



An
Bord
Pleanála

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

Inspector's Report ABP-302141-18

Strategic Housing Development

Demolition of existing agricultural buildings and provision of 343 no. residential units (283 no. houses, 60 no. apartments), childcare facility and all associated site works.

Location

Athgarvan Road, Kilbelin, Newbridge, Co. Kildare.

Planning Authority

Kildare County Council

Applicant

Ardstone Homes Ltd.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
National Transport Authority
Department of Culture, Heritage and the Gaeltacht

An Taisce
Inland Fisheries Ireland

Observers

Syd and Rosemarie Quille
Oliver Doyle
Sarah O'Brien
Wellesley Manor Residents'
Association

Date of Site Inspection

5th October 2018.

Inspector

Stephen J. O'Sullivan

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is on a bend in the River Liffey on the southern side of Newbridge, Co. Kildare, c. 1.2 km southeast of the town centre and c. 1.8 km southeast of Newbridge train station. It has a stated area of 18.41 ha. The site fronts onto the 50 kph zone of the R416 Athgarvan / Kilcullen Road, a 2 lane carriageway with footpaths on either side except for a section with no footpath towards the northern end of the site. There are no cycle facilities on the Athgarvan Road. There is extensive residential development on the opposite (western) side of the road, also Newbridge Cemetery. There is an existing wayleave at the northern end of the site. The site is currently undeveloped agricultural land and falls in an easterly direction away from the public road towards the river. The site boundaries are generally defined by post and wire fencing and mature trees. There is an existing derelict 19th century 2 storey house (Kilbelin House) at the road frontage at the northern end of the site, with an associated farm complex to the immediate south. There is an existing public car park at the road frontage across the road from Newbridge Cemetery, which is outside the red line site boundary. The Liffeside linear park runs along the riverside to the north of the site, including a pedestrian walkway, which terminates some distance to the north of the site. ESB lines traverse the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would provide 343 homes of the following types-
- 283 houses, including 58 two-bedroom houses of 88m², 169 three-bedroom houses between 105m² and 112m², and 56 four-bedroom houses between

132m² and 149m². There are design options for some of the houses that would increase their floor areas marginally.

- 60 apartments, including 28 one-bedroom units of between 55m² and 65m², and 32 two-bedroom units between 67m² and 74m². 12 of the apartments would be in 3 two-storey blocks along streets of houses. The other 48 apartments would be in 2 three-storey blocks set apart from the proposed houses.

3.2. 34 homes are proposed to be provided under Part V of the planning act, comprised of 12 one-bedroom apartments, 3 two-bedroom apartments, 10 two-bedroom houses and 9 three-bedroom houses.

3.3. The proposed development would also provide –

- A childcare facility of 545m² housed in the refurbished and extended structure of Kilbelin House. 188m² of the existing structure would be retained for the facility, and 172m² would be demolished. Agricultural sheds of 686m² would be also be demolished.
- Road improvements including a revised junction at the Hall Road/Athgarvan Road, part of the planned southern relief road that would run from that junction for a distance of c250m, and a pedestrian/cycle link to the Liffey Linear Park.

3.4. The overall floorspace of the proposed development is stated to be 36,025m², of which 35,480m² would be for residential use.

3.5. The main vehicular access to the development would be from the upgraded junction on Athgarvan Road where it meets the Liffey Hall Road, via the proposed part of the relief road. A second junction would be built on the Athgarvan Road at the southern end of the site. The creche would have its own access from the Athgarvan Road.

3.6. 701 car parking spaces would be provided, including 566 on the curtilages of houses, 48 in a car park to serve the apartment blocks, 26 in a car park serving the creche, and another 47 visitor spaces along the street. 80 bicycle spaces would be provided for the apartments and another 10 for the creche.

3.7. Public open space would be provided along the riverbank, with a buffer zone of 80m between the river and the proposed housing. A pedestrian/cycle link would be provided along that space linking with an existing linear open space and footpath

along the Liffey to the north of the site. The stated area of public open space is 8.44ha.

- 3.8. Water supply would be taken from a watermain on the Athgarvan Road. Surface water drainage would be to the Liffey via stormcells. Foul drainage would be to an existing sewer on the Athgarvan Road via a proposed pumping station which would 'ultimately' be connected to the Upper Liffey Valley Sewerage Scheme.
- 3.9. A phasing scheme is proposed which would provide the 128 units, the creche and the distributor road in the first phase, 89 units in the second phase and 126 units in the third, with the completion of the development expected to take 30 months.

4.0 Planning History

- 4.1. There were no recent planning applications on the site.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 23rd April 2018. The documentation submitted for the consultation showed a development of 315 homes on the site, consisting of 303 houses and 12 apartments. The main topics discussed at the meeting were –

- Roads layout, objective SRA 5a of the LAP, connection to the Athgarvan Road, DMURS and traffic impacts
- Surface water drainage and flood risk assessment
- Foul drainage, in particular connection to the Upper Liffey Valley Regional Sewerage Scheme, related phasing of development.
- Housing mix, density and Part V provision
- Design of residential accommodation; residential layout including open space provision, public realm, development along River Liffey; impacts on existing trees; connection to the existing pedestrian walkway to the north of the site; visual impacts on the River Liffey Landscape Character Area; historic landscape evaluation.

- Appropriate Assessment
- Any other matters

Copies of the record of the meeting and the inspector's report are on this file

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a synopsis of the issues that needed to be addressed according to the Opinion–

- Roads layout and objective SRO5a of the LAP, including an indicative layout for the interaction between the proposed roads layout and the bridge of the Liffey, including details of related ground levels, embankments, pedestrian connections etc, and treatment of the relevant area of the site prior to progress on the road sought under that objective; details of the signalised junction on the Athgarvan Road and facilities for vulnerable road users, and visitor car parking; all with reference to the provisions of DMURS.
- Surface water drainage and flood risk, to include SUDS measures and a site specific flood risk assessment (and justification test if necessary) with consideration of the CFRAMS climate change scenario, potential mitigation measures on the Liffey and the future drainage of the southern relief road; all with reference to the county development plan, local area plan and guidelines on flood risk management.
- Wastewater treatment and infrastructure constraints, having regard to the phasing and connection to the Upper Liffey Valley Regional Sewerage Scheme and details of the nature and timing of proposals to provide the required infrastructure and the responsibility for their provision.
- Residential density and housing mix, having regard to the sustainable urban residential development guidelines, the county development plan and the local area plan

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

- Details of the pedestrian connection to the Liffey Valley Park

- Appropriate assessment screening report with reference to the SAC at Pollardstown Fen (sitecode 000639)
- Tree assessment and protection plan.

5.3. The application includes a response to the matters raised in the board. It can be summarised as follows-

- With regard to roads layout and objective SRO5a of the LAP, the submitted drawings show an indicative horizontal and vertical alignment for a further extension of the southern relief road towards a bridge over the Liffey. The alignment is consistent with the local area plan and was discussed with the council. The bridge would not be on land controlled by the applicant. The proposed development would be compatible with the relief road because it includes a wide splay around the line which would be kept free of housing with landscaped open space. The requested details of the junction with the Athgarvan Road and compliance with DMURS are provided. The development would contain a total of 701 car parking spaces, with 47 for visitors.
- With regard to surface water drainage and flood risk, a site specific flood risk assessment is submitted. It provides justification for the minor areas where development is proposed in flood zone A or B, with details of compensatory flood storage and assessment of the potential impacts of climate change and flood relief works on the Liffey. The proposed drainage design incorporates the requirements of the southern relief road and bridge.
- With regard to wastewater treatment, the applicant states that Irish Water have stated that they can facilitate connection within the lifetime of any permission. Information is provided on the status of the Newbridge Eastern Interceptor Sewer project, and of a potential interim solution to allow this development to progress in tandem with it. The contract for the former project has been identified as a priority by Irish Water. The interim solution is described in appendix H of the Infrastructure Design Report submitted with the application. It involves storing foul effluent in a tank of the site if telemetry reported that the existing sewerage network was inundated.
- With regard to residential density and housing mix, an additional 28 apartments are proposed compared to the documents to which the board's previous

opinion referred, increasing the net density to 39 dph. A housing needs assessment has been submitted with the application.

- In response to concerns raised by the planning authority during pre-application consultation, the application provides a housing needs assessment and omits 10 houses backing onto the relief road. Roads define the boundary with the land zoned open space rather than traversing it. Houses on corner plots have active frontages towards the public streets. There are design options for each of the houses, and the apartments would increase the mix of types and provide accessible units for those with impaired mobility. Recycling facilities could be provided by condition. A tree survey is submitted. Smaller open spaces are considered appropriate within the housing as it would be surrounded by a large space along the river. Kilbelin House was not built within designed landscape.
- With respect to other issues raised in the consultation, the applicant states that the project in this case is that described in the notices and the EIAR. It does not include a bridge over the Liffey. The project does not require such a bridge, but it has been 'future-proofed' in respect of it to show the viability of a future connection that would not injure the amenities of the houses that are actually proposed. Full details are provided on the pedestrian connection to the existing park, as is an appropriate assessment screening report in respect of the SAC at Pollardstown Fen, and a tree protection strategy.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 3a is to Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 3c is to deliver 30% of new homes in settlement other than the cities. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 dph will be encouraged, and those below 30dph will be discouraged.
- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that peripheral urban locations are generally suitable for development at densities of less than 45 dph that includes a minority of apartments. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two bedroom apartments and 9m² for three-bedroom apartments, not counting hot presses.
- 6.1.4. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.3.3 states that radii on turns between arterial or link streets should be no more than 6m, while those from them to a local street may be reduced to 4.5m. A maximum radius of 1-3m should be used on local streets. Section 4.4.1 states that the standard lane width on link and arterial

streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.

- 6.1.5. The minister issued Guidelines for Planning Authorities on Flood Risk Management in November 2009. The site includes land in flood risk B in the categories set out in the guidelines, where residential zoning or development requires justification. The test for zoning refers to land adjoining the core of settlements designated for growth. The test for development control refers to the zoning of the land and that the proposal has been subject to a flood risk assessment that demonstrates that it would not increase flood risk elsewhere and that it includes measure to ensure that residential risks to the area and the development can be managed to an acceptable level, and that this can be achieved in a manner compatible with wider planning objectives on good urban design.
 - 6.1.6. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.
- 6.2. Kildare County Development Plan 2017-2023**
- 6.2.1. Chapter 3 Settlement Strategy: Newbridge is designated as a Large Growth Town at the second tier of the hierarchy, below the county town of Naas. Table 3.3 indicates a core strategy allocation of 3,770 new residential units for Newbridge.
 - 6.2.2. Chapter 4 Housing: Objectives on housing and urban design. Table 4.2 sets out indicative density standards, including 30-50 units / ha at outer suburban / greenfield sites. Section 4.6 deals with housing mix, noting falling average household size and a rapidly increasing '65 and over' age cohort of the county. It seeks 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. Objective DLO4 seeks to promote the integration and safeguarding of existing green infrastructure, biodiversity and landscape features into new developments.
 - 6.2.3. Chapter 6 Movement and Transport: Table 6.1 sets out priority road and bridge projects including the Newbridge Inner Relief Road.

6.2.4. Chapter 7 Infrastructure: Section 7.2.2 states that a contract to upgrade the capacity of the Osberstown Wastewater Treatment Plant, commenced in 2014, is to be completed in late 2017.

6.2.5. Chapter 14 Landscape, Recreation and Amenity. The site is located in the River Liffey Landscape Character Area which is classed as having 'special sensitivity':

"Class 4 (special) areas with low capacity to accommodate uses without significant adverse impacts on the appearance or character of the landscape having regard to special sensitivity factors."

Table 14.6 views of the River Liffey from bridges including RL9 New bridge (Newbridge) and RL10 Athgarvan Bridge Rosetown / Athgarvan.

6.2.6. Chapter 17 sets development management standards. Section 17.4 relates to residential development. Section 17.4.3 requires a Housing Mix Statement for developments >50 units within a Large Growth Town. Section 17.4.7 Public Open Space requires 15% of the total site area for greenfield sites. In general a maximum of 10% of the open space provision shall be taken up by SuDS. Section 17.5 childcare to be provided for residential developments at a rate of 20 places / 75 houses. Table 17.7 car parking standards, require 2 spaces per house and 1.5 spaces per apartment unit + 1 visitor space per 4 apartments.

6.3. **Newbridge Local Area Plan 2013-2019**

6.3.1. There are 3 no. zoning objectives applying to the development site. Most of the site is zoned 'C15 – new residential' as follows:

"This zoning provides for new residential development and associated ancillary services."

The north western corner of the site containing Kilbelin House has the zoning objective 'B: Existing Residential':

"To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services."

Part of the site along the river has the zoning objective 'F: Open Space and Amenity':

“The aim of this land use zoning objective is to protect recreation, open space and amenity areas, to maintain and improve amenity lands, to preserve private open space and to provide recreational facilities ...”

- 6.3.2. LAP Table 10 lists sites zoned for new residential development. The subject site is listed as C15, 9.3 ha, with a target of 325 units based on a standard density of 35 units / ha. LAP section 7.2.2 states:

“A residential density of 30-50 units per hectare will fulfil the potential of the suburban sites ...”

LAP Table 11 indicates a density parameter of 30-50 units / ha for outer suburban / greenfield sites. LAP Policy HL 5 requires applications > 20 units to demonstrate an appropriate housing mix.

- 6.3.3. There is a Movement Objective across the northern end of the development site. Policy SRO5(a) seeks the construction of a Southern Relief Road from the R445 at Littleconnell to the north east, a new bridge over the River Liffey and then through the application site to a new junction at the R416 Athgarvan Road. Policy SRO6 is to carry out improvement works at identified streets in accordance with DMURS, including the R416 Athgarvan road at the road frontage of the development site.

- 6.3.4. Newbridge is connected to the Ballymore Eustace water reservoir and existing water supply is adequate to meet the present needs of the town and will be enhanced in the long term with the completion of the River Barrow Abstraction Scheme. Wastewater for Newbridge is treated at Osberstown WWTP, which also serves Naas, Kilcullen, Sallins, Kill and Prosperous and is at capacity.

- 6.3.5. LAP section 7.11.6 states:

“No development will be permitted on either bank within 80m of the River Liffey, unless as part of an existing site / development. Development along the river should front onto the river so as to ensure the passive supervision of the proposed linear park.”

LAP Figure 2 indicates lands where all proposals are to be subject to a site-specific risk assessment, including the development site.

6.4. Applicant’s Statement of Consistency

- 6.4.1. The proposed development would comply with the objectives of the **National Planning Framework**, in particular objectives 33 and 28, by providing new homes at a location that can support sustainable development at an appropriate scale whose layout can support alternatives to travel by car,
- 6.4.2. The proposed development would comply with **Part V of the planning act** by providing 10% of the units on the site for social housing.
- 6.4.3. The proposed apartments would comply with the **Guidelines for Planning Authorities on the Design of New Apartments 2018** by exceeding the minimum floor area requirements by 10%. The development would provide 1 or 1.5 car parking spaces for each apartment as well as visitor spaces as per section 4.22 of the guidelines, and 80 bicycle parking spaces.
- 6.4.4. The proposed development would comply with the **Design Manual for Urban Roads and Streets** by providing suitably enclosing and active frontage along the proposed streets, enhanced by tree planting. Gable frontage would be provided on corner plots using House type E. Block sizes have been reduced to optimise pedestrian movement, and permeability would be improved by opening up pedestrian links. The layout of the relief road balances the need for efficient movement with place making, and the junction off the Athgarvan Road is designed to provide a strong entrance to the area. Landscaped buffers would be provided between the relief road and the housing.
- 6.4.5. The proposed development would comply with the **Guidelines for Planning Authorities on Flood Risk Management 2009** by maintaining a buffer of open space along the river and its floodplain. A site specific flood risk assessment has been submitted which finds that the proposed development has the required level of protection up to a 1 in 100 year flood event and that overland paths can accommodate pluvial flooding that might exceed the capacity of the drainage network.
- 6.4.6. The proposed development would comply with the **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009** by providing residential development on a greenfield urban site at 39 dph, within the recommended range of 35-50dph. It would provide extensive open space using

existing natural features. It would perform well by reference to the 12 criteria set out in the design manual that accompanied the guidelines.

- 6.4.7. The development would provide a childcare facility at an accessible location that would be capable of accommodating 83 children in accordance with the **Guidelines for Planning Authorities on Childcare Facilities 2001**.
- 6.4.8. The proposed development would comply with the core strategy of the **Kildare County Development Plan 2017-2023** by providing for additional residential development in a settlement designated as a Large Growth Town. The proposed density of 39dph would be in keeping with the range of 30-50 for such towns set out in table 4.2 of the plan. The provision of 34 of 343 units for social housing under Part V would comply with the requirement for 10% set out in policy HSO2 of the plan. The proposed development would be in keeping with the objective to provide an inner relief road for Newbridge as listed on table 6.1 of the plan. The proposed site coverage of 11.5% would comply with the maximum level of 50% for residential development set in section 17.2.2 of the plan, while the plot ratio of 0.19 would comply with the range of 0.25-0.35 set out in table 17.1. Separation distances of 22m between windows on habitable rooms above ground floor level are maintained in accordance with section 17.2.4 of the plan. All houses would have the level of private open space required under table 17.5 of the plan, while the provision of 46% of the site as public open space would exceed the 15% required under section 17.4.7 of the plan. Each house would have 2 dedicated car parking spaces, in line with the standards at table 17.9 of the plan. The apartments in the 3-storey blocks would have 1 space each, which is less than the standard of 1.5 spaces required by the plan. This is justified by reference to guidelines on apartment design standards. The creche would have 26 car parking spaces in accordance with the development plan standards. The setback of 18.5m that is required from distributor roads under Table 17.8 is achieved.
- 6.4.9. The proposed development would comply with the provisions **Newbridge Local Area Plan 2013-2019** by providing residential development zoned C15 – New Residential and open space on land zoned F – Open space by the plan. The proposed creche would be consistent with the zoning of B – Existing Residential that applies to Kilbelin House in the north-west of the site. The proposed density of 39 dph would be consistent with the range of 30-50 recommended for suburban sites by

section 7.2.2 of the plan. the housing would be set back by at least 80m from the river as required by section 7.11.6 of the plan. The development would provide part of the relief road required under policy SRO5a of the plan and would not prejudice the provision of the rest of it..

7.0 Third Party Submissions

7.1. Submissions were received from 4 third parties. They can be summarised as follows-

- The community facilities in Newbridge are not adequate to support such the large increase in population that the proposed development would cause. The Department of Education and the HSE should be consulted.
- The development would exacerbate traffic congestion along the Athgarvan Road which already occurs on the roads which open onto it. The proposed southern access to that road would interfere with the accesses to the houses beside it. The additional noise from the traffic generated by the development would also threaten the amenities of neighbours.
- The sewerage infrastructure in the area is inadequate to service the development, as is the electricity network.
- There is a piece of land at the southern end of the site immediately to the rear of the curtilage of a house. Its use is not defined and its potential impact on the amenity of that house is unclear. The relative levels between the proposed road and that house are also unclear as is its impact on the latter's privacy and drainage.
- The site is subject to flooding and is not suitable for housing or open space.
- The spaces on the site would provide an opportunity for anti- social behaviour.
- The proposed alignment of the relief road should be deflected south and east to allow its future connection to the Great Connell roundabout to be on a more northerly track, otherwise it would prejudice the potential of the vacant land beside the houses at Wellesley Manor and the amenities of its residents.

- The development would destroy an area used by wildlife including foxes, pheasants and bats.
- The proposed overdevelopment of this site would prejudice local people securing permission for the own development.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report recommends that permission be granted subject to conditions. It concludes that the proposed development would generally comply with the provisions of the county development plan and the Newbridge Local Area Plan but that some revisions are required to provide: a greater quality and variety in the design of the proposed buildings; parking at a standard of 1.5 spaces for each apartment and more visitor parking; a pedestrian connection to the existing linear park on a board walk along the river to the north-east and to avoid fragmentation of the park and to preserve trees of amenity value there; greater compensatory habitats to protect biodiversity; the bin stores in front of some of the terraced houses in place of rear alleys; and overlooking of pedestrian routes alongside houses nos. 36 and 62. The recommended conditions seek such alterations to the proposed development. Condition no. 7 would prohibit works from commencing until the start of works on the Upper Liffey Valley Regional Sewerage Scheme Contract 2A begins, and the occupation of any of the proposed development until the scheme is commissioned, unless otherwise agreed with Irish Water. The conclusion of the report also expresses concern about the provision of apartments outside the town centre and c2km from the railway station, and their impact of views from the river.
- 8.2. The detailed assessment of the proposed development states that Newbridge is designated as a Large Growth Town II in the development plan whose core strategy allocates it a capacity for 637 additional homes. The development would therefore comply with the core strategy. However the local area plan envisaged 325 units on the current site. Concern was expressed that a grant of permission in this case would, in addition to the development authorized by the board under PL09. 249034, exceed the allocation under the core strategy for the town because the developments are at a higher density than envisaged in the local area plan under which the sites were zoned.

- 8.3. With respect to quantitative standards, the amount of public open space that is proposed would comply with the requirement for 15% of site area set out in section 17.4.4 of the development plan. Some of the proposed private gardens are oddly shaped and there is a need to ensure that proper provision is made for each of the maisonettes. Rear alleys should be omitted and bin storage be provided in front of each of the relevant houses on its curtilage. The applicant has not adequately justified the housing mix and single storey houses are absent. The location of the site and its access to public transport would not justify the proposed departure from the car parking standard of 1.5 space per apartment set out in the development plan. Only 47 visitor parking spaces are provided, which is less than the standard of 10% of the total of 701 spaces required by those standards. Bicycle parking for apartment residents should be secure and internal to the building. The proposed childcare facility would be in compliance with the applicable policies.
- 8.4. With respect to qualitative criteria, there is concern about the proposed apartments outside the town centre. A boardwalk should be provided to link with the existing linear park along the Liffey to the northeast because the proposed path would require the removal of trees of amenity value and require pedestrian to walk alongside a busy road, fragmenting the link between the existing and proposed parts of the park. The proposed density of 39dph is appropriate. The proposed design is repetitive and fails to establish a sense of place or character. There is a lack of variety and quality in the finishes of the proposed buildings. The proposed apartments would have negative impacts on views from the Liffey. Houses nos. 36 and 62 should be redesigned to 'turn the corner' to provide better supervision of the paths beside them. Concern is expressed about roads impinging on lands zoned for open space. The proposed housetype E would breach the building line and overlook the properties to the rear. The phasing scheme is appropriate.
- 8.5. With regard to the EIAR, the report points out that the board is the consent authority for EIA. However it states that the consideration of alternatives by the developer is reasonable, and that the long term residual impact of biodiversity is likely to be neutral.
- 8.6. Reports from departments of the council are appended to the planning authority's report. The report from the Water Services Section describes the constraints on the capacity of the foul sewer serving the town, but states that they would be relieved by

the Newbridge Eastern Interceptor Sewer. That project would take approximately 2 years to complete and may commence in Q1 2019. The report from the Roads Section recommended conditions to be attached to any permission. The report from the Heritage Officer states that little compensatory biodiversity habitat is proposed. The report from the Conservation Officer states that the development would have a negative impact on the setting and attendant ground of Kilbelin House. The report from the Parks Section stressed the importance of the trees near the Gables, and stated that design details were required of entrance features to the park. It also recommended that fruit trees be at some distance from houses, due to the potential for anti-social behaviour.

- 8.7. The report states that a meeting of the elected members in the municipal district did not occur while the application was open for consultation with the council.

9.0 Prescribed Bodies

- 9.1. **Irish Water** stated that it can facilitate connections to its networks from the proposed development. The sewerage network in the area requires upgrading in two schemes for the Upper Liffey Valley, both of which are priorities for Irish Water and which are due for completion in 2020/21.
- 9.2. The **Department of Heritage, Culture and the Gaeltacht** recommended conditions in respect of archaeology. With regard to nature conservation, it stated that an Environmental Management Plan be required by condition which would include specific measures for the meadow along the Liffey, including mowing and the removal of invasive species. The path at the northern end of the site should be set back from the river to protect otters and the trees there retained. Surveys should be conducted for badgers, otters and bats before development commences.
- 9.3. The **National Transport Authority** recommended that cycling facilities and a bus stop be provided on the Athgarvan Road, that greater priority for pedestrians and a lesser radius at the proposed southern junction, that the shared path through the park and the cycle track on the relief road are of adequate width, and that secure and enclosed cycle parking is provided for the apartments.
- 9.4. **An Taisce** welcomed the permeability of the development and the provision of a buffer along the river with a linear park. The proposed relief road should not

prejudice development on the other side of the river and the cycle paths along it should be continuous.

- 9.5. **Inland Fisheries Ireland** stated that the Liffey supports important populations of Atlantic Salmon, Brown Trout and Freshwater Crayfish. It is important that proper measures are put in place to protect water quality during the construction and occupation of the development. Access to the river for anglers should be provided in the park.
- 9.6. **Transport Infrastructure Ireland** stated that the recommendations of the Transport Impact Assessment should be conditions on any permission.

10.0 **Assessment with regard to Policy**

10.1. **The principle of development**

- 10.1.1. The larger part of the proposal would provide residential development on land zoned for residential development by the applicable local area plan within the built up area of a town that is designated for growth under the county development plan. The principle of the proposed development would be in accordance with those plans. It would also be in accordance national planning policy as set out in objectives 3, 3c and 11 of the National Planning Framework. The general concerns stated in some of the submissions from the public regarding the capacity of the social infrastructure in Newbridge would not justify refusing permission for a residential development in line with the zoning of the site under the properly adopted statutory plan.
- 10.1.2. The creche would occupy a currently vacant house on land zoned as existing residential. The proposed use is open for consideration under that zoning. Having regard to the circumstances of the site and the characteristics of the proposed development, it is considered that the proposed creche would be compatible with the zoning that applies to that part of the site. The proposed creche would also comply with the Guidelines on Childcare Facilities issued by the minister in 2001.
- 10.1.3. Open space is proposed on the lands zoned as open space. The planning authority has raised concerns that some of the proposed roads would impinge upon land zoned as open space at the southern end of the site. However this only occurs to a marginal extent within the proposed scheme. Residential buildings are not proposed

on the open space zoning. Furthermore the proposed roads would provide better public access to the open space and thus improve the value of the amenity which they would offer. Although the zoning matrix in the local area plan does not include a category for roads, it does refer to car parking and utility structures which would be comparable to local roads in relation to their appearance and amenity value. They are stated to be open for consideration on lands zoned open space. In these circumstances it is concluded that the proposed development would be in keeping with the open space zoning that applies to part of the site.

10.1.4. As the proposed uses and their locations are consistent with national and local planning policy, including the zonings of the site, the principle of the proposed development is acceptable.

10.2. The quantity of development

10.2.1. The site includes 9.3ha of land zoned for new residential development under objective C15 of the local area plan. The plan estimates that 325 units could be accommodated there. The development proposes 343 new dwellings. It is therefore at a density equivalent to of 37 dph. The documents submitted by the applicant refers to a density of 39 dph based on a net area of 8.81ha for residential development, although the extent of that net area is not made clear. It may exclude the part of the lands zoned for new residential development that is assigned to facilitate a future extension of the southern relief road beyond that proposed in this application. However the variation in the density between 37 and 39dph is not material. It is clear that the density of the proposed development would be within the range of 35-50 dph recommended for greenfield suburban sites under section 5.11 of the sustainable urban residential guidelines, or the range of 30-50 dph recommended for such sites in table 4.2 of the county development plan. Thus the quantity of the proposed housing is in keeping with national and local policy and is therefore acceptable.

11.0 Screening for Appropriate Assessment

11.1. The application site is not in or immediately adjacent to any Natura 2000 site. The proposed development would not, therefore, have the potential to have any direct significant effect on any such site. The appropriate assessment screening report

that was submitted with the application listed the Natura 2000 sites within 15km including the SACs at Pollardstown Fen 000396, Moulds Bog 002331, Ballynafagh Lake 001387, Ballynafagh Bog 000391 and at the River Barrow and River Nore 002162, as well as the SPA at Poulaphouca Reservoir 004063. However there is no pathway by which the proposed development would have the potential to give rise any likely significant effect on those sites or the achievement of their conservation objectives, either by itself or in combination with any other plan or project. None of the Natura 2000 sites are downstream of the application site. The SPA is 14.6km from the application site and the bird species to which its conservation objectives refer, the Greylag Goose and the Less Black-backed Gull, have not been recorded on the application site. The proposed development would adjoin the existing built up area of the town. Housing on the application site would discharge its foul effluent to a municipal sewer which drains to the treatment plant at Osberstown that has been upgraded and which has the capacity to treat and dispose that effluent. The location of the outfall from that plant to the Liffey is not upstream of any freshwater Natura 2000 sites. There is no potential for discharges of effluent from development on this site to have likely significant effects on marine habitats, either individually or in combination with any other plan or project. Therefore, notwithstanding the size of the proposed housing development and its situation beside a river, its location means that it would not have the potential to have a likely significant effect on any Natura 2000 site. This conclusion is consistent with those stated in the screening report submitted with the application.

- 11.2. Having regard to the location of the proposed development and the nature of the receiving environment, in particular the absence of any hydrological link or other relevant pathway that could give rise to a significant effect on any 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.

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

12.1.1. This application was submitted to the Board on 20th July 2018 which was after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive had not been transposed into Irish legislation by that 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) (i) Construction of more than 500 dwelling units

.....

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

12.1.2. The development would provide 343 homes on a site of 18.3ha within a town. It therefore exceeds the threshold at b(iv) and so EIA is mandatory in this case.

12.1.3. The EIAR comprises a non-technical summary and a main volume. Section 17 of the main volume provides a summary of the mitigation measures described throughout the report. Section 1 describes the expertise of those involved in the preparation of the report. 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, as it stood when the application was made and as it now stands. The EIAR would also comply with 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, and the submissions received..

12.2. **The extent of the proposed development and the southern relief road**

12.2.1. The description of the proposed development in section 3 of the EIAR makes it clear that it does not include the extension of the proposed southern relief road beyond 250m from the Athgarvan Road. The submitted plans indicate the continuation of that road along the indicative line set out on Map 2 of the local area plan in order to illustrate how the housing that is proposed in the project that it now proposed could accommodate the planned road project. The EIAR does not attempt to address the likely significant effects of the planned road project beyond that which is proposed in this application. This approach is reasonable and in accordance with the requirements of EIA legislation. It would leave no lacuna in the proper consideration of proposed and planned projects. All the actual works that would be given consent by a grant of permission of the current application, including the proposed 250m of the southern relief road, have been described in the EIAR and their likely environmental effects have been considered in this EIA. The planned line of the entire southern relief road that was set out in the local area plan was subject to the strategic environmental assessment for that plan. The indicative future line of the southern relief road shown on the drawings submitted with this application is in accordance with that set out in the local area plan, and so would not involve any departure from the plan that would require its strategic environmental assessment to be revisited. A grant of permission for this application would not give consent to carry out any works to build any more than the first 250m of the southern relief road and so would not prejudice any environmental impact assessment that might be carried out when and if consent is sought to build the rest of the road and the bridge over the River Liffey. This EIA does not, therefore, attempt to describe or assess works on the southern relief road that are not part of the proposed development.

12.2.2. The proposed development complies with the provisions of the local area plan that was duly adopted by the planning authority regarding the southern relief road, including objective SRO5b and the line of the relief road shown on Map 2, and leaves adequate scope to determine the precise position of the planned crossing of the Liffey. In these circumstances it would not be reasonable to refuse permission or require significant amendments to the proposed development on the basis of the concerns regarding the line of the planned road on the other side of the river stated in the submissions from the residents of Wellesley Manor.

12.3. Alternatives

12.3.1. 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.

12.3.2. Section 4 of the EIAR states that the zoning of the site for residential development and the setting of an objective to build a relief road across it by the planning authority set the context for the consideration of alternatives by the developer. Therefore it was not considered necessary to consider alternate sites for the proposed housing. It is set out that the design process for the proposed development considered several iterations of the layout and design. The construction of a boardwalk connection to the linear park to the north of the site was considered, but this would require works in the river stream and so a footpath along the road was chosen instead. The submission from the planning authority recommended that a boardwalk be installed to allow for the retention of more trees at this location. However because this would involve works in the river’s stream, there is a reasonable prospect that the provision of a boardwalk could cause significant environmental effects that have not been described in the EIAR and which could not be properly assessed before consent was given. A condition requiring a boardwalk would therefore be invalid.

12.3.3. 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.

12.4. Likely Significant Direct and Indirect Effects

12.4.1. 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

12.5. Population and human health

12.5.1. The population of Newbridge grew from 21,561 to 22,742 between the 2011 and 2016 censuses. The proposed development would provide accommodation for an estimated 1,000 people, as stated in section 6.5.1 of the EIAR. This would provide a significant positive effect with respect to a growing population, particularly given the failure for the output of housing to match that growth in the region.

12.5.2. Section 12 of the EIAR refers to noise and vibration. The occupation of the development would not give rise to noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built up area of the town. The impact of additional traffic on the noise levels and character of the Athgarvan Road would be insignificant having regard to the existing traffic levels on that road and the marginal increase that would occur as a result of the proposed development, as described in section 12.5.4 of the EIAR. The use of heavy vehicles and machinery during construction would have the potential to give rise to effects due to noise and vibration. However given the limited duration of the works and the control of activity of site by the developer at that time, these can be avoided through the use of management measure as set out in section 12.7 of the EIAR and in the draft construction management plan submitted with the application, and the imposition of limits by conditions on any grant of permission. Subject to these measures, it is concluded that the proposed development would not have be likely to have significant adverse effects on human health.

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

12.6.1. As advised in section 11 of this report above, the proposed development would not be likely to have any significant effect on any site designated under Directive 92/43/EEC or Directive 2009/147/EC. The predominant habitat on the site is improved grassland, which is common and not of any particular ecological value. The development would involve the loss of this habitat, but this would not cause an adverse environmental effect on biodiversity given the low biodiversity that is accommodated by improved grassland. Other habitats on the site include riparian woodland and a treeline along a significant stretch of the riverbank within the site, short strips of hedgerow at the southern end of its western boundary and scattered trees and parkland to the north of Kilbelin House. The site does not include the Liffey and no instream works are proposed there. The various habitats on the site are mapped on figure 7.6 of the EIAR. Section 7 of the EIAR sets out the results of surveys of the site. The bird and other species which the surveys recorded on the site are widespread. The survey found no evidence of its use by bats or badgers, but 2 disused setts were noted. It is likely that the riverbank provides a habitat for otters. Section 7.4 of the EIAR describes measures to minimise the impact of the development on biodiversity. These are standard measures that would represent good construction practice of previously agricultural land. They include measure to protect water quality in the river which are similar to those set out in section 8.6 of the EIAR, as well as preconstruction testing to ensure that badger setts and otter holts are not disturbed. Subject to their implementation, it can be concluded that the proposed development would not be likely to have significant adverse effects on biodiversity. It is noted that the submission from the planning authority sought additional compensatory habitat creation on the site. However as the proposed development would not involve the loss of valuable habitats, the issue of compensation does not arise. The proposed development would retain the existing riverside trees and hedges and maintain the open nature of the land along the river, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context.

12.7. Land and soil

- 12.7.1. The proposed development would change the use of the site from pastoral to residential and amenity. Public policy recognizes a scarcity of residential accommodation in the region. There is no equivalent scarcity of pasture. The change in the use of the land would not, therefore, have adverse environmental effects.
- 12.7.2. The development would involve the stripping of an estimated 30,000m³ of topsoil and a cut of c20,000m³ of subsoil from the site apart from within an 80m buffer zone along the river. This material would be reused in the development. Fill material with an estimated volume of 85,000m³ would be imported to the site to ensure that the houses were at a level that properly protected them from flooding. Section 8.5 of the EIAR specifies that the fill would be sourced from an authorised quarry, or inert material imported under a waste permit, or materials that have been approved as by-products by the EPA under the Waste Directive Regulations of 2011. Measures are described at section 8.6 of the EIAR which represent proper practice in the handling of soil during construction. Subject to their implementation, along with the protection of the buffer zone along the river and the measures regarding drainage set out section 10.5.1 of the EIAR, it can be concluded that the proposed development would not have significant adverse effects with regard to land or soil.

12.8. **Water**

Flood Risk Assessment and Surface Water

- 12.8.1. The Eastern CFRAMS prepared by the OPW indicates the extent of the 1% and 0.1% AEP flood extent zones along the Liffey and thus the extent of Flood Risk Zones A, B and C within the terms defined by the 2009 guidelines on flood risk management and the planning system. Parts of the proposed open space along the river would be within Zone A, but none of the proposed housing or the creche would be in that zone. Most of the proposed housing and the creche would be on flood zone C. However there are lower lying areas towards the centre of the site that are in flood zone B and which would be part of the plots of 22 of the proposed houses and a block of 10 apartments. The development management justification test set out in Box 5.1 of the guidelines therefore applies. The zoning of the site for residential development in 2013 meets the first criteria of that test.

- 12.8.2. The application was accompanied by a flood risk assessment to demonstrate compliance with the second criterion. It indicates that the development would remove an area of 4,934m² from flood zones A and B with a storage capacity of 1,296m³. It is therefore proposed to provide compensatory storage of 1,310m³ over an area of 4,181m² in what is now flood zone C. The extents and levels of these are shown on drawing no. 162044-9010 submitted with the application. The development would divert the existing public surface water sewer that crosses the north-eastern part of the site so that it ran beneath roads in the new scheme to its outfall on the Liffey, although the proposed development would not discharge to that pipe. That pipe would be increased in size from 1200mm to 1350mm. These proposals are sufficient to demonstrate that the proposed development would not be likely to increase flood risk elsewhere along the river.
- 12.8.3. To protect the proposed housing from fluvial flooding, its finished floor level would be at least 0.85m above the 1% AEP flood level at the nearest node shown on the CFRAMS. As the latter varies between 86.9m OD and 89.35m, the lowest adjacent floor levels would be between 89.05m and 89.35m.
- 12.8.4. To protect the development from pluvial flooding it would be served by a surface water drainage system with attenuation designed to limit runoff to the greenfield rate of 2l/s/ha for events up to the 1% AEP. The system would serve 3 catchments within the overall scheme equivalent to the proposed phases of development, each with its own outfall to the Liffey served by attenuation tanks, a vortex flow control device points and a hydrocarbon interceptor. In cases where the storm event rainfall exceeds that level, overland flow routes are designed over roads and open spaces towards the river. Rainfall on roads would be diverted to the system by conventional gullies while that on roofs and driveways be captured by permeable paving underlain by porous aggregates, but infiltration to the soil is not proposed as part of the drainage solution. The attenuation chambers and sewers have been designed with a capacity 20% above that required to cater for rainfall intensity at 1% AEP. The results of site investigations are submitted to demonstrate that the risk of groundwater flooding is negligible.
- 12.8.5. The submitted details are adequate to demonstrate that the occupation of proposed development would not be at an undue risk of flooding nor would it increase flood risk elsewhere and that it would comply with the flood risk management guidelines.

The proposed drainage system would also control the release of pollutants to surface waters.

12.8.6. There is a potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water as described in section 10.5.1 of the EIAR. The potential for such effects arises in projects that involve building on greenfield sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 10.6.1 of the EIAR and recommended in the submission from Inland Fisheries Ireland. The efficacy of such measures is established in practice. The potential impact in this case is heightened by the location of the site along a riverbank and the proposed filling of the site with imported soil. However section 8 of the EIAR specifies that the topsoil in a buffer zone of 80m along the river will be protected and the stockpiling of material will not occur where it could drain to the river. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

12.8.7. The water supply for the proposed development would be from a connection from the public network which Irish Water advises if feasible.

Foul drainage

12.8.8. It is proposed to drain foul effluent from the proposed development to the public foul sewer in the Athgarvan Road. Irish Water has reported that it can facilitate the connection but upgrade works are required to increase the capacity of the wastewater network as part of the Upper Liffey Valley Sewerage Scheme and that those works are scheduled to be completed by 2020/21. The report refers to two projects on its current investment programme which relate to that scheme: Phase 2A and Phase 2B. The board confirmed a compulsory purchase order for Phase 2A in November 2017. That phase would provide a sewer from Kilbelin to the wastewater treatment plant at Osberstown. It would include three pumping stations, one of which would be at Kilbelin. The inspector's report indicates that the justification of the order rests upon the granting of prior planning consent for the project under part 8 of the planning act and a grant of permission obtained by Irish Water under Reg. Ref. 15/974; and upon the previous upgrade works at the Osberstown WWTP that render

it suitable to treat and dispose of the additional effluent from the Upper Liffey Valley. It can therefore be concluded that, if and when the works under Phase 2A are completed, the occupation of the proposed development would not have a significant effect on the environment due to the emission of waste water because that effluent would be drained to the public system that was capable of properly treating and disposing of it. The required statutory consents for that project have been granted and the responsible public body has stated that it intends to complete the works in the first half of the appropriate period of 5 years that would apply if a permission were granted on foot of this application in the normal manner. It would therefore be reasonable to address to consider a grant of permission for the proposed development subject to a condition that there be no occupation until Phase 2A of the Upper Liffey Valley Sewerage Scheme has been commissioned. This would be in keeping with the duty under the EIA directive to identify, describe and assess the likely environmental impact of the proposed development on water prior to giving of consent for it.

12.8.9. An application has been made to the courts for a review of the CPO confirmed by the board for Phase 2A. However the court has made no decision to quash the order and so it remains valid. It would be impertinent to provide advice to the board which presumed that one its prior acts was invalid, but it might be prudent to ascertain whether that has been any progress in the judicial review between the date of this report and any decision by the board on this application.

12.8.10. The infrastructure design report submitted with the application refers to an interim solution that would allow the proposed development to be occupied before the completion of Phase 2A by providing storage of foul effluent on the site in the event that telemetry from the pumping station on the existing sewer indicated that its capacity was exhausted. However that measure was not described in the EIAR and there is no information before the board that could support a conclusion as to whether it would be likely to avoid or mitigate effects on water from the proposed development. It would not be advisable, therefore, to grant permission for the development on the basis of the interim solution. Phase 2B of the Upper Liffey Valley Sewerage Scheme involves works to address constraints on the foul sewerage near the town centre of Newbridge and in other towns in the region. An application to confirm a compulsory purchase order for that project is currently with

the board under ABP-302370-18. The completion of that project is not required to provide a connection from the current application site to the wastewater treatment plant at Osberstown and it is not a prerequisite for the occupation of the proposed development.

12.8.11. It can therefore be concluded that, subject the implementation of the measures described in the EIAR, the proposed development would not be likely to have a significant effect on water.

12.9. Air and climate

12.9.1. The occupation of the proposed development would not be likely to have a significant effect on air quality or the environment. The construction of the development could affect air quality through the emission of dust. However any such effects can be properly limited through the measures set out at appendix 11.3 of the EIAR.

12.10. Material assets

12.10.1. The proposed development would have a significant positive effect on the material assets available in the area through the provision of additional housing in the town and the provision of public open space and part of the planned relief road, as well as improvements to the Athgarvan Road. Occupiers of the development would place additional traffic demands on the Athgarvan Road. However in the absence of development those persons would be more likely to live in places outside the town that were less accessible than the zoned land on the site. That would be likely to generate more traffic on the area's road network compared to that which would arise if the development proceeded.

12.11. Cultural heritage

12.11.1. The site does not contain any recorded monuments or protected structures. An architectural assessment of Kilbelin House concluded that it is typical of a strong farmer's house from the mid 19th century. It is to be retained in an altered state after the development. This would be appropriate to the historic and social interest of the house. The results of a geophysical surveys and test trenching are described in section 5.3 of the EIAR. They found no indication that remains of archaeological interest occurred on the site. Section 5.5 of the EIAR states that groundworks during the development would be monitored by a qualified archaeologist under licence from

the Department of the Culture, Heritage and the Gaeltacht. This would be the appropriate level of protection for the archaeological interest of the site. It is therefore concluded that the proposed development would not have significant effects on cultural heritage.

12.12. The landscape

12.12.1. The larger part of the site is flat grassland which is not a sensitive landscape or one of particular amenity. The building of houses and low-rise apartments there will not have a significant adverse effect on the landscape, therefore. The provision of landscaped open space along the river will protect the most important landscape on the site while improving public access to it. The loss of some of the trees near the Athgarvan Road at the northern end of the site would represent a negative impact on the landscape. However the provision of pedestrian access along the river in that location would improve the amenity value of the landscape. The overall effect on the landscape arising from the proposed development would therefore be positive.

12.13. The interaction between the above factors

12.13.1. The potential impact of the development on land, soil, water and biodiversity interact, due to the need to avoid the emissions of sediments to the river to protect its water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works. The potential impact of the development on biodiversity interacts with that on the landscape, as the riverbank includes that part of the site that has the highest value and sensitivity in relation to both those factors. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. The various interactions were properly described in the EIAR and have been considered in the course of this EIA.

12.14. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to 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:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the town
- A significant direct effect on land by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the built up area of the town and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction due to the excavation and filling required to carry out the development, which will be mitigated by the re-use of excavated material on the site, the sourcing of imported material from authorised sources and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system after it has been upgraded in accordance with Phase 2A of the Upper Liffey Valley Sewerage Scheme, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the landscape because the proposed development would improve the amenity of the land along the Liffey and public access to it.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

13.0 Assessment of other issues

13.1. The other planning issues arising from the proposed development can be addressed under the following headings -

- Design and Layout
- Housing Mix
- Amenity for the Occupants
- Impact on the Amenities of Other Property
- Access and Parking
- Phasing

13.2. Layout and Design

13.2.1. The layout of the proposed development is largely determined by the river and the requirement for an 80m setback from it, and the line of the planned southern relief road set out in the local area plan. The submitted proposal respects these constraints. It would provide frontage facing most of the riverbank and the open space around the site. It would not provide direct frontage onto the proposed relief road or the Athgarvan Road. However it would provide houses facing the relief road and the northern end of the Athgarvan Road behind local roads. The change in levels and public car park would preclude development within the site that addresses the southern end of the Athgarvan Road. The converted Kilbelin House would retain its presence on that road. The block sizes generally comply with the maxima set out in DMURS. However in two places this only occurs because pedestrian links are proposed along the side boundary of housing plots through larger blocks. There is inadequate overlooking of the more northerly pedestrian link in phase 2. The advice from the planning authority that the C type houses on the southern side of should be replaced with different house types with overlooking from their gable end is therefore accepted. The proposed rear access lanes for the terraced houses would create difficulties in terms of management and supervision, and the advice

from the planning authority that they be omitted in favour of dedicated bin stores to the front of the houses is also accepted. Subject to these minor amendments, the layout of the development would provide a suitable degree of permeability and ease of movement for pedestrians and would properly address the context of the site.

13.2.2. The proposed streets and buildings would have a suburban character with 2-storey semi-detached houses being the predominant form, similar to the neighbouring parts of the town. However there would be some variation, with 3-storey apartment buildings parallel to the relief road and E-type houses on corner plots that would have a second storey of accommodation and windows on their gable. The detailed design of the proposed buildings achieves a satisfactory standard in each of the options for the proposed houses, as well as for the apartment buildings. The works to Kilbelin House to provide the proposed creche would maintain the historic form of the old structure and clearly distinguish it from the new extensions. Comprehensive proposals have been submitted with regard to boundary and surface treatments, as well as landscaping. Their implementation would ensure a satisfactory standard of visual amenity in and around the scheme.

13.2.3. Having regard to the foregoing, the layout and design of the proposed development are acceptable. They would provide an attractive residential environment that would enhance the character of this part of Newbridge.

13.3. Housing Mix

13.3.1. The proposed development would provide housing of a range of types and sizes that would be likely to meet the needs of a suitably wide section of the community. Although just under half the proposed units would be 3-bedroom houses, this is appropriate for the location of the site on the edge of a town, and the scheme includes a significant proportion of apartments as well as smaller and larger houses. The proposed housing mix is therefore considered acceptable.

13.4. Amenity for the Occupants

13.4.1. The proposed apartments would comply with the Design Standards for New Apartments issued in March 2018, including the applicable specific planning policy requirements. The proportion of one-bedroom apartments would be just under 50%, and so would be in keeping with SPPR 1. The size of the proposed apartments would exceed the minima set out SPPR 3, although they would include 12

apartments that are designated as 3-person two-bedroom apartments for which the minimum size is 63m² rather than 73m². The majority of the proposed apartments would not exceed the minimum standard by at least 10%. However because the scheme has less than 100 apartments the manner in which this requirement can be met is flexible according to section 3.12 of the guidelines. The flexible method would require that the floorspace of all the apartments together exceeded the minimum by the same amount as if most of the apartments exceeded the minimum floor area by at least 10%. In this case this would mean that the total floor area of the apartments taken together should be at least as much as if the most of the two-bedroom units and most of the three-bedroom units were 10% bigger than the minimum. This would require a combined area of 3,788m². The total floor area of the proposed apartments is 3,836m². This excludes the ground floor area containing the front door and staircase for the proposed first floor maisonettes, as advised by section 3.14 of the guidelines. The development therefore complies with SPPR 3, largely because the 1-bedroom units all exceed the minimum size by a significant amount even though the 2-bedroom units do not. 36 of the 60 apartments would have dual aspect, and so the development would comply with SPPR 4. The floor-to-ceiling heights would comply with SPPR 5. The apartment buildings would have 8 apartments per core and so would comply with SPPR6. The proposed apartments would also be provided internal rooms and storage and with the level of private and shared open space set out in appendix 1 of the guidelines. The proposed apartments would therefore provide an adequate standard of amenity for their occupants.

13.4.2. The proposed houses would also have adequate levels on internal accommodation. They would have back gardens that met the standards set out in the county development plan, and opposing rear windows above first floor level would have a separation distance of 22m or more. The proposed houses would therefore provide an adequate standard of amenity for their occupants.

13.4.3. The proposed development would include a significant amount of open space covering c45% of the site. This would be well in excess of the 15% required under section 17.4.7 of the county development plan.

13.5. **Impact on the Amenities of Other Property**

13.5.1. The proposed development would not threaten the amenities of property on the opposite side of the Athgarvan Road. A submission was received from the occupier of the house on the same side of the road immediately to the south of the application site expressing concern regarding the impact of the proposed development on drainage and privacy. The submitted landscaped drawings illustrate that the area immediately to the rear of the curtilage of that house is to be left in its existing condition and would not form an accessible part of the public park. The proposed development would be likely to increase access to the open space to the side of that house. This is in line with the zoning of that land as open space in the local area plan. The trees on that boundary would be preserved and a new wall is proposed, so it is not considered that the change in the use of that land would seriously injure the amenity of the adjoining property. The levels on this part of the site would be altered somewhat to facilitate the proposed southern access to the development. However the profile of the road and adjoining land, as illustrated on the engineering drawings, would be similar to that on the curtilage of the adjoining land which also has to rise to meet the level of the Athgarvan Road, so the works would not be likely to interfere with the drainage of the neighbouring property. It is not considered, therefore, that the proposed development would unduly interfere with the amenities of property in the vicinity of the site.

13.6. Access and Parking

13.6.1. The proposed road generally comply with the requirements of the applicable standards set out in DMURS, with a 6.5m wide carriageway for the proposed section of the relief road and internal streets 5m or 5.5m wide, and some short stretches of shared surfaces that are 4.8m wide. Tree planting would reinforce their character as streets even where frontage development is not provided. The corner radii are properly restricted. A four-way signalised junction would be the proper form at the intersection of the Athgarvan Road, Liffey Hall and the proposed relief road. Neither that junction and the proposed southern access to the Athgarvan Road would threaten the safety of existing users of the main road including those using existing accesses to the houses along it, although the width of the proposed southern access should be reduced to comply with current standards. Footpaths are generally 2m wide and pedestrian links are provided with suitable frequency to the main road even when vehicular links are not. The cycle lanes along the proposed relief road are

designed in accordance with the National Cycle Manual. The proposed works to the Athgarvan Road would provide suitable pedestrian links to the surrounding area and back towards the town. That road does not have adequate width to provide segregated cycle paths or lanes. Proper facilities are therefore provided for sustainable travel modes. The recommendations from the NTA that provision be made for a bus stop along that road is reasonable.

- 13.6.2. The additional traffic generated by the proposed development on the surrounding road network would have a marginal impact on its use, as described in section 14 if the EIAR and the Traffic and Transport Assessment submitted by the applicant . The use of a signalised junction for the main access to the proposed housing development would allow the council to protect the carrying capacity of the regional road if greater than expected traffic flows occur from the proposed development before the completion of the planning southern relief road are. Given the demand for housing in the region, a refusal of permission for development on zoned land within the town would be likely to displace housing to less accessible locations and give rise to greater traffic levels on the road network than if the development proceeded.
- 13.6.3. The proposed houses would be provided with 2 car parking spaces on their curtilage, which would be in line with the standard set out in the development plan. The departure from the development plan standard to provide 1 car parking space per apartment is justified by section 4.22 of the 2018 guidelines on apartment design. Together with the limited number of visitor spaces, the proposed parking provision is considered appropriate and in keeping with the applicable planning policies. The provision of 25 bicycle storage spaces for each of the apartment buildings would be sufficient to cater for the demands likely to arise there.

13.7. Phasing

- 13.7.1. The proposed phasing arrangement would allow for the coherent development of the site while protecting the amenities of its initial residents. The proposed creche, part of the southern relief road and the higher density elements of the housing would be built in the first phase. The proposed phasing is therefore acceptable.

14.0 Recommendation

- 14.1. I recommend that permission be granted subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to the site's location adjoining the existing built up area of Newbridge, a settlement designated as a Large Growth Town in the Kildare County Development Plan 2017-2023, on land zoned for residential development under the Newbridge Local Area Plan 2013-2019; to the nature, scale and design of the proposed development; to the pattern development in the area; to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March, 2018, the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, and the Guidelines for Planning Authorities on Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009, as well as to the extant planning consents and compulsory purchase order for the Phase 2A of the Upper Liffey Valley Sewerage Scheme and the project timeline for its completion, it is considered that, subject to compliance with the conditions set out below, the proposed development would have the benefit of adequate wastewater drainage and treatment through the public sewerage system; would include proper measures for the attenuation and drainage of stormwater runoff and would not give rise to an undue risk of flooding on the site or other lands; would not injure the amenities of the area or of property in the vicinity; would respect the character of the area and achieve an acceptable standard of urban design; would provide a reasonable standard of amenity for its occupants; and would be acceptable in terms of the safety and convenience of road users including pedestrians. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. No part of the authorised development may be occupied or offered for sale or lease until Phase 2A of the Upper Liffey Valley Sewerage Scheme has been completed and commissioned, and has been certified as such by the planning authority.

Reason: To ensure proper wastewater drainage facilities are available to serve the proposed development

3. The mitigation and monitoring measures outlined in section 17 of the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The proposed development shall be amended as follows-
 - The proposed semi-detached houses on plots nos. 33, 34, 35, 36, 62, 63, 64 and 65 of phase 2 of the development, as shown on drawing P-S-R 502 Rev B submitted with the application, shall be omitted and replaced by two terraces of four houses each. The houses at the

northern end of both terraces shall be of type E and shall provide frontage that overlooks the pedestrian link to the north of that plot. The layout of the pedestrian link and the houses around it shall provide for a suitable degree of supervision from houses on both sides. It shall also provide 2 car parking spaces on the curtilage of each house. The pedestrian link may be altered to a shared surface street to achieve the required overlooking and parking.

- The alleyways to the rear of houses shall be omitted and proper bin storage facilities shall be provided to the front of terraced houses and other houses as required.

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

Reason: To avoid pedestrian routes that are not properly overlooked and the consequent issues of maintenance and management and any threat to residential amenity.

5. The proposed streets within the development shall be amended as follows-
 - The kerb radii on the southern junction onto the Athgarvan Road from the scheme shall be no more than 4.5m.
 - The proposed cycle lanes/tracks along the southern relief road shall maintain a vertical separation of at least 50mm from the footpath along its entire length.
 - Provision for bus stops shall be provided along the Athgarvan Road

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

Reason: To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual

6. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission or the prior written agreement of the planning authority has been obtained for minor departures from the submitted details. Prior the commencement of each phase of the proposed development the developer shall submit to the planning authority details of which of the submitted options for house design it intends to use on each plot.

Reason: In the interests of visual and residential amenity

7. The proposed works to the Athgarvan Road and the Liffey Hall Road, the construction of the proposed part of the southern relief road and the diversion of the surface water sewer that crosses the site shall be carried out in accordance with the specific requirements of the planning authority which shall be ascertained and agreed in writing prior to the commencement of development. The remainder of the land on the application site that is required to complete the southern relief road in accordance with objective SRO(a) of the Newbridge Local Area Plan 2013-2019 shall maintained as open space pending the construction of the remainder of the road.

Reason: In the interests of orderly development

8. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interests of public health

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(g) The protection of trees on the site in accordance with the tree protection plan submitted with the application

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

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

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

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

Reason: In the interest of sustainable waste management

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Stephen J. O'Sullivan
Planning Inspector

17th October 2018