



An  
Bord  
Pleanála

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

## Inspector's Report ABP-303023-18

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### Strategic Housing Development

125 no. residential units, extension of access road permitted under Reg. Ref:15/848 (PL09.246859) and associated site works.

### Location

Kilcullen Road, in the townland of Bluebell, Naas, Co. Kildare.

### Planning Authority

Kildare County Council

### Applicant

Ardstone Homes Ltd

### Prescribed Bodies

Irish Water

NTA

TII

An Taisce

The Arts Council

Heritage Council  
Failte Ireland  
Minister for Culture, Heritage and the  
Gaeltacht  
Kildare County Childcare Committee

**Observer(s)**

37 submissions received- see  
Appendix A

**Date of Site Inspection**

08<sup>th</sup> February 2019

**Inspector**

Lorraine Dockery

## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The appeal site has a stated area of 3.76 hectares and is located within the townland of Bluebell, on the southern outskirts of Naas Town, Co Kildare. The site is roughly rectangular in shape and essentially comprises three agricultural fields. It is currently under grass. The site is connected to the Kilcullen Road via an access road permitted under PL09.246859. Works on this roadway have not yet commenced, however its location has been marked out on the lands. Kilcullen Road has been recently upgraded and widened with provision for new cycle and pedestrian paths and signalised pedestrian crossing as part of the Kilcullen Road improvement works.
- 2.2. Overhead power lines traverse the site. Broadfield View, a mature housing development of a mix of single storey, two-storey and dormer dwellings adjoins the site to its north and east. Lands to the west and south are in agricultural use. To the east of the site on the opposite side of the Kilcullen Road is the Kilashee View and Piper's Hill housing developments. A short distance to the south is the Piper's Hill College educational campus comprising primary and secondary schools.
- 2.3. It is noted that the site has minor frontage onto the Rathasker Road, to the west of the main element of the site. There is no access for the residential properties proposed onto this roadway, only access to the pumping station.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development provides for 125 residential units and associated infrastructure on a site of 3.76 hectares, in the townland of Bluebell, Naas, Co. Kildare.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

|                                  |   |
|----------------------------------|---|
| <b>Site Area</b>                 | 3.76 hectares<br>(3.51 ha zoned 'Residential' while 0.25 ha zoned 'Agricultural') |
| <b>No. of units</b>              | 125   |
| <b>Density (nett)</b>            | 35.2 units/ha based on site area of 3.51 ha                                       |
| <b>Height</b>                    | 1-4 storeys   |
| <b>Open Space provision</b>      | 15.06% stated   |
| <b>Access</b>                    | One access from Kilcullen Road  |
| <b>Car Parking Provision</b>     | 251 spaces (228 residents/23 visitors)  |
| <b>Bicycle Parking Provision</b> | 39 spaces   |

3.3. Table 2: Unit Mix

|                      | 1 bed       | 2 bed        | 3 bed      | 4+ bed       | Total       |
|----------------------|-------------|--------------|------------|--------------|-------------|
| Apartments           | 8           | 20           | -          | -            | 28          |
| Houses               | 4           | 44           | 25         | 24           | 97          |
| <b>TOTAL</b>         | <b>12</b>   | <b>64</b>    | <b>25</b>  | <b>24</b>    | <b>125</b>  |
| <b>As % of total</b> | <b>9.6%</b> | <b>51.2%</b> | <b>20%</b> | <b>19.2%</b> | <b>100%</b> |

3.4. Table 3: Unit Type

| Type   | Maisonette | Detached | Semi-Detached | Terrace | Apt |
|--------|------------|----------|---------------|---------|-----|
| Number | 4          | 9        | 40            | 44      | 28  |

3.5. Table 4: Part V Provision

|                       |   |
|-----------------------|---|
| Requirement: 13 units | Provision: 13 units (4 x 1 bed, 7 x 2 bed, 2 x 3 bed) |
|                       |   |

3.6. No childcare facility is proposed and a justification for lack of same is included within section 3.4.1 of Social Infrastructure Assessment.

- 3.7. In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.
- 3.8. The infrastructural works include for an extension of the access road permitted under 15/848 (PL09.246859) to provide pedestrian/cycle and vehicular access to the application site from the Kilcullen Road.
- 3.9. Included with the application is a letter of consent from Ardstone Residential Partners Fund ICAV (dated 16/07/2018) granting permission to Ardstone Homes Ltd to make an application for planning permission to An Bord Pleanála on their behalf for a residential development at Bluebell, Naas, Co. Kildare. In addition, a letter of consent from Liam Queally (dated 30/10/18) is attached to the application confirming that the lands contained within Folio No. KE24264F in townland of Bluebell, Naas, Co. Kildare is within his ownership and confirm that he gives consent to the inclusion of the said lands in a strategic planning application by Ardstone Homes on lands to the east of these lands. This also confirms that they have consented to the granting of a permanent wayleave for a surface water pipe to be laid from the development to the east along the route shown between points B and C. This wayleave will contain a permanent right of access and consent to maintain these services until they are taken in charge. The wayleave is of benefit to the planned development on lands to the east. In addition, two letters of consent from the Queally Group (both dated 30/10/18 and both signed by Pat O'Brien) have been included with the application giving consent to the inclusion of lands in strategic planning application by Ardstone Homes Ltd.
- 3.10. An Appropriate Assessment Screening Report was submitted with the application. This states that the proposed development is not located within any designated Natura 2000 site and therefore the proposed development will not result in any direct habitat loss or fragmentation of any SPA or SAC. The development of site infrastructure will be undertaken in accordance with best practice guidance. It continues by stating that there is no potential for indirect impacts on any Natura 2000 sites and there will be no adverse effects on Natura 2000 sites identified as a result of the proposed development. The proposed development does not present a risk of

significant effects on the Qualifying Interests and Conservation Objectives of Mouds Bog SAC, Red Bog SAC or Poulaphouca Reservoir SPA.

## **4.0 Planning History**

15/848 (PL09.246859)

Permission GRANTED for development consisting of the construction of a new entrance, roadway and all ancillary works to access land zoned for residential development at Bluebell, Naas, Co. Kildare

05/500021

Permission GRANTED for nearby Pipers Hill Campus which included for access road to educational campus, 271 dwellings, 18 apartments; 5 retail units, crèche on a site of total area 14.9 hectares

## **5.0 Section 5 Pre Application Consultation**

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 29<sup>th</sup> August 2018. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

The Status of the Naas Local Area Plan and the Zoning of the Development Site

Further consideration of the documents as they relate to the land use zoning objective pertaining to the site. The prospective applicant should satisfy himself/herself that the subject site is zoned for residential use and thus meets the requirements of section 3 of the Planning and Development (Housing) and

Residential Tenancies Act 2016. Should an application be made to An Bord Pleanála pursuant to section 4 of the said 2016 Act, the application documentation should seek to demonstrate to An Bord Pleanála that the site is zoned for residential use or for a mixture of residential and other uses

### Residential Density

Further consideration/justification of the documents as they relate to the proposed residential density and housing mix. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the draft 'Urban Development and Building Heights Guidelines for Planning Authorities', the settlement strategy of the Kildare County Development Plan 2017-2023 and the Naas Local Area Plan (with regard to item 1 above).

### Design and Layout of Residential Development

Further consideration/justification of the documents as they relate to the design and layout of residential development, in particular connections to adjoining lands.

- 5.2. Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:
1. Detailed statement of housing mix.
  2. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
  3. Detailed landscaping proposals.
  4. Cross sections to indicate proposed ground levels, roads, public open spaces and building heights.

5. Visual Impact Assessment with photomontages and 3D modelling, to include consideration of impacts on distant views of the development from areas to the west of the development site.
6. Drainage details to include (i) details of the design, operation and maintenance of the proposed pumping station with regard to potential impacts on residential amenities due to noise and odours; (ii) assessment of the foul sewer outfall to demonstrate that it can cater for the proposed development; (iii) legal agreement regarding the surface water outfall through land outside the site boundary.
7. Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the Department of Culture, Heritage and the Gaeltacht which is attached.
8. AA screening report.



## **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, in section 2 of the cover letter, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion-status of Naas LAP and zoning of development site; residential density and housing mix; design and layout of residential development.

Status of Naas LAP and zoning of development site: obtained Counsel Opinion in relation to the matter which states that they are of the opinion that the Naas Town Development Plan 2011-2017 continues to have effect in respect of the zoning of the land in the functional area of the dissolved Naas Town Council and will continue to do so until the Kildare County Development Plan is reviewed 2017-2023.

Accordingly, the lands are still zoned residential. The opinion also states that this position is consistent with the approach adopted by the Board in determining appeals in respect of developments located within other dissolved town councils.

Accordingly, it is submitted that the proposed development of 125 dwellings on lands zoned for residential use, comes within the definition and requirements of the strategic housing development provisions provided in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Residential density and housing mix: unit numbers increased from 122 to 125 units; submitted that density proposed is consistent with national guidance. In relation to unit mix, states that unit mix reflects the market demand for smaller starter family dwellings, the relatively young age profile of Kildare and Naas and wider household formation trends. Demand for family homes is likely to continue over the medium term. A Statement of Housing Mix was also included with the application.

Design and layout of residential development: proposal includes for vehicular, cycle and pedestrian access to development area via an extension of the permitted and under construction access road from the Kilcullen Road to the SE of the site.

Additional indicative/potential access points are outlined on submitted drawings.

Open space within Broadfield View estate is in third party ownership and there is no certainty at this time that the connection can be delivered. It is submitted that it

would not be appropriate to link delivery of the access to the occupation of the units given that the area is in third party ownership.

## 6.0 Relevant Planning Policy

### National Policy

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- ‘Design Manual for Urban Roads and Streets’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

### Local Policy

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

Naas is a designated a Large Growth Town I (Table 2.2)

Table 3.4 sets out the Development Capacity of County Kildare and Naas shows no capacity surplus of zoned land.

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

4.6 Mix of Dwelling Types

### Policy MD 1

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

Naas

Naas Town Development Plan 2011-2017 applies

#### Zoning:

'Objective C' which seeks to 'provide for new residential development and other services incidental to residential development'.

A small portion of the lands are zoned for 'Objective I' which seeks to 'retain and protect agricultural uses' (approximately 0.25 hectares).

## **7.0 Third Party Submissions**

7.1. In total, 37 submissions were received. Many of the submissions received were from Broadfield View and Pipers Hill residential developments. Many of the submissions state that there do not object in principle to residential development on the proposed site, but have specific concerns regarding the proposal. One of the submissions had six signatories. The submissions may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

#### Traffic

- Increased traffic congestion; traffic problems being exacerbated by new developments currently under construction
- Concerns regarding capacity of entrance from Bluebell to R448 for increased traffic as it was permitted to cater for 68 dwellings
- Safety concerns/risk to pedestrian and bicycle traffic
- Construction traffic
- Concerns at use of Rathasker Road for access and maintenance

- Illegal parking
- Limited public transport
- Short-comings in traffic management

#### Density, Mix and Design

- Prematurity pending adoption of new LAP/zoning of land
- Previous permission was for 68 units- scale more appropriate to that proposed
- Under-provision of social infrastructure including schools
- Inappropriate density for this location
- Housing mix inappropriate- apartment block out of character in such a location where three and four bed family houses predominate
- Design and materials
- Likely to be a high proportion of rented properties; transient population not aimed at families; size of units not in keeping with the area
- Setting of precedent for this type of development
- Boundary treatments

#### Residential Amenity

- Lack of green space
- Pedestrian/cycle access through Broadfield View- antisocial behaviour; inappropriate access through existing estate; change of character of Broadfield View; negative impacts on green space
- Impacts on residential amenity- overlooking, overshadowing; overbearing; loss of light; height differences; level differences; impacts on enjoyment of property and privacy
- Concerns regarding pumping station/devaluation of property/odours
- Felling of trees; impacts on boundaries in Broadfield with subsequent impacts on wildlife (particular concern for boundaries to rear of 24-31 Broadfield View)

- Unclear details relating to boundaries

#### Other matters

- Flooding concerns
- Project splitting
- Lack of consultation
- Legal concerns regarding boundaries
- Ownership queries for Broadfield View green areas
- No EIAR submitted/environmental concerns
- Loss of beech tree (No. 1003 in Arboricultural Assessment Report)/inaccuracies in Arboricultural Impact Report (Section 2.2)
- Lack of childcare facility

## **8.0 Planning Authority Submission**

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 21<sup>st</sup> January 2019. The report may be summarised as follows:

### **Information Submitted by the Planning Authority**

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

Details included local policy context, zoning, quantitative assessment which includes density, plot ratio, open space provision, Part V, car and bicycle parking, qualitative assessment which includes urban design assessment. The overall considered view is that the proposed new residential development would conform to the settlement strategy figures for Naas and as such is compliant with the Core and Settlement Strategy policies and objectives of the Plan.

The Planning Authority recommends that permission be granted for the proposed development, subject to conditions.

### Summary of Inter-Departmental Reports

Water Services Division:

No objections, subject to conditions

Transportation Department:

Grant of permission recommended, subject to conditions

Housing Department:

Part V proposals and indicative costs are considered acceptable; conditions attached

Environment Section:

No objections; conditions attached

Environmental Health Division:

Conditions attached

Parks Department:

Recommended that permission is granted, subject to conditions

The main issues raised in the assessment were as follows:

- Concerns expressed regarding certain aspects of the proposed development and suggests that these concerns be mitigated by condition
- Kildare County Council obtained legal opinion in relation to the status of the Naas Town Development Plan and this legal opinion concludes that notwithstanding the stated life span of the Naas Town Development Plan as running from 2011-2017, it did not expire at the conclusion of that period. Consequently, unless a new Development Plan or LAP is made in respect of the Naas area, the zonings ascribed to land in the Town Development Plan continue to apply. Thus, the site of the subject development, continues to be zoned for residential development for the purposes of section 3 of the 2016 Act. Based on the above, the Planning Authority states that the lands are considered to be zoned for residential purposes
- Subject lands are considered to fall within outer suburban/greenfield lands where a density range of 30-50 units /ha is considered appropriate
- Density consistent with national policy, however site located on urban fringe of Naas adjoining low-medium density residential developments; site considered to be transitional in nature; concerns that density proposed is excessive at this location- guiding principle of Development Plan is that development be of low intensity, providing a transition to the countryside. It is considered that this transition has not been appropriately achieved
- Concerns regarding appropriateness of apartment block; increase in density may be achieved by other means; recommend omitting apartment block and replacing with three-bedroom dwellings
- Housing mix and variety considered acceptable; plot ratio considered acceptable
- Quantity of open space accords with Development Plan; private open space

generally complies with minimum standards

- Housing Department satisfied with Part V proposals
- Standards for car and bicycle parking have been met
- Pedestrian and cycle connections are generally satisfactory
- Lack of single storey units
- Reduction in density would be more appropriate; proposal is standardised suburban housing; apartment block is incongruous feature on the landscape
- Lack of clarity in relation to tree removal along boundary
- Usability of open spaces A-C as not overlooked by properties but passive surveillance of public spaces is generally achieved
- Depth of rear gardens vary; some are shallow making future extensions restrictive

The report includes a summary of the views of relevant Elected Members, as expressed at the Municipal District meeting held on 18/12/18 and are broadly summarised below:

- Lack of transport links in the area
- Height of apartment block
- Density of development and location of site at edge of Naas
- Local capacity for provision of schools and crèches
- Pedestrian connectivity



## 9.0 Prescribed Bodies

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

- The Department of Culture, Heritage and the Gaeltacht,
- Heritage Council
- An Taisce — the National Trust for Ireland
- Failte Ireland
- An Comhairle Ealaíonn
- Kildare County Childcare Committee
- Transport Infrastructure Ireland
- National Transport Authority
- Irish Water

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

### Irish Water

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

### National Transport Authority:

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the TIA. Any recommendations arising should be incorporated as conditions on the permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer

- The Authority request that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

### Department of Culture, Heritage and the Gaeltacht

#### Archaeology

It is noted that the documents forwarded include a report and recommendations arising from archaeological assessment carried out at the proposed development site, including archaeological test excavation. The Department of Culture, Heritage and the Gaeltacht agrees with the findings of the archaeological assessment report, that archaeological monitoring, as described below, should be carried out on site.

#### Archaeological Monitoring:

- The applicant is required to employ a qualified archaeologist to monitor all removal of topsoil associated with this development.
- The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- The report of the archaeological monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. (An annotated site location map will suffice for this purpose).
- Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage, and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

## Nature Conservation

The proposed development will require the removal of the southern boundary hedgerow (approx. 100 metres in length) and most of the associated mature trees. It will also require removal of mature trees, including ash, along other boundaries. The development will require the removal of a portion of a townland boundary hedgerow to allow for sightlines from the Rathasker Road in order to provide access to the pumping station. This element of the development is not included in the Landscape Site Masterplan. It is noted that the Masterplan specifies the planting of beech hedging. Native hedgerow species should be planted in place of beech, a non-native tree species.

The following are suggested as conditions of any planning permission:

- The development will require the removal of over 100 metres of hedgerow, including a field boundary hedgerow along the southern boundary and a portion of a townland boundary hedgerow along the Rathasker Road. An equivalent length of hedgerow must be planted as part of the development to mitigate for this loss. All perimeter hedgerows should consist of native tree species. The proposed beech hedgerow should be replaced by more appropriate native trees and shrubs.
- Bat species are strictly protected under the Wildlife Act, 1976 as amended and under Annex IV of the Habitats Directive. This development has potential to significantly affect bats, in particular due to the loss of hedgerow and installation of lighting where no lighting has been present. Prior to the removal of any hedgerows or trees, a bat survey must be carried out by a suitably qualified ecologist. The townland boundary hedgerow along the Rathasker Road must be included in this assessment. In assessing and mitigating impacts, the procedures outlined in Guidance Note 08/18 Bats and Artificial Lighting in the UK ([http://www.bats.org.uk/news.php/406/new\\_guidance\\_on\\_bats\\_and\\_lighting](http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting)) must be followed. Any proposed mitigation measures must be adhered to.
- Badgers are protected under the Wildlife Act, 1976, as amended. A badger survey should be conducted prior to the removal of hedgerows. Should

badger setts be found, a licence from this Department will be required in order to allow any active setts to be interfered with.

- The Preliminary Construction Management Plan prepared by DBFL Consulting Engineers (October, 2018) touches on the issue of invasive alien species (IAS) but in order to deal effectively with IAS, the location of such species within the development site must be known. Therefore, prior to the commencement of the development, a survey for IAS must be carried out by a suitably qualified Ecologist and this must inform the Construction Management Plan.
- Tree and hedgerow removal must take place outside the bird nesting season (1st March to 31st August).
- In addition to the above, the Department notes that on page 11 and 12 of the Appropriate Assessment Stage 1 screening document prepared by O'Callaghan Moran and Associates, the conservation objectives given for Mouds Bog SAC and Poulaphuca Reservoir SPA are incorrect. In concluding the screening of this development, the correct conservation objectives should be referred to. These can be found at <https://www.npws.ie/protected-sites>.

## 10.0 Assessment

10.1.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Kildare County Development Plan 2017 and Naas Town Development Plan 2011; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Design, height and layout
- Connectivity
- Impacts on amenity
- Traffic and transportation
- Drainage
- Archaeology
- Nature Conservation
- Other matters
- Appropriate Assessment
- Environmental Impact Assessment

### 10.2. Principle of Proposed Development

10.2.1. I note the nature and scale of the development proposed, namely an application for 125 residential units on lands which are substantially zoned 'Objective C' within the Naas Town Development Plan 2011-2017, which seeks to 'provide for new residential development and other services incidental to residential development'. A small portion of the lands are zoned for 'Objective I' which seeks to 'retain and

protect agricultural uses' (approximately 0.25 hectares), however no development is taking place on this agriculturally zoned element.

- 10.2.2. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the documents as they relate to the land use zoning of the site. The prospective applicant was advised to satisfy themselves that the subject site is zoned for residential use and thus meets the requirements of section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. They were further advised that should an application be made to An Bord Pleanála pursuant to section 4 of the said 2016 Act, the application documentation should seek to demonstrate to An Bord Pleanála that the site is zoned for residential use or for a mixture of residential and other uses. The background to this was such that the Naas Town Development Plan, had a stated lifespan from 2011-2017. No new Plan has since been adopted and at the pre-application meeting, clarification was sought regarding the status of the draft LAP and the zoning of the development site. It is noted that the County Development Plan is operative from 2017-2023.
- 10.2.3. In this regard, the applicant obtained Counsel Opinion from Suzanne Murray BL, which is attached to Appendix A of the submitted cover letter. Broadly summarised, the opinion states that the Naas Town Development Plan 2011-2017 continues to have effect in respect of the zoning of the land in the functional area of the dissolved Naas Town Council and will continue to do so until the Kildare County Development Plan is reviewed 2017-2023. Accordingly, the lands are still zoned residential. The opinion also states that this position is consistent with the approach adopted by the Board in determining appeals in respect of developments located within other dissolved town councils. Accordingly, it is submitted by the applicants that the proposed development of 125 dwellings on lands zoned for residential use, comes within the definition and requirements of the strategic housing development provisions provided in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.2.4. I refer the Board to the fact that the planning authority states that they too sought Counsel Opinion with regards to the status of the Naas Town Development Plan. Broadly summarised, it appears to me that this legal opinion concurs with that of the applicants. The Planning Authority's legal opinion concludes that notwithstanding the stated life span of the Naas Town Development Plan as running from 2011-2017,

it did not expire at the conclusion of that period. Consequently, unless a new Development Plan or LAP is made in respect of the Naas area, the zonings ascribed to land in the Town Development Plan continue to apply. Thus, the opinion of the Planning Authority relating to this matter is such that the site of the subject development, continues to be zoned for residential development for the purposes of section 3 of the 2016 Act. Based on the above, the Planning Authority states that the lands are considered to be zoned for residential purposes

10.2.5. I have had regard to all of the above and am satisfied with the responses received in relation to this matter. I note that the timeframe for the adoption of a new LAP for Naas town appears uncertain. I am satisfied that the lands are zoned for residential development and I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.6. Moving on from this issue, I am also satisfied that the proposal as provided for in this current application is acceptable in principle and is in accordance with the provisions of the National Planning Framework with regards to the sustainable development of such sites. Naas is designated as a Large Growth Town I in the operative County Development Plan, described as a key destination, an economically active town supporting surrounding areas. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form would be generally consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness in this regard. The site is located in an existing serviceable area. I note the proximity of the site to Piper’s Hill Educational Campus, which contains two primary schools and one post-primary school, all within easy walking distance. I also note the wider plans for this area of Bluebell. The zoning maps would indicate that this is an emerging residential area to the south of the original centre of Naas, given the extent of lands zoned for ‘New Residential’ within the general area. The Kilcullen Road has been upgraded, educational facilities are in place and while I acknowledge that public transport within the overall area could be improved, and I note the conflict between the local residents and the information contained within the application with regards to the exact route of the No. 139 bus service, I am of the opinion that increased densities at such locations will necessitate the provision of such services

into the future. The proposal serves to widen the housing numbers within the general area and would improve the extent to which it meets the various housing needs of the community. I have no information before me to believe that existing services and facilities within the general area do not have capacity to support the proposed development. Therefore, having regard to all of the above, the proposal is considered acceptable in principle.

### **10.3. Design, height and layout**

- 10.3.1. The proposal involves the construction of 125 residential units in a mix of maisonettes, dwellings and apartment units, together with all ancillary site works and infrastructural works which include for an extension of an access road permitted under Reg. Ref. 15/848 (PL09.246859). The residential units will consist of 97 no. houses, generally two storeys in height and 28 apartments in a four storey block.
- 10.3.2. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the documents as they relate to the proposed residential density and housing mix. The number of units has increased by three from that originally submitted at pre-application stage. Density is now proposed at 35.6 based on a site area of 3.51 hectares. While this is a marginal increase in numbers, I note the location of the site at the edge of the existing built-up area of Naas, in an area where pedestrian/cycle links are good but where currently public transport could be improved upon. National guidance would indicate a density of 35-50 units/ha as being appropriate at such suburban locations and therefore while marginal, the proposed density is considered acceptable.
- 10.3.3. In terms of building height, the proposal is generally dormer/two-storey in height with the proposed apartment block extending to four-storeys. The planning authority in their 'Opinion' expressed concerns with regards to the height of the proposed apartment block and recommended its removal, by condition, and replacement with three-bed dwelling units. I consider the height of the proposed apartment block to be acceptable, given its location within the overall site, its location within the overall suburban area and its design and layout. I also consider that there are adequate three-bed units within the overall area. The planning authority have also raised concerns regarding the lack of single storey units within the proposed scheme.



Given the location of the site, at a suburban location on prime, serviceable lands, I consider that the provision of such single storey units may be considered to be an unsustainable use of zoned lands in this instance. It is noted that ground floor maisonettes and apartments are both provided, suitable for those with accessibility issues and that the units proposed along the eastern site boundary are low rise, with accommodation at roof level.

10.3.4. Housing mix is also considered good and I note that in excess of 60% of the units are one and two bed properties (see Table 2 above). I draw the attention of the Bord to the fact that the majority of units within the proposed scheme are dwellings, with only 28 apartments within the proposal, all contained within one block.

Notwithstanding this, the housing mix would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. It is stated within many of the submissions received that given the fact that the majority of properties in the general area are three and four bed dwellings, such a mix of units as that proposed is not appropriate at this location. I would disagree with this assertion and consider that given the homogeneity in housing mix in the area presently, such a mix should be welcomed in order to cater for wider element of the population, for those with differing housing requirements to that currently on offer in the area. In addition, the proposed development could aid those wishing to downsize from larger dwellings in the locality but remain in the general area, thereby freeing up some existing housing stock in the neighbourhood. Unit size is also acceptable and most units are in excess of minimum standards.

10.3.5. The proposed layout is generally considered to be acceptable. I concur with the planning authority that some areas of open space are somewhat residual in nature, but in general quality spaces are proposed of a size sufficient to comply with Development Plan standards. I query whether having a stronger edge along the access road would have been more appropriate, one which overlooks the roadway and which provides a stronger definition to the entrance to the proposed development. As currently proposed, the entrance into the development is considered to be somewhat weak, however the attention of the Bord is drawn to the fact that category B2 trees are being retained in this area of open space. The appropriateness of the access into Unit 01 across/dividing Open Space B is again not ideal but does provide a solution for this area of the site. I note that in many

instances, houses are not directly fronting onto the open spaces, but where this occurs, these properties generally have sufficient windows in the gable elevations to allow for active supervision. I note inaccuracies between the documentation submitted in relation to boundary treatments, as detailed in Drawing 104 and the submitted CGIs, for examples CGI No.s 2 and 3. Boundary details have been set out in Drawing No. 104, prepared by Mitchell + Associates and I am generally satisfied with the contents thereof. The issue of clarity in relation to boundary treatments has been raised in some of the submissions received and if the Bord is disposed towards a grant of permission, I recommend that the matter be adequately dealt with by means of condition.

10.3.6. Additionally, I note that there are two trees located along the northern boundary of the site, No.s 1003 and 1004, both Beech trees of category A2, with an average life expectancy of 40 years. I note that no Tree Preservation Order pertains to them, but I do note that they add to the amenity of the area. The layout proposed is such that Tree No. 1003 is to be removed to facilitate the development, with the Tree No. 1004 located within the rear garden area of dwelling No. 81 and therefore its protection into the future is uncertain. I consider that it may have been more appropriate to incorporate these trees into areas of public open space. However, I do note that the proposal provides for significant degree of additional planting /landscaping and therefore I consider this element of the proposal to be acceptable in this instance.

10.3.7. I refer the Board to the layout of the proposal in relation to the proposed terraced dwellings, in particular access arrangements to the rear garden areas of the mid terrace units. A pedestrian pathway is shown running along the open space associated with the end of terrace dwelling and wrapping around their rear garden area, to provide access into the rear garden of the mid terrace dwelling. While I understand the reasoning behind this, in terms of waste management/access, I have serious concerns with regards to residential amenity for the occupiers of the end of terrace dwelling and I am of the opinion that this arrangement requires further refinement. Again, the matter of providing quality, integrated bin storage facilities to the front of the proposed terrace units could be dealt with by means of condition. Similarly, the location of the proposed recycling area, along the southern boundary is considered problematic from both a road safety viewpoint at a road junction with no pull-in area and from an amenity perspective, being one of the first things you see

entering the development. I consider that it should be relocated to a more appropriate location within the proposed development. Again, this matter could be dealt with by means of condition if the Bord is disposed towards a grant of permission.

10.3.8. I have some concerns regarding the extensive use of render finish on the proposed apartment block in terms of detailing, longevity and maintenance of same into the future. Many of the self-coloured renders have weathered badly over the course of time in other developments and have resulted in a significant reduction on the visual amenity of these developments. I therefore consider that the render finish should be omitted from the proposed apartment block and should be replaced with a brick finish. Variations in brick colour could be used to break up elements. I consider this to be a higher quality finish, one that is more appropriate on such developments in terms of maintenance and longevity. This matter could be dealt with by means of condition, if the Bord is disposed towards a grant of permission.

#### 10.4. **Connectivity**

10.4.1. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration/justification of the documents as they relate to the design and layout of residential development, in particular connections to adjoining lands. I have some concerns in this regard but consider that the issue may be adequately dealt with by means of condition, if the Bord are disposed towards a grant of permission.

10.4.2. In terms of connectivity, I note that a DMURS Design Statement was submitted with the application which seeks to outline compliance of the proposal with same. I also note that the issue of 'Connections' was dealt with in section 2 of the submitted Architectural and Urban Design Statement. I note that the access permitted under PL09.246859, provides for a footpath and cycle path on either side of the roadway, along its entire length. The current proposal includes for the extension of this roadway through the subject site, indicating potential for a future road connection through to the lands to the west. The submitted cover letter states that vehicular, cycle and pedestrian connections will be provided (page 8), however this information has not translated onto the submitted site layout plan. The cycle path and footpath are not continued along the proposed road extension through the site to the western

boundary. This is a significant omission in terms of continuity and connectivity from the permitted road through to the lands to the west. It is considered not to be consistent with the principles of DMURS and the Urban Design Manual and in my opinion, would lead to a substandard form of development. I note that the proposed footpath on the southern side of the proposed road is also not continuing past the proposed recycling area. These issues are considered to be of serious concern, but could be dealt with by condition whereby the applicant submit a revised layout providing for a continuous footpath and cyclepath along the full extent of the proposed access roadway along the southern site boundary, through to the red line boundary. This may involve some redesign to the southern element of the site and may impinge on the parking spaces to the front of Units 2-6 inclusive. However, the actual number of units on site should not be reduced as result of any necessary alterations to layout.

10.4.3. In addition to the above, I note that few, if any of the proposed linkages through to adjoining lands continue right up to the red line boundary. The applicants were advised at the pre-application consultation meeting of the need to avoid ransom strips and allow for meaningful connectivity through to adjoining lands. While the 'Taking in Charge' drawing shows proposed connections right up the boundary, in a number of instances the connection or extent of connection has not translated appropriately onto the proposed site layout plan. The connection between the subject site and Broadfield View is considered to be an important connection in opening up the lands and providing for sustainable communities, in accordance with ministerial guidance and good planning practice. This connection would allow for connectivity through to Naas town centre and was raised at the section 5 pre-application consultation meeting. While the submitted site layout plan indicates 'area to be made ready for future connection to Broadfield View pending agreement with KCC', it is clear from the drawing that there is no provision for the path to be continued up to the boundary. In fact, the most logical area to provide this linkage has planting proposed. I do note that such a path is indicatively shown on Mitchell & Associates Drg No. 101 but again has not been translated onto the Site Layout Plan. In addition to this, connections through the lands to the west are poor. While I acknowledge that these lands are currently zoned for agricultural use, in time it is likely that they may be rezoned to allow for development. With regards the linkage at

the south-western and north-western portions of the site, which indicate 'potential for future road connection', it is unclear if the road is continued up to the boundary, given that the road colouring falls short of the red line boundary. This may be a drafting error, or may not. The shared surface roadways again shows an area of open space separating the boundary from the connection creating a ransom strip and in the case of the roadway between the apartment block and Unit D2, car parking proposed where a connection could in fact be possible. The removal of these spaces at a later date, once established, is difficult. I am not overly concerned with vehicular connections through the shared surface areas as their suitability is questioned for increased traffic use, however pedestrian connections through to adjoining lands at these locations should be provided for. It is the connections at the southern and northern ends of the site which are more pertinent.

10.4.4. Therefore, if the Bord is disposed a grant of permission I recommend that a revised site layout plan be submitted for the proposed development which provides for vehicular and pedestrian/cycle connections from the site to the west up to the red line boundary and that a pedestrian pathway be provided along the eastern boundary in the area indicated, at the north-eastern end through to Broadfield View, again right up to red line boundary with no ransom strips. A revised taking in charge drawing should be submitted showing these areas to be taken in charge by the planning authority. Such revised drawings would ensure clarity regarding the proposed development providing for the necessary integration and permeability between different areas as set out in national policy guidance. If the Bord is disposed towards a grant of permission, I am of the opinion that this matter can be dealt with by means of condition.

## 10.5. **Impacts on Amenity**

10.5.1. Impacts on residential amenity have been raised in many of the submissions received. Concerns have been raised in terms of inter alia, overlooking, loss of light, loss of privacy, impacts on enjoyment of property, health and safety concerns and noise pollution. It is acknowledged that the proposal will result in a change in outlook for many of the local residents, in particular those in the Broadfield View development, if the proposed development is permitted and constructed. In my opinion, however, this is not necessarily a negative. This is currently an undeveloped, agricultural site, close to Naas town centre with its associated services

and facilities, on lands zoned for 'New Residential' development and appropriate development thereon is acceptable in principle.

10.5.2. The properties in Broadfield View are those nearest the subject site and in some instances immediately around the proposed development site. I also note that the existing properties backing onto the eastern boundary of the site are generally single storey in height. Notwithstanding this, having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on the amenity of properties in Broadfield View or any other properties in the vicinity. It is noted that the submitted cross-sections do not show the properties to the north of the site within Broadfield View. Such sections would have been helpful. Notwithstanding this, I can undertake a comprehensive assessment in their absence, based on the information before me and having conducted a visit of the site and surrounding area.

10.5.3. I note the rear garden length of many of the existing properties. The proposed properties gabling onto 24-31 Broadfield View inclusive are all dormer properties (B1 units) with only windows in the gable elevations, which have a north/south orientation, with rooflights in the remaining roofslope, while the proposed units backing onto Broadfield View to the north are two-storey dwellings/maisonettes. It is stated in some of the submissions received that extensions to the rear of some properties in Broadfield View to the north of the development site are not shown on submitted drawings. In addition to the information before me on file, I have also examined the planning histories of the properties to the north of the subject site in Broadfield View, as available on the planning authority website, including, inter alia, File No.s 14/473 37 Broadfield View; 13500003 36 Broadfield View and 11500093 35 Broadfield View. I note the level differences between the subject site and the properties in Broadfield View. The separation distance from the proposed dormers to the east of the site to properties No. 24-31 Broadfield View range from in excess of 39 metres to greater than 26 metres while the separation distances of the proposed development to properties to the north are all in excess of 21 metres. I consider these separation distances to be more than adequate at this location, in particular due to the orientation involved. Impacts on privacy or enjoyment of property would not be so great as to warrant a refusal of permission. I have no information before

me to believe that the proposed development would lead to devaluation of property in the vicinity.

10.5.4. A number of submissions have raised concerns regarding the opening up of a pedestrian link between the proposed site and Broadfield View. This connection has been discussed above and I will not reiterate. It is considered to be good planning practice in the context of DMURS and other relevant section 28 Ministerial guidance, in particular the Urban Design Manual and would allow for improved access from the proposed development through to Kilcullen Road and Naas town centre. Particular concerns in the submissions received relate to possible anti-social behaviour, safety of children and impacts on community spirit that currently exists between the residents of the development. I have no information before me to substantiate these concerns. Concerns regarding anti-social behaviour is a matter for law enforcement, outside the remit of this planning application. I note the concerns expressed in some submissions regarding the impact of the proposed pedestrian link on the area of green open space within Broadfield View. This is a grassed area, with mature hedgerow along one side, but there is little in the way of landscaping that would be damaged as a result of the proposal, with the exception of the removal of small amount to hedging and grassed area to allow for the width of a pedestrian path. Five young trees are currently planted in part of it, two of which were knocked down by the wind at the time of my site visit. I consider that the provision of a pedestrian link through this area would not detract significantly from its amenity value. Finally, I acknowledge the concerns raised in some of the submissions received regarding the walking distance from the site for those in the Part V units to Naas town centre. This distance would be reduced considerably by good pedestrian connections through Broadfield View, thereby improving the amenity for future occupants, in accordance with good planning practice.

10.5.5. It is inevitable that there will be some noise disruption during the course of construction works, however, I am of the opinion that while intensive during the construction phase, the nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that a Preliminary Construction Management Plan was submitted with the application. Exact details regarding this matter should be dealt with by means of condition, if the Bord is disposed towards a grant of permission.

- 10.5.6. The level of amenity being afforded to proposed occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. Unit size is good and adequate private open space is being proposed to all units.
- 10.5.7. A number of submissions raised concerns regarding lack of social infrastructure in the vicinity, including schools. I acknowledge the concerns but do note the location of Piper's Hill educational campus, with both primary and secondary schools located therein, a short walk from the site. I also note that permission has been granted previously for an integrated tourism, recreational, educational commercial and residential development on 130 hectares at Piper's Hill. The development site is a short distance from Naas town centre, a Key Growth Town, with its established services and facilities, which includes for a general hospital. An examination of the zoning maps for Naas would lead one to think that it is this area to the south of Naas, may be considered an emerging growth area for the town, which is likely to experience development into the future and that development will bring with it increased services and facilities.
- 10.5.8. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

## **10.6. Traffic and transportation**

- 10.6.1. The proposal includes for the connection to an access road and subsequent junction, both of which were permitted under PL09.246859 in October 2016. The proposal will have one access onto the Kilcullen Road and it is noted that the line of the permitted access road is marked out on the lands. It is noted that a Traffic and Transport Assessment has been submitted with the application. The site also has frontage onto Rathasker Road but there is no access for the residential development proposed onto this roadway. All construction traffic will use the proposed entrance from Kilcullen Road.
- 10.6.2. 251 car parking spaces are proposed, together with 39 bicycle parking spaces. This is considered acceptable and in compliance with Development Plan policy.



10.6.3. The applicant has set out details in relation to public transport on pages 11/12 of the submitted Traffic and Transport Assessment. It is stated that the No. 139 bus serves Kilcullen Road adjacent to the subject site, connecting Piper's Hill with Blanchardstown and is located within 65m of the permitted junction on Kilcullen Road, while the nearest train station is Sallins and Naas located approximately 5.6km from the subject site. Table 2.1 of the submitted Traffic and Transport Assessment sets out the bus services and their frequency for Naas town centre. A number of the submissions received state that the No. 139 bus ends/starts at Naas hospital and that the route does not travel along Kilcullen Road. I acknowledge that this appears to be the case. However, while public transport provision is somewhat lacking currently in the immediate vicinity of the site, the planned development for this area is such that it is anticipated that public transport will improve in the general area as development takes place and demand for such services increases.

10.6.4. Given the location of the site within an urban area on lands zoned for new residential development, I do not have undue concerns in relation to traffic or transportation issues. The issue of connectivity has been dealt with comprehensively above and I will not reiterate. The Kilcullen Road has recently been upgraded, and has good pedestrian/cycle facilities. The permitted access road and junction were planned to allow for access into these residentially zoned lands. Concerns were raised in some of the submissions received with regards to capability of the road to cater for the number of units proposed. I note the Inspector's Report in relation to PL09.246859 which states that 'the design of the proposed roadway ... is set out in detail and is considered adequate for the proposed future development of 4 hectares of residential land in accordance with the Design Manual for Urban Roads and Streets'. I consider that the density proposed is in accordance with current section 28 guidance with regards to density at such a suburban location and I have no information before me to believe that the road does not have capacity to deal with the traffic to be generated from the proposed development. As permitted, it has a 6.5 metre carriageway with 2 metre footpaths and cycle paths on both sides. It opens onto the upgraded Kilcullen Road which also has cycle paths and footpaths along both sides. I note the report of the National Transport Authority, which raises no concerns, subject to conditions, in relation to the proposed development. The Planning Authority in their report also raises no concerns in relation to traffic and transportation, subject to condition.

- 10.6.5. Concerns raised in relation to illegal parking is a matter for law enforcement, outside the remit of this planning application.
- 10.6.6. Notwithstanding my concerns raised above in relation to pedestrian/cycle standards and compliance with DMURS, the proposed extension to the permitted roadway will facilitate the development of zoned lands and is to be welcomed in principle. I acknowledge that there will be increased traffic as a result of the proposed development, however there is a good road infrastructure in the vicinity of the site with good cycle/pedestrian facilities. Public transport is available in the wider area. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

## 10.7. Drainage

- 10.7.1. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála requested the prospective applicant to submit additional drainage details to include (i) details of the design, operation and maintenance of the proposed pumping station with regard to potential impacts on residential amenities due to noise and odours; (ii) assessment of the foul sewer outfall to demonstrate that it can cater for the proposed development; (iii) legal agreement regarding the surface water outfall through land outside the site boundary. I note that the applicant has attempted to address these issues within section 7 of the Infrastructural Design Report, which was submitted with the application. With regards point No. (iii) above, it is noted that a confirmation of permanent agreement has been submitted with the applicant, signed by Liam Queally, Bluebell Farm (dated 30/10/2018).
- 10.7.2. It is noted within the Infrastructure Design Report that the proposed foul drainage layout has been designed to discharge by gravity to a new pumping station located north-west of the site. This will ultimately discharge to the existing Irish Water sewer in Kilcullen Road. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. A report was received from Irish Water, at application stage, which raises no objections to the proposal. Details, as requested in the Notice of Pre-Application Consultation Opinion have been addressed in section 7 of the Infrastructure Design Report. The applicant states that

the proposal will be compliant with Irish Water standards and best practice approaches will be undertaken to mitigate against the potential for nuisance noise or odours. This has been raised as a concern in some of the third party submissions received. It is anticipated that the pumping station will be taken in charge by Irish Water for long term maintenance; the pipework will be designed to achieve self-cleaning velocity; pumping intervals selected will prevent septicity in pumping station and rising main. Importantly, distance from dwellings will be greater than 15 metres as per Irish Water standards and all venting from the pumping station will be greater than 50 metres from the closest dwelling, with vents fitted with odour filters. Pumping station infrastructure will be underground with the exception of the control kiosks and surface hardstanding areas. Design calculations are contained with section 7.3 of the aforementioned Infrastructure Design Report. Irish Water have examined the proposal and have expressed no concerns within their report.

- 10.7.3. In terms of water supply, the proposed development will have a new water main connection to the existing 12" uPVC watermain in Kilcullen Road. A spur from the Kilcullen Road to the site boundary is stated to be constructed as part of the road, permitted under PL09.246859. In terms of surface water disposal, it is stated that the management of same has been designed to comply with the policies and guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of Kildare County Council. The surface water strategy incorporates attenuation of storm water, based on an allowable outflow of 2 l/sec/ha, together with other measures outlined in section 6.3 of Infrastructure Design Report.
- 10.7.4. The planning authority in their 'Opinion' state that they have no objections to the proposed development, subject to conditions, in relation to drainage matters.
- 10.7.5. The issue of flooding was raised in some of the submissions received. The site was dry underfoot at the time of my site visit with good ground conditions evident. A Site Specific Flood Risk Assessment was submitted with the application. This states that as per OPW CFRAM data, the site is located within Flood Zone C and the report concludes that the site is at low risk of fluvial flooding. It is stated that any possible source of flood risk from surcharging or blockage of the development's drainage system has been identified and the risk is mitigated by suitable design. The report concludes that the proposed development is considered to have the required level of

flood protection up to and including 1% AEP storm event. This is considered acceptable.

10.7.6. I have examined all of the information before me in this regard. I note the report of Irish Water and the planning authority, both of which have expressed no concerns in relation to the proposal. I have also examined the OPW website [www.floodmaps.ie](http://www.floodmaps.ie) which has no reports of flooding in the immediate vicinity of the site. I note that this is a serviceable, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

## 10.8. **Archaeology**

10.8.1. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála requested the prospective applicant to submit Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the Department of Culture, Heritage and the Gaeltacht which is attached. An Archaeological Assessment was submitted with the application, as requested. The Assessment states that there are no Recorded Monuments located within the subject site, with the closest Recorded Monument being 1km south-west of the subject site. It further states that test trenching was carried out across the site in order to test the general archaeological potential of the subject lands. The locations of these trenches was agreed in advance with the Department of Culture, Heritage and the Gaeltacht. A total of 29 trenches were excavated across the site under archaeological supervision. No archaeological features were recorded in the course of the assessment. The Department of Culture, Heritage and the Gaeltacht notes in their report to An Bord Pleanála that the documents forwarded include a report and recommendations arising from archaeological assessment carried out at the proposed development site, including archaeological test excavation. It is stated that they agree with the findings of the archaeological assessment report and that archaeological monitoring, as described in their report, should be carried out on site. Details of archaeological monitoring conditions have been attached to the report.

10.8.2. Having examined all the information before me in this regard, including the report of the Department of Culture, Heritage and the Gaeltacht, I am satisfied that the

information is sound and robust. I am satisfied with the above and recommend that if the Bord is disposed towards a grant of permission, this matter be dealt with by means of condition.

## 10.9. Nature Conservation

- 10.9.1. An Arboricultural Impact Report, Arboricultural Assessment Report and Tree Protection Strategy were submitted with the application. A relatively minor error is noted in the Arboricultural Impact Report, pg 3, section 2.2 and this has been highlighted in one of the submissions received. The report states that a total of 14 trees are proposed for removal based on the impact of the development. This represents 65% of the total trees (categories A, B and C). Table 4 shows that 13 trees are being removed. A query has been raised in relation to the figures within a third party submission. While it is correct that a total of 75% of the trees are being removed, the applicants are correct in stating that 65% of the trees to be removed are due to the impact of the proposed development (Category A, B and C). The remaining 10% are proposed for removal due to their condition.
- 10.9.2. Biodiversity has also been dealt with in section 4.6 of the submitted Environmental report and I am generally satisfied with the contents therein. A submission has been received from the Department of Culture, Heritage and the Gaeltacht. It is noted therein that the proposed development will require the removal of the southern boundary hedgerow (approx. 100 metres in length) and most of the associated mature trees. It will also require removal of mature trees, including ash, along other boundaries. The development will require the removal of a portion of a townland boundary hedgerow to allow for sightlines from the Rathasker Road in order to provide access to the pumping station. This element of the development is not included in the Landscape Site Masterplan and details are unclear in the submitted documentation. This matter could be dealt with by means of condition, if the Bord is disposed towards a grant of permission. It is noted that the Masterplan specifies the planting of beech hedging. Native hedgerow species should be planted in place of beech, a non-native tree species. A number of conditions have been recommended in the event of planning permission being granted for the development. These include conditions relating to planting of replacement hedgerow, protection of bats, badgers, invasive alien species, timeframe for tree and hedgerow removal. These

matters could be adequately dealt with by condition, if the Bord is disposed towards a grant of permission.

#### **10.10. Other matters**

- 10.10.1. I note that many of the submissions received state that there was a lack of consultation with them by the applicants. I note that at the pre-application consultation, it was suggested by ABP that prospective applicant consult with the residents of Broadfield View in relation to connectivity between the sites. This does not appear to have been undertaken. However, it is noted that while it may have been beneficial to both parties, there is no statutory requirement to undertake such engagement.
- 10.10.2. Some of the submissions received raises concern regarding the location/ownership of trees; ownership of green areas within Broadfield View and boundary issues. Such issues are considered to be a legal matter outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.
- 10.10.3. I note there are some discrepancies within the submitted documentation. For example, an extension has been constructed to the rear of No. 35 Broadfield View, which is not shown on the submitted drawings. There are also some inaccuracies in terms of connections within the submitted Architectural and Urban Design Statement. These are noted and are considered not to materially affect the outcome of my recommendation.
- 10.10.4. The location of the proposed Part V is considered acceptable, pepper-potted throughout the development and I note the planning authority has not expressed concerns in this matter.
- 10.10.5. The proposal does not include for a childcare facility. The matter was raised in the Notice of Pre-Application Consultation Opinion, which issued from An Bord Pleanála which whereby the applicant was advised to submit rationale for proposed childcare provision, or lack of same and to provide details of existing childcare

facilities in the area and demand for same. Section 3.4.1 of the submitted Social Infrastructure Assessment deals with this issue and identified 23 childcare facilities operating within 5km of the site. I have examined the information contained therein and am satisfied that a sufficient rationale has been provided in this instance for the non-provision of a childcare facility. The planning authority have not raised concerns in this regard.

10.10.6. Existing 38KV and MV overhead powerlines traverse the site. It is proposed to underground/divert these lines to facilitate the proposed development. This is considered acceptable.

10.10.7. Some of the submissions received contend that the proposed development represents project splitting. I do not agree with this assertion. The roadway was permitted by An Bord Pleanála to serve the subject lands, under PL09.246859. In the absence of this roadway, the lands would be landlocked and inaccessible. The applicant in that case was Mr. Liam Queally. While the lands to which the wayleave pertains in this current application are stated to be owned by Liam Queally, with letter of consent included, the remainder of the lands are stated to be under the control of Ardstone Residential Partners Fund. The subject site is zoned for residential development, however lands to the west and south are zoned for agricultural uses and therefore are not appropriately zoned for residential development. Lands to the north and east are mature residential developments, constructed more than thirty years ago. Both developments (roadway and current proposal) are considered to be sub-threshold for mandatory EIA. Screening for EIA is dealt with below. Having regard to all of the above, I do not consider the proposal to be project splitting.

#### **10.11. Screening for Environmental Impact Assessment (EIA)**

10.11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

10.11.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 125 residential units on 3.76 hectares. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units. The proposed development would be located on agricultural land beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Stage 1 Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified. The habitats and species associated with the sites will not be adversely affected and the proposed development does not need to proceed to Stage II of the Appropriate Assessment process.

10.11.3. The development would result in works on zoned, agricultural lands. The majority of the development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

#### **10.12. Appropriate Assessment**

10.12.1. An Appropriate Assessment, Stage 1 Screening Report was submitted with the application. This states that there are three designated sites within 15km radius of the site, the nearest being Mouds Bog SAC (Site Code: 002331) and Red Bog SAC (Site Code: 000397), both located 8km from the subject site. I note that the Conservation Objectives listed on pages 11 and 12 of the report are incorrect. This has been also noted within the report of the Department of Culture, Heritage and the



Gaeltacht. This error does not affect the outcome of my recommendation but a revised document should be submitted for clarification purposes, by means of condition, if the Bord is disposed towards a grant of permission. I have examined the NPWS website, [www.npws.ie](http://www.npws.ie) in relation to the above designated sites and have examined inter alia, the conservation objectives for all three designated sites within a 15km radius of the development site. The Conservation Objectives for Red Bog SAC are 'to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: 7140 Transition mires and quaking bogs'. The Conservation Objectives for Mouds Bog are 'to restore the favourable conservation condition of Active raised bogs'. The Conservation Objectives for the Poulaphouca Reservoir SPA (Site Code: 004063) are to 'maintain restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: A043 Greylag Goose and A183 Lesser Black-backed Gull'.

10.12.2. The proposed development lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat nor will there be any fragmentation of any designated site. The development of site infrastructure will be undertaken in accordance with best practice. In terms of indirect effects, it is stated that there is no potential for such indirect impacts on designated sites. There will be no adverse effects on designated sites identified as a result of the proposed development. It is concluded within the Appropriate Assessment Screening that the proposed development will have no significant effects on the Qualifying Interests and Conservation Objectives of the identified sites within 15km of the subject site.

10.12.3. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **11.0 Recommendation**

- 11.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open spaces will enhance the amenity of the area for both existing and future occupiers. Importantly, the proposed connections should be welcomed as a positive for the wider area.
- 11.2. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, in particular the properties in Broadfield View (those being the nearest properties), to such an extent as to warrant a refusal of permission.
- 11.3. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 12.0 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to the established settlement of Naas, designated as a Large Growth Town
- (b) the policies and objectives set out in the Kildare County Development Plan 2017,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area,

would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 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.

**Reason:** In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (I) Revised site layout plan which clearly shows the continuation of the footpath and cycle path along both sides of the proposed road extension along the southern site boundary. This may result in some minor alterations to the layout at this location.
  - (II) Revised site layout plan which clearly shows all proposed vehicular, pedestrian and cycle links continued up the site boundary, as outlined in red. A revised 'Taking in Charge' drawing shall be submitted which correlates with the revised site layout plan and indicates all roadways up to the site boundaries be taken in charge by the planning authority
  - (III) Revised site layout plan which clearly indicates a pedestrian path up to the north-eastern boundary which will facilitate a connection through to Broadfield View.
  - (IV) Revised drawings which show for the relocation of the recycling area from its proposed location to an alternative, more appropriate location

within the site, This relocation is to be agreed with the Planning Authority, prior to the commencement of any works on site

- (V) Revised drawings, at an appropriate scale , which provides for the omission of the proposed rear access to mid terrace units and an alternative proposal to deal with waste management to the front of the properties

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

4. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development

5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) Pedestrian crossing facilities shall be provided at all junctions;

(d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

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

(f) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

(g) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development

(b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interests of amenity, ecology and sustainable development

8. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

**Reason:** In the interests of amenity, ecology and sustainable development

9. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Department of Culture, Heritage and the Gaeltacht in relation to nature conservation.

**Reason:** In the interests of nature conservation and to address any potential impacts on biodiversity

10. Prior to the commencement of any works on site, the applicant shall submit to the planning authority a revised Appropriate Assessment Screening Report, Stage 1, which correctly outlines the conservation objectives for both Mouds Bog SAC (Site Code: 002331), Red Bog SAC (Site Code: 000397) and Poulaphouca Reservoir SPA (Site Code: 004063)

**Reason:** In the interests of nature conservation

11. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. In this regard, the render finishes on the proposed apartment block shall be omitted from the proposal and replaced with a brick finish. Variations in brick colour may be used to break up elements.

**Reason:** In the interest of visual amenity.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

13. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

14. Prior to commencement of development, proposals for an apartment and house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.



**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

17. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Department of Culture, Heritage and the Gaeltacht in relation to archaeological monitoring. In addition, 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 carry out site testing and monitor all site investigations and other excavation works, following demolition, 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 (in situ or by record) of any remains that may exist within the site

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and

Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

19. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

**Reason:** To provide for the orderly development of the site

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

21. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

22. 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 planning authority of roads, footpaths, watermains, drains, public open

space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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.

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Lorraine Dockery  
Senior Planning Inspector

## **APPENDIX A**

Andrew Shanaghy  
Aoife O'Gorman  
Barry McNally  
Barry Sills  
Bary and Catherine O Dowd  
Belinda Conroy  
Brendan and Mary Keane  
Brian and Marie Farrell  
Brian O'Reilly  
Declan Keane  
Dominic O'Meara  
Edward and Sara Banville  
Eoin and Fionnuala O'Connor  
Fiona Fitzsomons and Others  
Francis and Fiona Keane  
John and Hilary Hickey  
John and Trish Kane  
John Brophy  
Kevin Masterson  
Kieran Redmond  
Leo Clancy and Others  
Mark and Caroline Lynch  
Mary Breeda Kane and Cornelius J. Collins  
Michael Leahy  
Michael Mulvey  
Niall Begley

Niall Collins and Others  
Noel Mac Giolla Rua and Others  
Nora Mary Imelda Lorigan  
Patrick and Angela Beirne  
Paul Broe  
Sean and Eileen Earley  
Sean and Marian Phelan  
Sean Dunne  
Stephen and Rita Doyle  
Stephen Mulvaney  
Stephen Quinn