-storey in height. I note the rear garden length of many of the existing properties; the presence of a wayleave separating the proposed development from existing properties and the proximity of existing barracks structures to these properties. Impacts on privacy would not be so great as to warrant a refusal of permission. I note the level differences in particular between the subject site and the properties at Ruanbeg. However, I again note the separation distances involved; the proximity of existing barracks structures and the fact that dwellings (both existing and proposed) are fronting onto gables- there is no direct overlooking. Concerns raised in relation to impacts on residents of Campion Crescent and Melitta Park are also noted. Having regard to the height of the proposed units at this location, the separation distance involved and the orientation of the sites, I do not have undue concerns in this matter. As the proposal does not involve any vehicular/pedestrian access through Campion Crescent, I am not unduly concerned relating to traffic impacts within this residential development.
- 10.4.3. I draw the attention of the Bord to the fact that a wayleave is demarcated on the submitted drawings along the boundary with these properties. It appears from the information before me that over time there has been encroachment onto these lands by local residents, whose properties back onto them. A concern has been raised in many of the submissions received that this area may no longer be available to residents, who use it to access the rear of their properties. The applicants have stated in their submission that the wayleave does not contain any services and that

the existing encroachment/possession of these lands by third parties will not be affected by the proposed development. It is stated that no works are proposed within the wayleave; that the applicant intends to enter into separate discussions with the adjoining landowners in Rowanville/Hospital Street in respect of the transfer of the subject lands into their ownership and it is proposed to provide a new boundary wall along the existing fence line. While this is a legal matter, outside the remit of this planning application, I consider the planning aspects to be acceptable and would assume that this would alleviate the concerns of many of the local residents in this regard.

10.4.4. Given the nature of the development proposed, I do not anticipate noise levels to be excessive. There may be some noise disruption during the course of construction works and concerns relating to such were expressed in some of the submissions received. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. Noise and Vibration was dealt with under Chapter 11 of the submitted EIAR. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. Magee Terrace, Ruanbeg and Kildare Town Educate Together were identified within the EIAR to be the nearest residential noise sensitive locations and it is acknowledged that there is potential for the adopted noise criteria to be exceeded when demolition works are taking place immediately adjacent to the dwellings at Magee Terrace and Ruanbeg, with the breaking of concrete slabs being the dominant source of noise. Best practice measures have been outlined in this regard and I acknowledge that such works would be limited in duration. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. A Construction and Demolition Waste Management Plan (as required under the Notice of Pre-Application Consultation Opinion from An Bord Pleanála) and Construction and Environmental Management Plan were submitted with the application. If the Bord is disposed a grant of permission, final details in relation to both the above, which includes for dealing with any possible hazardous waste and should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

- 10.4.5. The level of amenity being afforded to future occupants of the residential units is considered good. In terms of apartments/duplex units, I note that storage and ground floor to ceiling heights are not fully in compliance with the Sustainable Urban Housing: Design Standards for New Apartments (2018). Storage should be additional to kitchen presses and bedroom furniture and floor to ceiling heights at ground floor level should be 2.7 metres. This matter could be dealt with by means of condition, if the Bord is disposed towards a grant of permission. Adequate separation distances are proposed between units to avoid issues of overshadowing or overlooking. Adequate private open space is proposed to all units.
- 10.4.6. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is generally acceptable, subject to condition and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission. I anticipate that the proposed development, if permitted would improve the amenity of the area significantly. It would lead to improved public open spaces; greater connectivity and the provision of enhanced community facilities like the childcare facility, retail units and the gallery space. It would also improve the visual amenity of the area with the rejuvenation of this overgrown site that currently contributes very little to the amenity of the town.

10.5. **Traffic and Transportation**

- 10.5.1. The application has been accompanied by a Traffic Impact Assessment, a Road and Traffic Report and a Mobility Management Plan. The issue of traffic and transportation has also been dealt with within the submitted EIAR. Many of the submissions received relate to concerns regarding traffic, existing congestion and the scope of the submitted TIA. The proposed development has frontage onto Hospital Road (R445) and access to this Phase 1 development will be via a signalised junction onto this roadway. I note that the Phase 2 development will provide vehicular access from Phase 1 through to Melitta Road and Ruanbeg Crescent. These connections are not included in this current application. Proposals for Hospital Street included with this application include a toucan crossing at the main access to the site and a further pedestrian crossing to the west. Carriageway markings to allow for the narrowing of Hospital Street are also provided, together with a right hand turning lane into the proposed development. The applicants state

in their submission that the Roads Department of the planning authority requested a frontage free main boulevard to be provided through the Phase 1 and 2 lands. The applicants considered this contrary to the principles of DMURS and all streets have dwellings fronting onto them. I welcome this approach with the roadway being more of a 'street' in function, creating a more attractive environment with the function of slowing speeds down.

- 10.5.2. The Roads Department of the planning authority recommends refusal for the proposed development as they consider the proposal would endanger public safety by reason of a traffic hazard and obstruction of road users due to the movement of extra traffic generated. They also state that the proposed development does not comply with fully with appropriate design standards. Their report raises concerns with regards to traffic calming along Hospital Road (R445) and states that the proposal fails to provide adequate proposals to calm traffic along the frontage of the site- a traffic hazard will result due to an intensification of use and conflict with current traffic volumes and speeding of vehicles at this location. They also raise issue with the fact that a Road Safety Audit has not been prepared for the entire development and its road frontage along the R445. I note the proposals for Hospital Road included in the application and am of the opinion that if the Bord is disposed towards a grant of permission, these matters could be comprehensively dealt with by means of condition.
- 10.5.3. The Roads Department of the planning authority also consider that the entire internal spine road infrastructure needs to be constructed in the Phase 1 development to service both Phases 1 and 2, which are lands in full control of the developer. They state that provision for a full vehicular access into Ruanbeg Estate Road should be included in this current application, improving connectivity from the R445 Hospital Street to the Melitta Road, thereby helping to disperse traffic flows and ease pressure on junctions. I fully concur with the planning authority with regards providing the connections through to Ruanbeg and Melitta Road. However, providing the roads infrastructure for the entire Phase 1 and Phase 2 lands at this time is considered somewhat onerous, considering the applicant is providing both the neighbourhood centre and neighbourhood park elements within this current phase. Also, the line of the road proposals within Phase 2 are clearly set out in the

submitted masterplan and are such that connecting through at Phase 2 stage should not prove difficult.

- 10.5.4. The Roads Department of the planning authority also raise issue with the proposed two-way cycle track on one side of the internal access road, stating that it does not comply with the NTA's National Cycle Manual. The NTA has highlighted cycle concerns in their report, which include the two-way cycle track. I note the guidance contained within the National Cycle Manual in this regard, which includes typical road environment for such two-way tracks and key issues to be considered in their design. Having had regard to the information contained within the National Cycle Manual, I am not unduly concerned about the provision of a two-way track in this scheme, which is located away from the housing and their associated traffic movements, closer to the areas of open space. However, if the Bord is disposed towards a grant of permission and have concerns in this regard, the matter of cycling provision could be adequately dealt with by means of condition.
- 10.5.5. There appears to be some discrepancy between documents as to the number of car parking spaces proposed. The figures cited in my report are those contained within the submitted Traffic Impact Assessment. Development Plan standards require 573 car parking spaces, while the proposal as outlined in the submitted TIA provides for 522 no. spaces (400 for houses; 90 for apartments; 32 for commercial element). Given the location of the site and having regard to national guidance in this regard, I consider this figure to be acceptable in this instance. The exact figure should however be clarified by means of condition.
- 10.5.6. There also appears to be minor discrepancy in the numbers outlined for bicycle parking between/within the documents submitted. Within section 6.3 of the submitted Traffic Impact Assessment two differing figures for number of spaces proposed have been given- 117/126. Development Plan standards require 126 spaces to be provided. In the interests of clarity, if the Bord is disposed towards a grant of permission, I recommend that the issue be dealt with by means of condition.
- 10.5.7. Concerns have been raised in some submissions received relating to vehicular, pedestrian and cycle access through Melitta Park and St. Barbara's Park, together with provision of playground and rear access to existing properties within these developments. Such proposals do not form part of this current application and will

be assessed if, and when, an application is lodged for Phase 2 of the overall development.

10.5.8. Traffic generation and trip distribution, predicted using the TRICS database, has been dealt with within section 4 of the submitted TIA. It is projected that there will be an AM peak of 118 trips to and 172 trips from the proposed Phase 1 development. The projected PM peak is 171 trips to and 145 trips from the proposed Phase 1 development. Phase 2 development, together with the separate discount foodstore and treatment clinic have been also been calculated in the analysis submitted. While I acknowledge that these are not insignificant figures and I note the concerns expressed in the submissions in relation to congestion, I am of the opinion that this is a zoned site within the town centre and some degree of congestion is expected at such locations. I also note the quality public transport provision in the town. Having regard to all of the information before me, I am satisfied that the proposal is generally acceptable from a roads, traffic and parking perspective and that the issues raised above can be substantively dealt with by condition, if the Bord is disposed towards a grant of permission.

10.6. Drainage

10.6.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. A tiered system of SUDS measures are proposed which aims to meet the key objectives of the GDSDS and CIRIA SUDS manual. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that based on details provided and on capacity currently available, the proposed connection to the Irish Water network can be facilitated. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report, states that overall the proposed surface water drainage strategy is acceptable, is sound in engineering terms and broadly demonstrates compliance with the requirements of the GDSDS policies and code of practice. Conditions have been attached.

10.6.2. I note all of the information before me in this regard including submissions received in this regard. The information contained within the Site Specific Flood Risk Assessment and various engineering reports appears reasonable and robust. I note the Ground Investigation Report appears to have been prepared for an alternative

proposal on the site, nonetheless the engineering information contained therein remains relevant. I note the reports of the Drainage Division of the planning authority, as contained within the Chief Executive Report and that of Irish Water. I have examined the OPW website, www.floodmaps.ie which shows that there no recent flooding on this site, although previous flood events are noted adjacent to the north-eastern portion of the subject site. There are no CFRAMS mapping details available for the town. The site is located within Flood Zone C, with low probability of flooding, for all sources of flood risk. I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

10.7. Other matters

- 10.7.1. While it may be beneficial to all parties involved, there is no obligation on the applicant to undertake public consultation in relation to the proposed development. The volume of submissions received by the Board in relation to this application would support the conclusion that the public have been made aware of the proposed development.
- 10.7.2. Issue was raised with the description of the proposed development on the An Bord Pleanála website. The submission states that the description is inadequate and flawed as it does not indicate the full nature and extent of the proposed works. I acknowledge that it does not state the full nature and extent of the proposed works. However, it is not purporting to do this, it is clearly stated to be a 'brief description' with the link to the applicant's website immediately opposite clearly differentiated in a different colour and underlined, which details the full extent of the proposal and contains all documents relating to same. I note article 301(2) of the Planning and Development (Housing) and Residential Tenancies Regulations 2017 in this regard. I also note that the public notices erected on site give a full description of the extent of development proposed and a copy of the full application is available for inspection on the An Bord Pleanála website and is available for inspection/purchase within the offices of An Bord Pleanála during public opening hours. I cannot comment on other applications referred to within that submission, except to say that the 'Current Application' list is just that, it is a list of current applications that are currently under

assessment and have not yet been decided by the An Bord Pleanála. Post decision, applications are removed from this list and are available to view through the general search engine.

- 10.7.3. Procedural issues raised in relation to Kildare County Council are outside the remit of this planning application.
- 10.7.4. Boundary issues are considered to be legal matters, outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.
- 10.7.5. Minor discrepancies are noted, for example, the public notices incorrectly refer to Unit Type E1 as a semi-detached property, when in fact it is mid-terrace. Such discrepancies are considered to be minor in nature and do not impact on the outcome of the recommendation.

10.8. **Appropriate Assessment**

- 10.8.1. A Stage 1 'Information for Screening for Appropriate Assessment', prepared by BSM, was submitted with the application.
- 10.8.2. The following European sites are noted:

Name	Code	Distance
Pollardstown Fen SAC	000396	4.3km NE
Mouds Bog SAC	002331	7.2km NE
River Barrow and River Nore SAC	002161	7.4km S
Ballynafagh Lake SAC	001387	15km NE
Ballynafagh Bog SAC	000391	16km NE
Poulaphouca Bog SPA	004063	22km E

The objective of all of the above designated sites 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.

- 10.8.3. The proposed development site is not under any wildlife or conservation designation. No rare, threatened or legally protected plant species, are known to occur within the site and no features of ecological significance are present on or in the vicinity of the proposed development site. None of the trees or buildings proposed for removal within the site boundary contain any confirmed features with the potential to be used by roosting bats. No evidence of any habitats or species with links to European sites was recorded and there will be no loss of any habitat or species listed as a Qualifying Interest or Special Conservation Interest of any designated site as a consequence of the works. There is, therefore, no potential for the cumulative effects of habitat loss or fragmentation to occur. There is no surface water connection to any European site, including Pollardstown Fen SAC, Mouds Bog SAC or the River Barrow and River Nore SAC. The nearest watercourse, the Tully stream, is located 2.5 km to the south of the site. It flows in a southwesterly direction and ultimately into the River Barrow. A Flood Risk Assessment concluded that the site is located within a Flood Zone C (low risk) for all sources of flood risk.
- 10.8.4. It is acknowledged within the Assessment that Pollardstown Fen SAC, as a significant, groundwater-dependant feature, is potentially sensitive to any changes in groundwater levels and water quality, including those caused by development at a distance. A potential impact 'pathway' is therefore via ground water. In order to address this potential issue a hydrogeological study of the proposed development was undertaken (hydrogeological assessment undertaken in Chapter 9 of submitted EIAR). This assessment indicated that groundwater is interpreted to flow locally in a SW direction across the site and not towards Pollardstown Fen. It also showed that there is no SAC or other groundwater dependent terrestrial ecosystem receptor, including Pollardstown Fen, down gradient or in close proximity to the site. Regardless of distance, it was considered that no other sites have any connection (pathway) with the proposed development at Magee Barracks, due to their locations, topography and the qualify interests for which they are designated, as well as the scale of the development proposed.
- 10.8.5. In terms of in-combination effects, it is noted that in addition to the proposed development, it is also proposed to develop a separate grocery store and a cancer treatment clinic on the overall site. Taking these developments into consideration,

the report concludes that the development either on its own or in-combination with other developments will have no impacts on European sites.

- 10.8.6. The above report concludes that based on best scientific evidence, it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects in light of their conservation objectives.
- 10.8.7. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

- 11.1.1. This application was submitted to the Board after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive has not, however, been transposed into Irish legislation to date. In accordance with the advice on administrative provisions in advance of transposition contained in Circular Letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015. Item 10 of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of:

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

The development site has a stated area of 11.14ha and exceeds the above threshold and EIA is thus mandatory in this case.

11.1.2. The EIAR is laid out in one volume and has a Non-Technical Summary. Section 2 of the main volume describes the project and alternatives, section 3 to 12 identify likely significant effects on the environment with reference to various factors, section 13 considered the interactions between the effects on different factors of the environment and section 14 contained a summary of all the proposed mitigation and monitoring measures. Section 1 provided details of the expertise of various people who were responsible for particular sections of the EIAR.

11.1.3. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and observers has been set out at Sections 7, 8 and 9 of this report. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed in Section 11 below.

11.2. Alternatives

11.2.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of

the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.2.2. Section 2.5 of the EIAR provides an account of the alternative locations, designs and processes considered by the applicant, with the final proposal preferred due to it being the closest site to the town centre zoned for development of this nature. The suitability of the lands for development, location within an established development area and location adjacent to public transport and excellent road infrastructure were also key considerations and consideration of alternative locations was not considered appropriate or necessary. In terms of alternative designs, it is set out that the proposals were the subject of detailed discussions with all the relevant authorities prior to the finalised scheme being prepared. Several iterations of the site layout and alternative designs were considered, with key design changes arising following the lodgement of the SHD pre-application to An Bord Pleanála. Examples of previous iterations are included. The consideration of alternate processes is not considered relevant to the EIAR having regard to the nature of the proposed development.

11.2.3. Notwithstanding the comments of the planning authority in this regard, I consider that the description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been properly addressed.

11.3. Likely Significant Direct and Indirect Effects

11.3.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.3.2. Population and Human Health

Chapter 3 of the submitted EIAR deals with population and human health with reference to economic, social and land use/settlement patterns. The assessment provided by the applicant indicates that the construction of the proposal is likely to have a positive direct effect on local employment and economic activity, particularly in the construction sector. These effects will be temporary in nature but will contribute to the overall viability of the local construction sector. The proposed commercial elements will generate permanent employment opportunities. The proposal will cater for a portion of Kildare town's planned population growth, enhance its urban structure and built fabric and provide new connections between existing residential areas and the town centre, train station and community facilities. I draw the attention of the Bord to my assessment above in relation to providing an adequate population mix within the proposed scheme, by providing residential units of varying types and sizes. The applicant states that further positive cumulative socio-economic effects will result from the wider Magee Barracks regeneration proposals. With respect to potential human health effects, a range of mainly demolition and construction related mitigation measures are proposed within the EIAR and these measures are likely to result in the avoidance or suitable mitigation of any adverse effects on human health.

The mitigation measures proposed within the EIAR are such that will reduce the potential for any temporary direct and indirect effects on human health during the construction stage in particular e.g. noise, dust abatements etc. This is considered acceptable. Concerns have been raised in some of the submissions received in relation to vermin being displaced during demolition works, with subsequent impacts on neighbouring properties. This is valid concern, which has not been specifically

addressed in the EIAR. Nevertheless this assessment concludes that it would not be likely to give rise to a significant adverse effect on the population or human health as it is an issue which can be managed in accordance with good construction practice. I consider it reasonable and prudent to specify that the construction management plan that has already been proposed make specific reference to the issue, given that it has been raised in several submissions. This matter could be adequately dealt with by condition, if the Bord is disposed a grant of permission.

I have considered the written submissions made in relation to population and human health. I am satisfied that adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

11.3.3. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

Chapter 6 of the EIAR refers to biodiversity. An appraisal of the likely effects on biodiversity arising out of the proposed development was undertaken and measures to mitigate the potential impacts on defined key ecological receptors were proposed. The nearest site designated for nature conservation is the Curragh pNHA, approximately 1.3km to the east at the closest point. The subject site is dominated by hard surfaces and abandoned military buildings. The trees and hedgerows present in parts of the site are of some use for commuting and foraging bats. None of the military buildings, or any of the trees are confirmed to be bat roosts and no impacts are expected on roosting bats. A Bat Assessment was submitted in Appendix 6.2 of the EIAR, as required under the Pre-Application Notice of Opinion which issued from An Bord Pleanála. This assessment concluded that it is anticipated that this development will have no direct impact upon the conservation status of any bat species. No rare species or habitats, or habitats of ecological value are present on site. No rare plants were recorded.

Two invasive alien plant species, Giant Hogweed and Japanese Knotweed were recorded near the eastern boundary of the site, in close proximity to buildings. Appendix 6.1 of the submitted EIAR includes an Outline Invasive Species Management Plan. I note the report of the Heritage Officer as contained in the Chief Executive Report of the planning authority which raises the issue of lack of clarity in dealing with this invasive species and recommends refusal of permission until a detailed Invasive Species Management Plan has been submitted for the development site. The submitted EIAR recognises that a management plan to successfully eradicate these species will be required and the issue may be adequately dealt with by condition, if the Bord is disposed towards a grant of permission.

Overall, with the possible exception of hedgerows and tree groups which may be of local importance, it is considered that the site is of no ecological value in accordance with ecological resource valuations, presented by the NRA Guidelines for Assessment of Ecological Impacts of National Road Schemes.

The site is not located within the groundwater catchment of Pollardstown Fen SAC and the interpreted groundwater flow in the area is in the opposite direction. The proposal does not therefore pose a risk to this highly sensitive groundwater dependent terrestrial ecosystem.

The removal of derelict buildings and hardstanding areas will involve no long term impacts on biodiversity. The extensive landscape planting that is proposed will ensure that there will be no residual impacts from the loss of habitat on site.

There are no watercourses on or in the vicinity of the site. However, construction and operational phases of development could have impacts on water quality, via run-off to the wider surface water network. However, provided site facilities are correctly designed and proper working procedures are in place, no impacts on existing waterbodies are expected.

No designated conservation areas will be impacted in any way by the proposal and no mitigation measures are required in this regard.

I note the submission from Birdwatch Ireland in relation to the provision of swift nest bricks/boxes at suitable places throughout this development. Based on an examination of the npws.ie website, it appears to me that the swift is not a designated protected or rare species in Ireland. The measures recommended by Birdwatch Ireland would help to preserve and increase the relatively small colony of swifts in the town. While the matter has not been dealt with within the submitted EIAR, I consider it could adequately be dealt with by means of condition if the Bord were disposed towards a grant of permission.

I have considered the written submissions made in relation to biodiversity. I note the designations pertaining to the general area, the absence of habitats and species of high ecological value on the site and its immediate vicinity, and the absence of a hydrological or ecological link between the application site and any Natura 2000 site. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. Given the nature of the proposal before me, I am satisfied that the topic of biodiversity has been appropriately addressed in terms of the application and the information submitted by the applicant and I am satisfied that any adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of biodiversity.

11.3.4. Land and Soils

Chapter 8 of the EIAR refers to Land and Soils. Site investigations revealed that the site is underlain primarily by made ground overlying natural granular and cohesive glacial tills. Bedrock was not detected with any investigation locations, up to 15 metres below ground and groundwater was also not encountered. Groundwater is expected to be present at depths greater than 7 metres below ground level. No detections of contaminated soils or other contaminated materials were recorded, however a review of historical site activities was undertaken and a number of potential sources of contamination were identified which warrant further testing, prior to the commencement of any works on site. In addition, the presence of asbestos material is considered a possibility.

The identified potential construction and operational stage impacts on sensitive receptors predominantly relate to the disturbance of potential ground contamination, the storage of fuels on site and general construction/excavation activities. Mitigation measures have been outlined which include undertaking further site investigations/surveys, implementation of construction and Demolition Waste Management Plan and CEMP, suitable fuel and waste storage during construction, suitable fuel and waste storage during construction, suitable run-off and sediment control measures and minimisation of surplus soil.

These measures are reasonable and represent good construction practice. I have considered all of the submissions made in relation to land and soil. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. Given the nature of the proposal before me, I am satisfied that the topic of land and soil have been appropriately addressed in terms of the application and the information submitted by the applicant and I am satisfied that any adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of land and soil.

11.3.5. **Water**

Chapter 9.0 of the EIAR deals with this topic. The bedrock geology beneath Kildare town consists of carboniferous limestone deposits. The site is underlain by the regionally important Curragh Gravel Aquifer West groundwater body (GWB). Groundwater at the subject site is interpreted to flow locally in a SW direction across the site and not towards Pollardstown Fen, which is located approximately 4.5km NE of Kildare town. There are no mapped streams/rivers in the vicinity of the site. The Tully stream, located 2.5km to the south of the site is not considered a direct risk from the proposed development. A Site Specific Flood Risk Assessment, which accompanies the application, concludes that the risk of flooding is low for all identified sources of flood risk.

There are no source protection areas within 3km of the site. The GSI state that the vulnerability classification for the site is 'High', likely based on the presence of high permeability sand and gravel subsoils.

No detections of contaminated soils or other contaminated materials were recorded, however a review of historical site activities was undertaken and a number of potential sources of contamination were identified which warrant further testing, prior to the commencement of any works on site.

The main risks to groundwater, and to much lesser extent surface waters, during the construction stage of development include the storage of fuels on site, possibility of encountering buried contaminants and their subsequent release into the subsurface and general construction/excavation activities. Potential risks during the operational phase of development relate to potential impacts from the surface water drainage system in relation to contaminants and reduced infiltration to the subsurface of the GWB. Avoidance, remedial and mitigation measures are outlined in Section 9.8.

In terms of surface water drainage, the proposal consists of a combination of storm water discharge to the mains network and infiltration to ground. In terms of foul drainage, there are a number of existing foul sewers traversing the site which will be diverted into the proposed drainage system for the Phase 1 site. It is proposed to provide two new gravity sewer systems on the Phase 1 site. The southern system will discharge into the existing foul sewer on Hospital Street and the northern system will discharge into the existing 600mm diameter foul sewer at the eastern boundary in the Ruanbeg residential development. The proposed drainage system is designed in accordance with the GSDS, the CIRCA SUDS Manual 2015 and government recommendations. It will ensure a sufficiently high level of treatment of runoff prior to discharge to ground in areas selected for infiltration and will facilitate a similar, if not higher, level of infiltration of rainwater run-off to ground in comparison to existing conditions on site. These design measures will ensure the residual impact on groundwater and surface waters during the operational phase will be imperceptible.

I have considered all the written submissions received in relation to this topic. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. Given the nature of the proposal before me, I am satisfied that the topic of water has been appropriately addressed in terms

of the application and the information submitted by the applicant and I am satisfied that any adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of water.

11.3.6. **Air Quality and Climate**

Chapter 10 of the EIAR deals with Air Quality and Climate. In terms of existing air quality environment, levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene were found to be generally well below national and EU ambient air quality standards. The operational impact of the development was assessed against the above five pollutants using recommended screening model for assessing the impact of traffic on air quality. Scenarios whereby development does not progress were modelled to indicate whether concentrations will be within EU ambient air quality standards. In addition, the impact of traffic from proposed development and wider Magee Barracks regeneration masterplan proposals in comparison to the respective EU limit values for the pollutant was assessed. The impacts of the proposed development in terms of ambient levels of the five pollutants cited above are predicted to be negligible with respect to the operational phase local air quality assessment for the long and short term.

Mitigation measures in relation to traffic derived pollutants have focused on improvements in both engine technology and fuel quality.

The greatest potential impact on air quality during construction phase is predicted to be from construction dust emissions. Risk from dust soiling at the nearest sensitive receptor, residential property <20m away, is considered to be high. There are between 10 and 100 high sensitivity receptors (residential dwellings) which are less than 20 metres from the site boundary. In order to minimise such dust emissions during construction, a series of mitigation measures are proposed in the form of a Dust Minimisation Plan. This Plan is contained within Appendix 10.2 of the submitted EIAR. When the measures contained therein are implemented, fugitive emissions of dust from the site will be insignificant and pose no nuisance at nearby

receptors.

I note that the EIAR does not deal with the issue of sustainable energy of renewable energy. This has been raised in one of the submissions received. If the Bord is disposed towards a grant of permission, they may wish to deal with this issue by condition.

I have considered all the written submission received in relation to this topic. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. Given the nature of the proposal before me, I am satisfied that the topics of air quality and climate have been appropriately addressed in terms of the application and the information submitted by the applicant and I am satisfied that any adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of air quality and climate.

11.3.7. Noise and Vibration

Chapter 11 of the EIAR deals with Noise and Vibration. Noise monitoring was conducted at the site in order to quantify the existing noise environment. Prevailing noise levels are primarily due to local road traffic. Noise impact assessment focussed on the potential outward noise impacts associated with the construction and operational phase of the development on the surrounding environment. During the main construction phase of development, the assessment has determined that construction noise criteria can be complied with at the nearest properties. There is potential for some elevated levels of noise at some adjacent properties during demolition works. A schedule of noise mitigation measures will be employed including noise limits and screening. Such avoidance, remedial and mitigation measures are dealt with in Section 11.8 of the submitted EIAR.

During the operational phase, the outward noise impact on surrounding environment will be limited to any additional traffic on surrounding roads and plant noise from the commercial/community buildings. The impact assessment concluded that the noise effects from additional traffic within the wider Magee Barracks regeneration site will not be significant. The resulting impact is neutral, long-term and non-significant.

I have considered all the written submissions received in relation to this topic. I refer the Bord to section 10.4.4 of my assessment above. Given the nature of the proposal before me, I am satisfied that the topics of noise and vibration have been appropriately addressed in terms of the application and the information submitted by the applicant and I am satisfied that any adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of noise and vibration.

11.3.8. Landscape and Visual Amenity

Chapter 10 of the EIAR deals with landscape and visual amenity. An assessment of the likely effects of the proposal on the landscape and visual environment was considered, as was the potential cumulative landscape and visual impacts arising from the wider Magee Barracks regeneration proposals. A series of photomontages was submitted and are available within Appendix 7.1 of the EIAR. These consider the visual impacts from 14 locations. I am satisfied that the viewpoints selected allow for an adequate assessment of overall visual impacts, however viewpoints from Rowanville and Magee Terrace are a noticeable omission.

The proposal represents Phase 1 of an overall development and consists of the demolition of existing buildings and construction of residential units and a neighbourhood centre and all associated site, infrastructure and landscape works. The proposal ranges in height from 2-3 storeys. The overall masterplan indicates that a cancer treatment clinic and supermarket are to be located to the south-west of this subject site. It is anticipated that Phase 2 development will deliver further residential units, subject to a separate planning application. The current application site is a large, mainly brownfield site comprising the southern portion of the former Magee Barracks. The overall barracks lands extend north from Hospital Street (R445) to Melitta Road (R413). The site is surrounded by residential estates and their associated open spaces, together with the sites of two new schools on the western boundary of the lands. The site itself contains derelict buildings, open hard standings and mature trees and retains its character as a former use of a barracks.

The site is zoned 'Objective Z Regeneration of Magee Barracks' and the zoning identifies a number of objectives in relation to landscape. The principal landscape and visual sensitivities relate to the interface with the adjoining primarily residential areas and their associated open spaces and to the interface with Hospital Street to the south.

Potential landscape and visual effects have been identified within section 7.5 of the submitted EIAR and include, inter alia, removal of majority of existing internal trees and vegetation, loss of existing open landscape, emergence of new residential and commercial development, provision of lighting, footpaths and cycleways.

It is acknowledged that short-term site development and construction works will result in temporary and short-term negative landscape and visual impact for existing properties in vicinity. However, this short-term negative will gradually be replaced by a positive visual intervention arising from the introduction of the new development. The proposed development replaces an existing enclosed and derelict brownfield site with a new urban mixed-use permeable development, which will have a significant positive effect on the local townscape. The proposed development will have no landscape or visual effect on surrounding key views, or on the town centre or its associated Architectural Conservation Area.

Avoidance, remedial and mitigation measures are included within section 7.8 of the submitted EIAR.

I consider that the submitted photomontages are lacking in respect of views from Rowanville and Magee Terrace. However, I consider that there is sufficient information on file on which to make a considered assessment of any impacts on these properties. I also conducted a site visit of the site and its environs. I am satisfied overall that the development will not have undue adverse visual impacts on the general area. In fact, I consider that the proposal will offer an enhancement to the existing visual amenity of the area. I have considered all of the written submissions made in relation to landscape and visual impacts. I have also undertaken a detailed assessment of the matter in the main assessment above. Given the nature of the proposal before me, I am satisfied that the topics of landscape and visual amenity have been appropriately addressed in terms of the application and the information submitted by the applicant and I am satisfied that any

adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of landscape and visual amenity.

11.3.9. **Archaeology, Cultural and Architectural Heritage**

Chapters 4 and 5 respectively of the submitted EIAR deals with the topics of archaeology, cultural and architectural heritage.

There are no Record of Monuments and Places (RMP) or Sites and Monuments Record (SMR) sites within the proposed Phase 1 development, or within the overall Masterplan area, although the western corner of the site encroaches slightly into the RMP zone of archaeological potential for the historic town of Kildare (KD022-029). The Phase 1 site is predominantly brownfield and occupied by various redundant military installations of the former Magee Barracks. The historical background of the site is outlined in section 4.3 of the submitted EIAR.

Small areas of the site, as identified have an inherent 'greenfield' archaeological potential, though this would be reduced or negated if the ground has suffered disturbance in the past. It is possible, where there has been no disturbance, that previously unknown archaeological deposits or features survive subsurface within these areas. Consultation with the National Monuments Service took place in November 2017 regarding appropriate mitigation measures for the entire Magee Barracks site. Archaeological monitoring will be undertaken in advance of demolition and construction at the former Lock hospital site, at the site of the former gravel pit and at the former parade ground by an archaeologist with specialist knowledge of military/industrial archaeology. Archaeological testing will also be undertaken at various specified locations.

There is no predicted impact on any recorded or known archaeological sites, features or deposits. The proposed development may, however, directly impact upon potential, previously unrecorded, below-ground archaeological remains. Archaeological monitoring and testing have been specified to mitigate any such potential impacts, which will be undertaken well in advance of any construction works.

In terms of architectural heritage, it is noted that Magee Barracks was the first purpose-built barracks to be constructed by the Irish Free State, but in architectural terms it is not unique. The administration block at Baldonnell Aerodrome shares many features. The Kildare Town LAP 2012 lists the Officer's Mess building, the water tower and entrance gates on Hospital Street as features of heritage importance on the site. However, since the LAP was published, none of these structures have been listed as Protected Structures in the CDP or included in the NIAH. Also, the site does not form part of an architectural conservation area.

All the buildings on site were found to be in very poor condition. The Officer's Mess building and water tower have deteriorated significantly in condition since the publication of the LAP. The possibility of retaining the Officer's Mess building was investigated and the findings were that partial re-construction of the building would be needed in order to render it fit for modern occupation. Advanced corrosion of the structural elements of the water tower were noted. The retention of either of these structures was not considered viable or warranted in conservation terms. They have lost much of their character. The proposed demolition of all existing buildings on site is not considered to constitute a loss of significant architectural or historic fabric. The re-development of the site will integrate a substantial area of zoned lands back into the urban footprint and improve the overall vitality and connectivity of Kildare town.

Alternative measures are incorporated into the design to reflect the historic use of the site as a barracks. The heritage related mitigation measures incorporated into the development proposals are a suitable way of reflecting the site's history. The predicted impact of the proposals on the architectural heritage is assessed as a minor positive.

I have considered all of the written submissions made in relation to this topic. I refer the Board to my main assessment above, which deals with some of the issues raised, together with the reports of DAU and Chief Executive Report of the planning authority in this regard. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of cultural, archaeological and architectural heritage.

11.3.10. **Material Assets**

Chapter 12 of the EIAR deals with the topic of material assets. In addition to the watermain and sewers in the vicinity of the site, there is also a medium pressure gas main on Hospital Street, a medium voltage ESB line outside but adjacent to the subject site and an existing telecoms duct along the eastern site boundary. Connections to those utilities is to be agreed with the relevant providers. The proposed development would not have be likely to have a significant adverse effect on these material assets. The proposed development would substantially increase the housing stock of the town and the additional stock would be on zoned and serviced land. It is stated that therefore the proposal would have a significant positive impact on the material assets available in the area. My issue in relation to housing mix/type is noted. I am satisfied that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of material assets.

11.3.11. **Interaction between Environmental Factors**

Chapter 13 of the submitted EIAR deals with interactions between environmental factors. It states that interactions between various disciplines have been taken into considerations in the preparation of the document and each of the specialist consultants liaised with each other and dealt with likely interactions between effects predicted as a result of the proposed development during the preparation stage and ensured that appropriate mitigation measures are incorporated into the design process. A specific section on interactions has been included in each of the environmental topic chapters of the EIAR. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

The primary interactions are summarised within section 13.2 of the submitted EIAR and are as follows:

- Archaeology with Land and Soils
- Architectural Heritage with Landscape and Visual Impacts and Material assets
- Biodiversity with Landscape and Visual Impact
- Land and Soils with Population and Human Health, Biodiversity and Water
- Water with Population and Human Health, Biodiversity and Material Assets
- Air Quality with Population and Human Health and
- Noise and Vibration with Population and Human Health

I have considered the inter-relationships between the factors and whether these might as a whole affect the environment, even though effects may be acceptable when considered on an individual basis. Most inter-relationships are negligible in impact when the mitigation measures proposed are incorporated into the design, construction or operation of the proposed development.

In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures and suitable conditions. Adequate information has been provided in the course of the application to allow these interactions to be properly considered in the environmental impact assessment. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

11.4. Reasoned Conclusion on the Significant Effects

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

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the town
- Landscape and visual impacts, which will be mitigated by the design and landscaping proposal which will reflect and increase awareness of the site's military heritage; planting and tree/planting plans and monitoring
- Traffic and transportation impacts, which will be mitigated by the phasing of the development and by the completion of a package of local road improvement measures
- Land and soils impacts, which will be mitigated by re-use of soil and sub-soil in the development, limited soil stripping, measures to control sediment in surface runoff, and construction management measures.
- Water impacts, which will be mitigated by further investigations for buried waste, construction management measures and the storage of waste fuels and materials within the scheme.

- Biodiversity impacts, which will be mitigated by construction management measures, protection of trees to be retained, landscaping, invasive species management, measures to avoid disturbance to bats, and provision of bat boxes.
- Cultural, archaeological and architectural heritage impacts, which will be mitigated by design and landscaping which reflects and increases awareness of the site's military heritage, pre-construction surveys and site investigations, and monitoring of ground works.
- Noise and vibration impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels
- Impacts on air quality and climate during construction which will be mitigated by a dust management plan including a dust monitoring programme

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it. I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

12.0 Conclusion and Recommendation

12.1. In conclusion, I consider the principle of residential development to be acceptable on this site. This is an overgrown, insular site that currently adds little to the townscape at this location. I consider that the proposed development has the potential to add significantly to the town of Kildare, both in terms of supplying additional residential and commercial development, but also in terms of improving the visual amenity of the area through the appropriate regeneration of the site. The density at 34 units/hectare is borderline given recent ABP decisions in the general area but acceptable in this instance. I consider that there are many positive features to this proposal. These include the references to the military significance of the site, also the quality and quantity of public open space provided and the links through to adjoining residential areas, the schools and to the proposed Cherry Avenue Park.

The quality of the built environment in terms of the elevational treatment, the provision of distinctive character areas and the quality of urban realm are all to be welcomed. I consider the issues raised by the planning authority in their Chief Executive Report, in particular in relation to traffic and drainage concerns, can be appropriately dealt with by means of condition.

12.2. Notwithstanding the above, there remains the significant issue of unit type/mix. The pre-application 'Record of Meeting' shows that the number of 3 and 4 bed units was raised as a potential issue and that further justification was required at application stage in relation to this matter. At pre-application stage, 100% of proposed residential units were 3 and 4 bed units. The matter also formed Point No. 4 in the Notice of Pre-Application Opinion which issued from An Bord Pleanála, under the heading 'Design, Layout and Unit Mix'. I consider that the applicant had ample opportunity to address the potential issue, however the response to same is inadequate in the proposal. In my mind, the provision of four different types of three-bed unit is not the same as providing a greater unit mix. 86% of all units proposed are three-bed units or greater. Only 4% of proposed units are one-bed, all of which are being allocated to Part V. In addition to this, almost 63% of all units are semi-detached in nature, with all houses having a floor area of 109m² or 135m². I consider this to be an inadequate response to the above Opinion and consider that the development, as proposed, would cater for a homogenous population, with little variety for those outside of that grouping. This is considered not to be in compliance with the operative County Development, in particular Policy MD 1 and Government guidelines on this matter. The NPF recognises that currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. The NPF further recognises that varying housing needs that are required to be met, which include the housing needs of older people, people with disabilities, the travelling community, social housing generally, families of varying sizes and income levels and students. Going forward smaller units will be required to cater for people of varying household sizes and as proposed, this proposal is not addressing this. I considered omitting some of the units by condition to be dealt with in a further application. However, given the scale of the re-examination required in this regard, I considered such 'retrofitting' not to be appropriate in this instance.

12.3. Based on the above, I recommend a refusal of permission.

13.0 Reasons and Considerations

1. The proposed development, which is characterised predominantly by three and four bed, semi-detached housing would contravene Policy MD 1 of the Kildare County Development Plan 2017 which is to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types. Criteria No. 4 of the aforementioned Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both flats and houses of varying sizes. The National Planning Framework 2020, recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required going forward.

In addition to the above, some proposed apartments/duplexes are not fully in compliance with the Sustainable Urban Housing: Design Standards for New Apartments (2018) in relation to minimum storage areas and floor to ceiling heights.

Having regard to all of the above, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

Lorraine Dockery
Senior Planning Inspector
28th June 2018

APPENDIX A- List of submissions received

301371- Birdwatch Ireland
301371- Champion Crescent Residents Association
301371- Concerned Residents of Kildare Town
301371- Development Applications Unit
301371- Geraldine Andrews
301371- Irish Water
301371- Kildare Tidy Towns Group
301371- Kildare Town Chamber of Commerce
301371- Makros Ltd
301371- Mark Stafford
301371- Mark Wall
301371- Melitta Park Residents Association
301371- Nichola Murray
301371- National Transport Authority
301371- Peter Webb
301371- Seamus Maher
301371- St. Barbara'a Park Residents Association
301371- Stephen Sargent
301371- Suzanne Doyle
301371- Transport Infrastructure Ireland