



An
Bord
Pleanála

Inspector's Report ABP-303292-18

Development	Multiple Residential Units – Malt House (a Protected Structure), Monasterevin, Co. Kildare
Location	The Malt House, Canal Harbour, Monasterevin County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	171377
Applicant	Clonmel Enterprises Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant	Clonmel Enterprises Ltd.
Observers	(1) D.P. Kennedy & Helen Nolan (2) Conor Parkinson (3) Loman & Catherine Daly
Date of Site Inspections	15 th , March 2019 & 18 th , April 2019
Planning Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1. The site of the proposed development (as revised) which has a stated area of 1.108 hectares is a brown field site located at the north western end of the town of Monasterevin. The site fronts onto the eastern side of the Grand Canal. Monasterevin Railway Station (main Dublin/Cork line with suburban urban commuter service to Dublin) is located a short distance to the north of the site. There is a two- storey apartment block located to the east/south east of the site. There are well established residential dwellings including the Convent of Mercy to the south of the site beyond which lies the Church of St. Peter and St. Paul and its attendant grounds (corner of Drogheda Street and St. Mary's Lane).
- 1.2. The site is occupied by a disused Malt House (formerly Jameson Maltings) and associated buildings (Protected Structures). Structurally, the Malt House appears to be substantially intact. However, only the gable wall survives of a substantial annex to the rear of the main Malt House building. This annex originally surrounded an internal courtyard which remains intact. The interior of the Malt House is in poor condition and is vacant with the exception of a room occupied by a man living in the building for security purposes. Works to convert the Malt House into apartments commenced at some point in the past. Despite the subdivision of some internal spaces and the addition of new plumbing and plastering of some walls etc. this project faltered and the works remain substantially incomplete. A separate two-storey house was previously the Manager's House. The roof of this building is substantially intact. However, the interior of the building is in poor condition and it appears to be vacant for many years. The remains of a stable block are located opposite the Manager's House. These remains include the rear and end stone walls together with burned remnants of roof trusses. The entire structure has suffered fire damage in the past. The remnants of a burnt car are contained within the remains of the stable block. A corrugated roof has been added to replace some sections of the original.
- 1.3. There is a modern bungalow (a much later insertion into the original complex of buildings) located near the northern boundary of the site. While this building appears to be in good condition it is currently vacant.

- 1.4. The site is served by a single vehicular access. This access is located to the front of the site and opens onto Canal Harbour Road. This is the original access to the complex of Malt House buildings. The entrance carriageway is narrow (c. 4.8m wide in parts) and immediately abuts the side of the Malt House building. The entrance to a substantial two-storey dwelling (the original Railway Station house) immediately adjoins the Malt House entrance to the north. Beyond this entrance the public road passes under the railway and line. The entrance to the railway station is located a short distance beyond.
- 1.5. The site is served by a separate pedestrian entrance onto St. Mary's Lane. An existing dwelling (Togher Lodge) which fronts onto St. Mary's Lane immediately abuts the southern side of this pedestrian route. This pedestrian route (via Drogheda Street and St. Mary's Lane) is completely independent of the vehicular entrance to the site via Canal Harbour. St. Mary's Lane is a cul-de-sac terminating in a hammerhead adjacent to a c. 2m high boundary wall to the rear of the application site. The two-storey apartment block to the rear of the appeal site is located at the bottom of this cul-de-sac. The private open space to the rear of rear of the apartment block adjoins the northern side of the aforementioned pedestrian route.

2.0 Proposed Development

- 2.1. The proposed development was revised by way of further information lodged with the planning authority on 3rd, October 2018. The revisions which included changes to the proposed surface water drainage system, minor alternations to the (northern edge) of the site boundary and the submission of a Natura Impact Statement (NIS) were advertised by way of revised public notices (Site Notice dated 1st, November 2018).

The proposed development, as amended, provides for:

- Demolition of a modern addition to the western end of the remains of a stable block (a Protected Structure) and the refurbishment of the stable block.
- Demolition of an existing (modern) bungalow.
- Redevelopment of the existing Malt House (a Protected Structure) to provide 15 X 2 bedroom apartments and 6 X 1 bedroom apartments.

- Redevelopment of the old Manager’s House (a Protected Structure) to provide 1 X 2 bedroom duplex apartment and 1 X 3 bedroom duplex apartment.
- Construction of 28 dwellings (14 no, 3 bedroom terraced houses & 14 no. 4 bedroom semi-detached and terraced houses.
- Internal distributor road.
- 95 car parking spaces.
- Bin storage and all associated site works including bicycle parking, signage, landscaping etc.

3.0 Planning Authority Decision

3.1. Decision

Notification of a decision to refuse planning permission for the proposed development for 3 reasons was issued by the planning authority per Order dated 29th, November 2018. Briefly, the reasons for refusal were (1) Narrow site access/inadequate visibility for vehicles exiting onto the public road – endanger public safety by reason of a traffic hazard, (2) Housing layout by virtue of its design, architectural treatment and significant tree removal would negatively impact on the curtilage, attendant grounds and setting of a Protected Structure (contrary to policies PS2, PS12, PS17, PS18 and ACA2 of the Kildare County Development Plan 2017-2023) and (3) Insufficient information submitted in relation to surface water drainage, flood risk management and water/foul water connection.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This is the basis of the planning authority decision.

A report from the planning authority Senior Planner, dated 20th, November 2018, following receipt of further information, includes:

- The site is zoned for existing residential and infill in the Monasterevin Local Area Plan 2016-2022.

- The site is a brownfield/town centre site. The densities required for such sites are generally 50 units per ha. The proposed density of development (44 units per hectare) is considered to be acceptable.
- The planning authority would welcome appropriate development on the site and a sustainable re-use of the Protected Structures on site. Nonetheless, a number of concerns in relation to the proposed development remain outstanding.
- By reference to the planning authority Roads Department and the Municipal Engineers reports it is considered that the width of the carriageway of the proposed access road is too narrow (and cannot be satisfactorily amended without increasing the application site) and that the proposed entrance arrangements would result in too much conflict with vulnerable road users to operate satisfactorily. A minimum 6m wide carriageway with a 2m wide footpath alongside the Malt House building together with adequate sightlines for vehicles exiting the site onto Harbour Road is required.
- Noted that Irish Water require clarification of a number of matters in relation to the wastewater network, available capacity and details in relation to any upgrades that may be required together with further details in relation to the watermain layout.
- The Applicants further information submission in respect of Surface Water Drainage and Attenuation incorporates an amended drainage treatment proposal incorporating no interception storage due to the presence of impermeable soil and elevated ground water conditions. However, the Greater Dublin Strategic Drainage Study Vol. 2 requires the provision of treatment storage where interception storage is not achievable. The Applicant has failed to demonstrate compliance with this requirement.
- By reference to the planning authority Water Services reports, it is considered that the application does not satisfactorily address the pluvial flood risk to individual houses within the proposed development and adjacent properties outside the site including public roads arising from the potential blockage or failure of the proposed surface water outfall pipe to the River Barrow and closure of the River Barrow outfall non-return valve for lengthy periods during river fluvial flood events.

- Noted that the planning authority Conservation Officer considers that the proposed layout (even as amended) would be unsatisfactory resulting in houses located too close to Protected Structures (both on the application site and adjacent sites) and impact negatively on the legibility and setting of the Protected Structures. Furthermore, the proposed layout was not based on a Conservation Plan for the Protected Structures.

3.2.2. Other Technical Reports

- **Environmental Section** - Report dated 24th, January 2018 indicates no objection to the proposed development subject to conditions.
- **Acting Principal Environmental Health Officer** - Report dated 29th, January 2018 indicates no objection to the proposed development subject to conditions. A subsequent report from the planning authority Principal Environmental Health Officer dated 6th, November 2018 recommends that planning permission for the proposed development be refused due to failure by the applicant to demonstrate that all rooms will have adequate natural daylight and ventilation (compliance with requirements of the Building Regulations).
- **Kildare Co. Council Fire Service** – Report dated 30th, January 2018 indicates no objection to the proposed development subject to conditions.
- **Senior Executive Engineer, Water Services Department** - Reports dated 29th, January 2018 and 18th, October 2018 indicate that further information and clarification of further information is required in relation to both surface water drainage/attenuation and flood risk management.
- **Irish Water** - Report dated 29th, January 2019 recommended that the applicant be requested to submit further information in relation to waste water drainage design. A subsequent report from Irish Water following the receipt of further information recommended that the applicant be requested to submit clarification of further information in relation to wastewater proposals.
- **Senior Executive Engineer, Roads and Transportation Department** – Report dated 1st, February 2018 recommended that the applicant be requested to submit further information in relation car parking together with a detailed

Stage 1 and 2 Roads Safety Audit etc. A subsequent report (dated 19th, October 2018) following the receipt of further information states that the Department recommends that planning permission for the proposed development be refused because the proposed vehicular entrance will result in too much conflict with vulnerable road users to work safely and would endanger public safety by reason of a traffic hazard.

- **Heritage Officer** - Report dated 6th, February 2017 (2018) recommended that the applicant be requested to submit further information including a bat survey, measures to protect the Grand Canal corridor etc.
- **Municipal District Engineer** – Report dated 11th, October 2018 states that the proposed shared entrance arrangement to the site is not acceptable.
- **Conservation Officer** - Report dated 6th, February 2018 recommended that the applicant be requested to submit a number of items of additional information including a visual impact report indicating how the proposed development will impact on the curtilage and setting of the Protected Structures on site and indicating suggested changes to the proposed layout of the development. A subsequent report from the planning authority Conservation Officer dated 25th, October 2018 expresses agreement with the concern express by the Dept. of Culture, Heritage & the Gaeltacht in their letter dated 23rd October 2018 and recommends that planning permission for the proposed development be refused for a number of reasons including the negative impact of the proposed housing layout on the curtilage, attendant grounds and setting of the Protected Structures and failure to comply with Development Plan policy in relation to the requirement to provide details in relation to the impact of a proposed development on Protected Structures.

3.3. Prescribed Bodies

Iarnrod Eireann – (dated 16th, January 2018) indicates no objection to the proposed development subject to the attachment of an appropriate conditions relating to construction practices and management next to a section of the Dublin – Cork railway line.

Department of Culture, Heritage & the Gaeltacht (DCH&G)

Letter dated 23rd, October 2018 includes:

- The overall understanding and surviving significance of the subject site should be clarified to inform the appropriate location, proximity, scale and design of the proposed residential development - the site is predominantly industrial in terms of scale, character, layout and materiality. These characteristics have not been adequately referenced for this important site
- There is concern in relation to the insertion of a suburban residential scheme onto this abandoned site.
- The demolition of the former stable block which is opposite to the former Manager's House is a significant loss as it removes an integral part of the site's narrative as to the use of horses. A conservation led approach would guide the re-use of this structure as part of the overall development.
- The overall scale of the proposed development will overwhelm the historic structures making them a secondary feature within the overall development.
- Minimal information has been provided in relation to landscaping proposals and the opportunity to enhance the industrial context has not been demonstrated as an integral part of the interpretation of the site.
- Lack of information informing the appropriate repair and upgrade of the industrial structures, including damaged structure, to contemporary living standards may compromise architectural integrity where the strategies have not been fully informed by the surviving significance. This approach may lead to the loss of historic fabric, character and significance of the historic structures.
- The re-roofing of the east elevation gable fronted ruin structure is incongruous to the plan and the original building form.
- Regard to the original building footprint should be considered and presented where possible as part of the treatment to safeguard the extant built heritage and amenity.

3.4. Third Party Observations

Seven third party observations were received by the planning authority. All of these observations were objections to the proposed development. The grounds of objection include:

- Overlooking/loss of privacy to houses adjoining and adjacent to the site.
- Density – too high in an existing low density area (overdevelopment of site).
- Inadequate provision of public and private open space.
- Inadequate landscaping.
- Loss of trees of amenity value. Impact of roots of existing trees on boundary walls in the future. (Need for an Arboriculture Consultants Report).
- Proposed bin storage next to boundary wall neighbouring property – odour nuisance.
- Possible presence of Japanese knotweed on the site.
- Traffic issues - too many cars entering via a single lane entrance.
- Inadequate consideration given to the impact of the proposed development on the operation of the existing vehicular access serving the adjoining property.
- Impact of proposed pedestrian access via St. Mary's lane on the character of this tranquil lane.
- Possible impact on swifts and bats that use the area at the canal harbour for nesting.
- Pedestrians travelling to and from the train station will use a shorter desire line route without the benefit of a footpath rather than using the proposed dedicated pedestrian route.

4.0 Planning History

Application Site:

Reg. Ref. 02/2359 – Planning permission for the conversion of a barn to a dwelling house on the application site was granted by the planning authority per Order dated 10th, October 2003.

Adjacent Sites:

ABP- 301220-18 - The Board per Order dated 10th, April 2019 refused planning permission to Waterways Ireland for a multi-use shared leisure route (blueway) along the River Barrow through Co. Kildare. The single reason for refusal related to the fact that the Board was not satisfied that the proposed development incorporating the use of unbound surface of compacted stone and dust within an identified flood zone along the River Barrow would not significantly impact on the conservations objective of the River Barrow and Nore Special Area of Conservation (SAC). This project formed part of a c. 115 km blueway proposed for the River Barrow passing through Co. Kildare, Co. Laois (ABP-301223) and Co, Carlow (ABP-301245). Planning permission was also refused by the Board for the Co. Laois and Co. Carlow sections of the route.

Appeal No. 249030 – The Board refused planning permission per Order dated May 2018 for a development consisting of indoor tennis courts, lighting, multi-use gyn etc. on a site to the east of the appeal site. The single reason for refusal related to unsatisfactory details of proposed car parking provision and potential for congestion.

Reg. Ref. 16/328 – Planning permission was granted by the planning authority per Order dated 7th, October 2016 for the extension and sub-division of No. 1 St. Mary's Lane to two separate dwellings.

Reg. Ref. 07/2618 – Planning permission for the construction of 31 dwellings at Nos 1-5 incl. St. Mary's Lane was refused by the planning authority per Order dated 18th, March 2008. The single reason for refusal related to excessive density of development.

Reg. Ref. 05/2314 – Planning permission for 40 dwellings at Nos 1 – 5 incl. St. Mary’s Lane was refused by the planning authority per Order dated 29th, January 2007. The stated reasons for refusal related to (1) out of character with the established pattern of development including Protected Structures in the vicinity of the site (2) material contravention of a Development Plan objective to ensure a high standard of design, layout etc., (3) materially contravene a Development Plan objective to ensure that infill development is in keeping with the character of the area and (4) the proposed development would be visually incongruous in the area.

5.0 Policy and Context

5.1. Development Plan

Monasterevin Local Area Plan 2016-2022

5.1.1. The following are included on the Record of Protected Structures:

- Warehouse (Malt House), Canal Harbour Ref. B21-27 (NIAH 11816093)
Described on the NIAH as a *7 bay three-storey rubble stone warehouse dating from 1850 re-fenestrated in the 1980s.* (of Architectural, Historic, Social interest - Regional importance).
- House (Managers), Canal Harbour Ref. B21-08 (NIAH 11816095).
Described on the NIAH as a *Detached three-bay former store manager’s house c. 1885 built as the residence for the store manager of the former Jameson Maltings. Now disused.* (of Architectural, Historical, Social interest - Regional Importance).
- The stables associated with the former Manager’s House are not included on the Record of Protected Structures in their own right, but form part of the ‘*attendant grounds*’ of other Protected Structures. The stables are included on the NIAH (NIAH 11816081) described as *Detached six-bay single storey stable building, c. 1885, possibly built as a maltings store with series of segmental headed door openings along door openings* (of Architectural, Historical and Social interest – of Regional importance).

- In addition to the above, the adjoining dwelling to the north of the site (old railway Station House) is a Protected Structure (B21-07). The Church of St. Peter & St. Paul on Drogheda Street and the Convent of Mercy are Protected Structures (B21-21- & B26-43).

5.1.2. The site is located within an area zoned 'B' – 'Existing Residential & Infill'. The stated objective of this zoning is 'To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services'.

5.1.3. Table 13 of the Local Area Plan sets out indicative densities for various areas. This table sets an indicative density of 50 units per hectare for town centre and brownfield sites and at public transport nodes.

5.1.4. Section 6 (xi) states that 'The protection and enhancement of the unique built heritage and streetscape in Monasterevin is one of the core objectives of the plan.

5.1.5. Section 6.6.2 (iii) of the Plan acknowledges the excellent and abundant provision of public open space (parks, canal bank, River Barrow etc.) that existing in the town.

5.1.6. Section 6.6.2 (vi) acknowledges that there is a high level of vacant and derelict properties in the town particularly in the town centre. The Plan aims to provide the framework for a more integrated approach to new development and regeneration within the town centre.

5.1.7. General policies and objectives in relation to flood risk management are set out at Section 6.1.5 of the Plan.

5.1.8. Part of the site is located within an Architectural Conservation Area (ACA) as designated within the Plan. Section 16.15.1 states that it is one of the key objectives to protect and enhance Monasterevin's significant and unique built heritage. It is policy (as set out at BH 3) '*To protect and preserve buildings and the spaces between structures that create a distinctive character in the Architectural Conservation Area...*'

Kildare County Development Plan 2017-2023

5.1.9. Policy PS 2 of the Plan states:

'Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development within the curtilage or attendant grounds of a protected structure.....'

5.1.10. Policy PS 12 states:

'Protect the protection of original or early building fabric including timber sash windows, stonework, brickwork, joinery render and slate. Likewise the Council will encourage the re-instatement of historically correct traditional features.'

5.1.11. Policy PS 17 states:

'Encourage appropriate change of use and re-use of industrial buildings provided such a change does not seriously impact on the intrinsic character of the structure and that all works are carried out in accordance with the best conservation practice.'

5.1.12. Policy PS 20 states:

'Have regard where appropriate to DAHG Guidelines and conservation best practice in assessing the impact of development on a Protected Structure, its curtilage, demesne and setting.'

5.1.13. Policy ACA2 states:

'Ensure that any development, modifications, alterations or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA....'

5.2. National Guidelines

5.2.1. Architectural Heritage Protection for Planning Authorities

5.2.2. These Guidelines were issued by the Department of the Environment, Heritage and Local Government in 2004. The Guidelines seek to guide planning authorities concerning development objectives for protecting structures, or parts of structures, which are of special architectural, artistic, cultural, scientific, social or technical interest.

5.2.3. Part 2 of the Guidelines provide detailed guidance to support planning authorities in their role to protect the architectural heritage when a protected structure is the subject of a development proposal.

- 5.2.4. Para. 6.8.8 of the Guidelines acknowledges that on the whole, the best way to prolong the life of a protected structure is to keep it in active use. Where this is not possible the Guidelines stipulate that there is need for flexibility to be responsive to appropriate, alternative uses for a structure.

Design Manual for Urban Roads and Streets

- 5.2.5. The '*Design Manual for Urban Roads and Streets*' was issued jointly by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013.
- 5.2.6. The Manual provided guidance in relation to the design of urban roads and streets. The Manual presents a series of principles, approaches and standards that are necessary to achieve balanced, best practice design outcomes.

Sustainable Urban Housing : Design Standards for New Apartments.

- 5.2.7. These Guidelines issued in December 2015 and March 2018 specify minimum standards in terms of a range of parameters for new apartment developments (floor areas, private open space provision, storage provision etc.).
- 5.3. Section 5.8 of the 2015 Guidelines acknowledged that it will not always be possible to achieve the minimum specified standards particularly in relation to historic buildings.

5.4. Natural Heritage Designations

There are no Special Protection Areas (SPA's) located within 15 km of the site.

The River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162) runs c. .27km (at its nearest point) to the west of the site. This is the only SAC located within 15km of the site.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/connectivity to European sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment). Furthermore, notwithstanding the potential impact of the proposed development on Protected Structures it is considered that there is no likelihood of significant effects on

the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 Grounds of Appeal

6.1. The submitted grounds of appeal include:

Access & Traffic Safety

- The proposed development as shown on the plans and particulars originally lodged with the planning authority provide for a pedestrian route through the Malt House building that would serve residents of the Malt House building only. This strategy limited pedestrian use of the (DMURS complaint) shared vehicular and pedestrian access to the proposed development to occupants of the proposed 28 houses only. A further option accompanying the submitted grounds of appeal provides for a revision to the proposed development so that a permanent pedestrian access (available for use by all residents) will be provided through the Malt House building. This will help to reduce conflict between vehicles and vulnerable road users entering/exiting the site.
- The Traffic Impact Assessment (TIA) prepared by NRB Consulting Engineers and submitted with the application to the planning authority used the Trip Rate Information Computer System (TRICS) to analyse the worst case scenario traffic generated by the proposed development. This demonstrated a weekday AM peak of 5 vehicle arrivals and 18 vehicle departures (23 total movements) and a weekday PM peak of 16 vehicle arrivals and 9 vehicle departures (25 total movements). The model estimates 1 cyclist arrival and 1 departure during weekday AM and PM peak hour together with 1 pedestrian arrival and 4 departures during weekday AM peak hour and 4 pedestrian arrivals and 2 departures during weekday PM peak hours. In this scenario peak hour traffic flows are deemed to be light (predicted less than 1 vehicle every 2 minutes). It is submitted that this combined with the low level of anticipated pedestrian

movements suggests that the shared vehicle and pedestrian surface on the entrance route to the site is acceptable.

- The site will be served by a pedestrian/cycle route onto St. Mary's Lane. This route will facilitate safe pedestrian access to the town centre and to local schools.
- The proposed apartments within the Malt House building will have direct access onto Canal Harbour Road. There will be no direct pedestrian access to the side of the Malt House (onto the narrow section of shared access to the site).
- Drawing NRB-AP-003 accompanying the submitted grounds of appeal demonstrates that the proposed site access provides adequate visibility for vehicles exiting onto the public road. This shows additional kerb cut outs along Canal Harbour Road and the use of landscaping to channel pedestrians away from the existing building walls.
- It is submitted that the proposed access arrangements are generally DMURS compliant.

Conservation and Protected Structure

- The grounds of appeal against Reason No. 2 of the planning authority notification of decision to refuse planning permission have been prepared by Mr. John Greene B. Arch (RIAI accredited Conservation Architect Grade 1).
- The Malthouse is an example of Monasterevin's industrial architecture dating from c. 1850. The Courtyard Maltings was originally a compact Maltings on a very compact site as would be typical of a small rural industrial complex (as shown on Ordnance Survey Map 1907- 1908). The great majority of the industrial process took place within the courtyard maltings. There was no other square or courtyard or open space within the complex around which the maltings and other buildings were set.
- The site of the proposed development is significantly larger than the original maltings complex site.

- The principal defining feature of the maltings complex is its relationship with Bell Harbour (on the canal opposite the site). This relationship with the canal will be completely unchanged as a consequence of the proposed development. The conservation of the Malthouse building will have a direct and positive effect on Bell Harbour. The strong masonry walls on the Malthouse will be repaired but not embellished in any way. Blue Bangor slates on the roof will be retained and replaced (with slates sourced to match the originals). Cast iron guttering and downpipes will match the originals. There were no windows in the original building (only shutters). New timber windows to suit the character of the building will be provided.
- Both the Manager's House and the (remains of) the stables will be retained, repaired and adaptively reused (2 no. duplex units and sheds).
- Policies contained in the Kildare County Development Plan 2017-2023 in relation to conservation and Protected Structures together with the Department's Architectural Heritage Guidelines for Local Authorities have been taken into consideration in the design of the proposed development. The proposal retains all of the historic buildings or elements of same on site together with the greater majority of the surviving historic fabric and the surviving historic features within the curtilage of the surviving historic industrial complex.
- The proposed development is appropriate and conforms with the requirements of Policy 'PS 2' of the Development Plan. The courtyard maltings will be retained and conserved, as will the 'Manager's House' and stables and the open space between will be retained as open space and reinforced with proposed houses completing a new courtyard. A .699 acre area to the north of the Manager's House and stables and a .419 acre area between the latter area and the courtyard maltings lie outside the curtilage of the original maltings industrial site. All of the historic fabric and features of the original industrial complex will be conserved. The development which does not interrupt any significant views from the Architectural Conservation Area of the surrounding town will form a cohesive residential development.

- Every effort will be made in the proposed development to retain original or early building fabric and to provide for the reinstatement of historically correct traditional features where appropriate in keeping with the requirements and approach advocated under Policy 'PS 12' of the County Development Plan.
- The reuse of the Malthouse for apartments proposes a suitable use of the building that will not involve the removal or alteration of major historic fabric such as floors, timber structure roofs etc. Only a minimal amount of masonry wall will be opened. The Manager's House was designed in a domestic style and the proposed residential use is entirely appropriate. The retention and reuse of stables for storage purposes is appropriate. In this regard, the proposed development is in keeping with the requirements of Policy 'PS 17' of the County Development Plan.
- Policy 'PS 18' of the County Development Plan indicates a requirement (where appropriate) for the preparation of a Conservation Plan in accordance with DAHG Guidelines and conservation best practice to inform proposed visual or physical impacts on a Protected Structure, its curtilage, demesne and setting. It is submitted that due to the small size of the industrial site in the current instance, lack of connection to any other industrial site and comprehensive information already available on file (Conservation Report, Conservation Works Schedule, Conservation Methodology, Archaeological Impact Assessment, Industrial Archaeology Appraisal etc.) a Conservation Plan is not warranted. A Conservation Plan could be required by way of attachment of a condition to a grant of planning permission if deemed appropriate by the Board.
- Responding to the submission from the Dept. of Culture, Heritage & the Gaeltacht (to the planning authority) dated 23rd, October 2018, the submitted grounds of appeal re-iterate that the curtilage of the proposed development site is significantly larger than the curtilage of the industrial complex. Requirements for houses, open space, space for the parking of cars and affordability are the preference of the majority of people for a variety of family living. The alternative would be an apartment scheme. However, affordable family size units are seen

to satisfy a great demand in the area. This is what the market demands. The submission from the Department references the Clancy Barracks scheme in Dublin in a positive light in comparison to the current proposal. However, the Maltings is a vernacular Industrial complex of simple design and vernacular materials and craftsmanship. The landscaping of Clancy Barracks is of high quality and involved considerable expense, which is justified by the fact that it caters for apartments only and provides no family housing or individual private open space. A demand exists for the latter in the current instance.

Surface Water, Wastewater Disposal and Flood Risk Management

(Surface Water)

- The submitted grounds of appeal address the items of clarification of further information referred to in the report from Kildare Co. Council Water Services per report dated 18th, October 2018. A request by the planning authority for clarification of these items of further information never issued from the planning authority who instead issued a decision to refuse planning permission.
- In respect of Surface Water Drainage and Attenuation the planning authority noted that the Applicant was proposing a drainage treatment incorporating no interception storage due to the presence of impermeable soil and elevated ground water conditions. However, the Greater Dublin Drainage Study Volume 2 requires the provision of treatment storage where interception storage is not achievable. The Applicant is now proposing further revisions to the proposed development to comply with the interception requirement of the Greater Dublin Strategic Drainage Study. Run-off from all roofs will not be drained to the proposed pipe network but will be filtered through proposed permeable paving and bio-retention areas. The CIRIA SuDS Manual 2015 in relation to bioretention area specifies that areas of a site drained to unlined bioretention components can be assumed to comply where the impermeable surface area is less than 5 times the vegetated surface area receiving the runoff. Based on the CIRIA SuDS Manual 2015 the Applicant calculates that the maximum

impervious area draining to the proposed permeable paving area and the proposed bioretention zones equals 7375 sq.m. The total roof area of the existing and proposed dwellings accounts for 42% of this capacity.

- The revised SuDS treatment strategy (layout D1565 D1PL5 accompanying the grounds of appeal) does not include infiltration trenches in the back gardens of proposed houses. Infiltration rates achieved during testing indicates that private rear gardens will be self-sufficient in relation to surface water disposal in these discrete areas.
- The proposed bioretention areas will be drained from underneath with perforated pipes. They will be planted with suitable plants and are not designed for long or medium term water storage. Any short term water ponding will infiltrate to the soil beneath. The perforated drainage will prevent the bioretention area from holding excess water.
- In the event of the perforated drainage failing, shallow ponding at depths not greater than 100mm might occur but the water will continue to infiltrate to soils surrounding the bioretention area. Bioretention areas adjacent to roads or within public green open spaces are 100mm below the level of the surrounding surfaces therefore deeper ponding will not occur even in the event of a total blockage of the drain.
- In order to address concerns expressed by the planning authority, the Applicant has clarified that the site area (as outlined in red) was marginally reduced to an area of 1.08ha. in the course of the application. This amendment was advertised in revised public notices. All of the calculations in relation to surface water drainage etc. are based on this revised site area.
- The revised Drainage Report submitted by the Applicant indicates all hard surface areas (footpaths, open texture macadam permeable paving and roofs etc) as being impervious areas for the purposes of impervious volume calculations. No runoff reduction was made for any of these areas. The attenuation tank volume is calculated with all paving areas being impervious and draining directly to the storm water network. Therefore, the calculated

volume will suffice even in the event of lack of maintenance of permeable surfaces resulting in performance reduction.

- Revised Storm Sewer Design Network results are included in the Drainage Report D1565 (Rev PL5) accompanying the grounds of appeal. A conservative approach was taken in relation to calculations and all impervious areas are treated as if they are draining directly to the drainage network. The sum of areas for the storm water network calculation matches all impervious and permeable paving areas and roofs within the proposed development.
- The response to concerns expressed by the planning authority Water Services Engineer in relation to the excessive length and significant depths of the proposed drainage outfall (revised at further information stage) to the River Barrow states that a depth of up to 4m is not uncommon. A manhole depth of 3.82m (as proposed) is not excessive and is acceptable in accordance with Greater Dublin Strategic Drainage Study guidance provided it is properly constructed. The pipe will only receive a trickle flow from the flow controlled attenuated outfall. Therefore, a pipe of smaller diameter could be used. However, a 225mm pipe is proposed to prevent blockage while maximising the distance between manholes. (The pipe could also potentially service other undeveloped canalside sites in the future). It would not be unusual or uncommon for a competent contractor to construct the drainage in the manner and location indicated. This would involve minimum amount of traffic disruption on the Canal Harbour Road.
- The lack of a surface water drainage network in the town has not been taken lightly by the Applicant. The proposal to install the drainage outfall pipe to the River Barrow was given due consideration and the location of the proposed outfall pipe was chosen carefully as the most feasible location to avoid any potential impact on (a) the adjacent Dublin/Cork railway line (b) the existing bridge and road network and (c) the adjacent canal
- Two alternative routes were proposed by the planning authority for the route of the surface water outfall. These were ruled out on the grounds that the routes

involved were not significantly shorter, would involve significant works on third party lands not in the Applicants control and would involve extensive works adjacent to the Dublin/Cork railway line or would involve works adjacent to and underneath the canal.

- The proposed outfall pipe will be positioned on the river bank up from the water channel. Safe and secure access will be provided to the headwall through the access road to the playground. This will enable periodic inspections of the outfall pipe and any cleaning which may be required. The outflow will be maintained by an Owners Management Company until such time as the development is taken in charge by the local authority.

(Wastewater Disposal)

- Irish Water in a letter to the planning authority dated 22nd, October 2018 indicated that a pre-connection enquiry confirmation of feasibility issued to the Applicant on 12th, March 2018. It advised that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. The letter indicates that a Project Works Service Agreement must be entered into with Irish Water in order to proceed. Irish Water also require that the Applicant to agree in writing (by way of the attachment of a standard condition to any grant of planning permission) to payment of a contribution to or to the carrying out of certain works in relation to wastewater. Irish Water further require the Applicant agree to a separate watermain layout maximising interconnectivity of the proposed network serving the development to minimise the disruption of supply during outages. The submitted grounds of appeal include a confirmation letter from the Applicants indicating that they will comply with all of the requirements of Irish Water as outlined (in relation to entering into a Projects Works Service Agreement, accepting related financial contributions and in relation to wastewater connections). The submitted grounds of appeal also include a separate Watermain layout (Drg. 1565-D3) showing the separation of the watermain from the drainage layout. This layout provides additional interconnectivity of the proposed network servicing the

development to minimise interruption of supply during outages (as required by Irish Water).

(Flood Risk Management)

- In relation to flood risk management, the planning authority Water Services Department suggest that consideration should be given to piping the existing drainage ditch on the north-west boundary of the site. This open drain is a disused drainage channel which would have been used historically for the purposes of local drainage only. The Applicants remain of the opinion that there is no need to culvert the drain for a number of reasons (no flows to the ditch from adjoining garden due to presence of a boundary wall, houses now being proposed along this boundary will drain to new surface water drainage system, flows from the flat roof on a small shed at the western boundary are negligible etc.). However, a perforated pipe can and will be provided along the route of this ditch. There will be no conveyance within the perforated pipe.
- The planning authority Water Services Department have expressed concerns in relation to the risks posed in terms of flooding in the event of failure of the proposed surface water storm water outflow to the River Barrow or in the event of closure of the River Barrow non-return valve for lengthy periods during river fluvial flood events. The Applicant contends that the risk of blockage and/or failure of the proposed 225mm storm sewer is considered to be highly unlikely (pipe will only convey storm water; storm water will be subject to extensive SuDS measures to remove silt and debris from discharge flows, the attenuation facility will be equipped to retain any residual debris). Thus, the risk of blockage in the outfall pipe is extremely unlikely. The proposed storm water outfall pipe will be manufactured in accordance with European and Irish standards and will be installed in accordance with proper construction techniques by an experienced and competent contractor. These factors combined with the proposed almost 4m cover to the pipe means that the risk of failure of the outfall pipe is considered to be extremely unlikely (potential traffic load damage reduces with depth).

- There is no risk of pluvial flooding on the subject site or along the drainage outfall pipe caused by the high flood level in the Barrow due to the level difference between the River Barrow (c.57.00 AOD) and the outfall pipe invert levels at the entrance to the playgrounds (60.35 AOD). The highest predicted flood level for 1 in 1000 years flood event is 60.25 AOD. Whereas a non-return valve can be provided (if requested) it is not required for the prevention of back filling of the attenuation system as the base of the attenuation tank is set at 62.10 AOD (1.85m above the 1 on 1000 year flood level).
- A drawing (prepared by JBA Consulting) showing post-development overland flood flow routing together with an assessment of post-development flood flow routing as a consequence of pluvial flooding taking account of the implications for emergency vehicle access and occupant evacuation issues, is submitted.

6.2. Planning Authority Response

None

6.3. Observations

- 6.3.1. Observations were received from three parties objecting to the proposed development. The submission from D.P. Kennedy and Helen Nolan states that (1) none of the Council's design criteria/requirements in relation to detail of the proposed entrance design were incorporated into the applicant's response to the request for further information that issued by the planning authority and (2) notwithstanding modifications to the proposed design of the pedestrian route to the site contained in the further information submission from the applicant, the fact remains that people will opt for the shortest route to and from the train station via the only vehicular access route to the site which consists of a carriageway that is not wide enough for two cars to pass and is without a footpath.

Other matters raised in the observer's submissions generally repeat the issues raised in third party objections received by the planning authority that have been summarised at Section 3.4 above.

7.0 Assessment

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

- Vehicular Access
- Conservation, Design & Layout
- Surface Water, Wastewater Disposal & Flood Risk Management
- Appropriate Assessment

7.1. Vehicular Access

- 7.1.1. The planning authority have refused planning permission for the proposed development for a number of reasons including (Reason No. 1) that the proposed development would endanger public safety by reason of a traffic hazard. In coming to this conclusion, the reason for refusal specifically cites the *'narrow site access and inadequate visibility for vehicles exiting onto the public road (which) would cause conflict for vulnerable road users'*.
- 7.1.2. In their consideration of the proposed development the planning authority sought a number of items of further information including further information in relation to access and traffic (Item No. 7 & Item No. 8 of request for further information). Item No. 7 stated that *'There are concerns regarding the proposed vehicular entrance to the site from Canal Harbour. The Roads and Transportation Department of Kildare Co. Council requires greater visibility by negotiating with the landowner to the north....'* Item No. 7 further suggested that (with the necessary agreement of a third party landowner) the required bell-mouth shaped area should be provided at the entrance together with provision of a 6m wide access carriageway to the site together with a 2m wide footpath alongside the carriage adjoining the side wall of the Malt House (which would provide for both the safety of vulnerable pedestrians and separation between the carriageway and the Protected Structure).

- 7.1.3. The planning authority Roads and Transportation Department in their report dated 19th, October 2018 (following the receipt of further information and meetings with the developer) states that having analysed the proposal it is considered that the proposed vehicular entrance will result in too much conflict with vulnerable road users to work safely and would endanger public safety by reason of a traffic hazard. On this basis, it is recommended that planning permission for the proposed development be refused. The Municipal District Engineer per report dated 11th, October 2018 expresses a similar view.
- 7.1.4. I note that the original Malt House complex of buildings was served by a single gated entrance from Canal Harbour Road. This remains the sole vehicular entrance to the site. As has been pointed out by the planning authority this entrance is narrow in width and severely constrained in terms of opportunities to improve or widen it. The planning authority Roads and Transportation Department, in their initial report, highlighted that the Applicant should explore the possibility of widening this entrance by acquiring land to the north of the site from a third party. This option has either not been pursued or was not possible.
- 7.1.5. The Transport Assessment Report submitted with the initial application to the planning authority together with the Road Safety Audit and the submitted grounds of appeal suggest that the volume of traffic generated by the proposed development will not result in congestion and can be accommodated on the local road network. However, notwithstanding this conclusion, the problem that has been identified by the planning authority and cited in their reason for refusal is the fact that the proposed shared (pedestrian and vehicular) access arrangements to the site will result in conflict between vehicles movements and pedestrian and other vulnerable road users.
- 7.1.6. I would share the concerns of the planning authority in respect of vehicle and pedestrian conflict at the vehicular entrance to the site. I accept that the Applicant has taken any steps possible to minimise vehicle and pedestrian conflicts on the site (viz. (a) the provision of direct pedestrian access from Canal Harbour Road through the Malt House and through the site (b) the provision of a dedicated pedestrian and cycle route from the rear of the site to the town centre via. St. Mary's Lane). Nonetheless, despite these measures the proposed development involves the provision of 51 residential units together with significant surface car parking provision (95 car parking spaces).

- 7.1.7. I consider that it will not be possible to restrict use of the main entrance to the site to vehicles only. There will be a pedestrian desire line from the site across Canal Harbour Road and onto the attractive canalside amenity area. Furthermore, there will be a pedestrian desire line along this route to the train station that neighbours the site. This fact has been referenced in a number of submissions from third party observers objecting to the proposed development. Notwithstanding the Applicant's efforts to improve pedestrian permeability throughout the site, including the proposed pedestrian route via St. Mary's Lane which will provide connectivity with the town centre and local schools, it seems clear that pedestrians headed for the train station will not opt for the much more circuitous route via St. Mary's Lane over the more direct route via the main vehicular entrance onto Canal Harbour Road.
- 7.1.8. Notwithstanding the low estimates for traffic turning movements into and out of the site contained in Transportation Assessment Report (less than 1 vehicle every 2 minutes during peak hours) I consider that the narrowness of the access combined with the shared vehicular and pedestrian use will inevitably lead to occasions where cars meeting at the entrance will be forced to execute reverse turning movements (either into or out of the site). I consider that such movements would be highly undesirable given the poor sight lines available at the junction with Canal Harbour Road and the nature and alignment of the carriageway at Canal Harbour Road and in circumstances where it can be anticipated that children will be at play on roads within the proposed housing development. Sight lines in a southerly direction on exiting the site are severely restricted due to the location of the Malt House building (including a hard corner)
- 7.1.9. I would agree with the conclusions of the planning authority that it is the potential for conflict between vehicles and vulnerable road users via a narrow access with poor sightlines at the point of access that creates a problem (rather than simply the intensification of use of an existing vehicular access).
- 7.1.10. The submitted grounds of appeal argue that the proposed development is DMURS compliant in a number of respects. In this regard I consider that the road and carriageway layout including the use of appropriate signage, surface materials and colours etc. are appropriate for the site and are DMURS compliant in terms of circulation within the site. However, this does not resolve the potential for conflict

(between vehicles and vulnerable road users) at the point of access from the main public road fronting the site.

- 7.1.11. On balance, I would agree with the planning authority that the proposed access is too narrow to serve as a dual entrance/exit to the site. This could be remedied by widening the site in order to provide the 6m carriageway plus 2m footpath required by the planning authority. This widening can only be achieved in a northerly direction (while at the same time conserving the Protected Structure to the south). It would appear that this solution cannot be achieved at this time.

7.2. Conservation, Design and Layout

- 7.2.1. Monasterevin contains a wealth of historic buildings and structures. Many of these buildings are currently vacant or underutilized. As a guiding principle I consider that finding new uses for old buildings before they fall into a state of dilapidation and dereliction is to be encouraged. This is consistent with the approach advocated in the Architectural Heritage Protection Guidelines for Planning Authorities re-issued in October 2011.
- 7.2.2. The Malthouse and associated structures have been vacant for a number of years and their condition continues to deteriorate. In this context, the redevelopment of the site in an appropriate manner is to be welcomed.
- 7.2.3. The development currently being proposed has undergone a number of iterations both at further information stage and in the context of the documentation accompanying the submitted grounds of appeal.
- 7.2.4. The Department of Culture, Heritage and the Gaeltacht (DCH&G) in a report dated 23rd, October 2018, raised a number of concerns in relation to the proposed development from a conservation point of view. This report informed the report from the planning authority Conservation Officer dated 25th, October 2018 which recommended that planning permission for the proposed development be refused. No further reports have been received from the DCH&G or from the planning authority Conservation Officer.
- 7.2.5. The report from the DCH&G dated 23rd, October 2017, references the fact that the scope of demolition in terms of the removal of the extant stable block remains that served the former Manager's House is a significant loss as it removes an integral part of the site's narrative of the use of horses. I note that revisions to the proposed

development included as further information submitted to the planning authority provide for the retention of the stable block (and re-use as storage sheds). The demolition of a modern pitch roofed addition to the gable end of the stable block only is now proposed.

7.2.6. The DCH&G expressed concerns in relation to the scale of the proposed development and the suburban character of the proposed housing layout which it is suggested will visually overwhelm the historic structures. It has been submitted on behalf of the Applicant, in response, that the context of the historic Maltings building is defined primarily by its relationship with the canal and Bell Harbour that the internal character of the site which would traditionally have been tight knit. Many historic buildings and houses enjoy open settings and/or large gardens which define their character. However, in the current instance I consider that the argument presented on behalf of the Applicant has merit. The building is an industrial building which did not historically enjoy an open context. Furthermore, as has been highlighted in the grounds of appeal, a significant proportion of the appeal site (.699 acres and .419 acres) did not form part of the site of the Malthouse. In this regard, it would not be unreasonable to conclude that this element of the proposed development lies outside the curtilage of any Protected Structure.

7.2.7. The DCH&G refer to Clancy Barracks as an exemplar in relation to the manner in which the scheme might be landscaped taking advantage of the opportunity to enhance the overall industrial context of the site. It has been submitted on behalf of the Applicant, in response, that the landscaping of Clancy Barracks involved considerable expense which is justified by the fact that it caters for apartments only and provides no family housing or individual private open space. In contrast, the Maltings is a much smaller site containing a vernacular industrial complex of simple design. A demand for individual houses exists at this location. On balance, I consider that the case made on behalf of the Applicant in this regard has merit. The site is located immediately adjacent to a high quality public transport facility. While the site could accommodate a suitably designed apartment scheme it is also suitable to accommodate houses with their own gardens suitable for occupation by larger families. The Applicant has highlighted that currently the market demands this type of accommodation in the area.

- 7.2.8. The Manager's House, which is currently vacant, is substantially in tact. However, the interior of the premises is in poor condition. The proposed development provides for the re-establishment of the previous residential use and for the refurbishment of the building in a sensitive manner. I consider that the proposed works to this building are acceptable.
- 7.2.9. The development as originally proposed provided for the demolition of the remains (external walls) of the stable block. The proposed development has been amended to provide for retention of the stable block and for its refurbishment to provide for domestic storage sheds to serve houses within the proposed development. I consider that this proposal, which provides for the retention and protection of the remaining fabric of the stable block, is acceptable.
- 7.2.10. The proposed development involves the refurbishment of the original Malt House for use as apartments. While the structure of the Malthouse building is substantially in tact the interior of the building is in poor condition. Furthermore, a previous attempt to convert the building into apartments faltered, but only after substantial works were carried out to the interior of the building. It appears that significant modifications to the original historic fabric building were undertaken at this stage.

The submitted grounds of appeal argue that works to the Malt House will be carried out in a sensitive manner and in accordance with best practice conservation principles. The original Malthouse would have been fitted with shuttered openings without windows fitted. The proposed development will retain existing openings and will provide for the use of windows of appropriate design and style. Some additional window openings will be created. However, these openings will respect the scale and proportions of the original openings. Floor to ceiling heights within the Malt House will be retained. In this regard, the submitted grounds of appeal argue that the reuse of the Malthouse for apartments proposes a suitable use of the building that will not involve the removal or alteration of major historic fabric such as floors, timber structure roofs etc. - only a minimal amount of masonry wall will be opened.

- 7.2.11. The DCH&G has expressed concern that the re-roofing of the east elevation gable fronted ruined structure is incongruous to the plan and the original building form. However, as has been highlighted in the submitted grounds of appeal, the original Malthouse building contained an internal rear courtyard surrounded by buildings that

have been demolished/lost. Only the east elevation gable of these buildings remains. The proposed development involves the re-instatement of these buildings and the courtyard. The proposed design will allow for legibility between the historic fabric that will be conserved and the proposed roof and wall additions in line with best conservation practice.

7.2.12. On balance, I consider that the proposed development generally provides for a suitable scheme of refurbishment and redevelopment of the site in a manner that will generally conserve the historic fabric of the site and help prevent the existing buildings on site falling into a state of further dilapidation and decay. Nonetheless, despite this general conclusion, I believe a significant problem remains with the proposed scheme of development from a conservation perspective. This relates to the problems with the proposed access arrangements already identified at Section 6.1 above.

7.2.13. In relation to the proposed access arrangements, I consider that the proposed two-way vehicular access route by reason of its inadequate separation distance from the historic Malthouse will have a highly significant and negative impact on the character and setting of this building. Furthermore, I consider that it would be highly undesirable to permit access arrangements that could (even if only occasionally) result in cars or other vehicles scraping along the side of the Malthouse building. In the absence of adequate setback between the proposed access road serving the proposed development and the Malt House, I consider that the proposed development would contravene Policy PS 2 of the Kildare County Development Plan 2017-2023 which seeks to protect the curtilage of Protected Structures from inappropriate development. Accordingly, in the absence of any proposal to allow for the widening of the access or the provision of alternative access arrangements, I consider that the proposed development would impact negatively on the Protected Structure and would contravene the previously stated Development Plan policy.

7.3. Surface Water, Effluent Disposal & Flood Risk Management

7.3.1. Reason No. 3 of the planning authority notification of decision to refuse planning permission cited insufficiencies in the information submitted by the applicant in relation to surface water drainage, water/foul water connections and flood risk management. This followed on from a decision by the planning authority to refuse planning

permission for the proposed development rather than seek a number of items of clarification of additional information sought by the planning authority Water services Engineer in relation to these matters.

- 7.3.2. The grounds of appeal seek to address the outstanding concerns of the planning authority as described in the items for clarification of further information identified by the Water Services Engineer.

(Wastewater Disposal)

- 7.3.3. The grounds of appeal include a letter from the Applicants stating that they will comply with all of the requirements of the Irish Water as itemised in their letter to Kildare County Council dated 22nd, October 2018. Irish Water (who have ultimate responsibility in respect of matters of water supply and drainage) have clearly indicated that, subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. The letter indicates requirements in relation to wastewater connection and details of separate watermain layout etc. The Applicants have indicated that they can and will comply with these requirements. In these circumstances, I consider that any outstanding matter in relation to water supply and wastewater disposal could be adequately dealt with by way of the attachment of an appropriate condition to a grant of planning permission.

(Surface Water)

- 7.3.4. The Applicant has clarified that the site area (as outlined in red) was marginally reduced to an area of 1.08ha. at further information stage. All of the calculations in relation to surface water drainage etc. are based on this revised site area.

- 7.3.5. The proposed development was revised by way of further information to provide for no interception storage due to the presence of impermeable soil and elevated groundwater conditions. The planning authority had concerns with this proposal, pointing out that where interception storage is not achievable treatment storage is required in order to comply with the Greater Dublin Strategic Drainage Study.

- 7.3.6. The submitted grounds of appeal indicate that the Applicant is now proposing to provide interception storage capacity for surface water in the form of permeable paving and bio-retention areas. This arrangement is in accordance with the requirements of the Greater Dublin Strategic Drainage Study. Bioretention components can be assumed to be SuDS compliant where the impermeable surface area is less than 5

times the vegetated surface area receiving the run off (plus an allowance to increase the runoff to the permeable area by up to 5 times is permissible where the capacity of the ground beneath the permeable area is suitable i.e. greater than $1/10^{-6}$ m/s). Calculations submitted with the appeal indicate that this requirement can be achieved. The total impermeable roof area will account for 42% of the estimated total capacity (7375 sq.m.). The proposed bioretention areas will be drained from underneath with perforated pipes. Even in the event of failure of the perforation pipes only minimal ponding will occur on site.

- 7.3.7. The capacity of the proposed surface water attenuation tank has been designed on the basis of all hard surfaces within the site being impervious. Therefore, the calculated volume will suffice even in the event of lack of maintenance of permeable surfaces resulting in performance reduction.
- 7.3.8. Storm water from the proposed development will pass through the proposed attenuation tank before discharge to a new storm water outlet discharging to the River Barrow at a point just south of the junction of the Grand Canal and the River Barrow (crossing through an existing public playground area). This storm water outlet will be connected with the site via a 225mm surface water sewer. The proposed sewer will be laid along a route under Canal Harbour Road. In response to concerns expressed by the planning authority in relation to the length and depth of the proposed storm water outfall, the grounds of appeal state that a surface water sewer located at a depth of up to 4m is not uncommon and acceptable in terms of the Greater Dublin Strategic Study standards provided it is properly constructed. Furthermore, it is asserted that the 225mm pipe will receive only a trickle flow from the flow controlled attenuated outfall. The grounds of appeal state that the proposal to construct a drainage outfall pipe directly to the River Barrow was given careful consideration in light of the lack of a surface water drainage network in the town. The route selected was chosen because (unlike alternatives considered including 2 routes suggested by the planning authority) it avoids potential impact on (a) the Dublin/Cork railway line, (b) the existing railway bridge and road network and (c) the adjacent canal. On balance, I consider that the Applicant has made a reasonable case in respect of the proposed storm outfall design and route and that any outstanding matters could be adequately dealt with by way of the attachment of an appropriate condition to a grant of planning permission.

7.3.9. On the basis of the documentation on file and the calculations presented in relation to the proposed filtering of surface water through permeable areas and bioretention areas, the Applicant has made a reasonable case in relation the suitability and appropriateness to the site of the proposed surface water drainage arrangements in light of the soil characteristics of the site. Furthermore, I consider that the Applicant has provided satisfactory justification for the proposed route and design of the storm water outfall to the River Barrow in light of deficiencies that have been identified in the surface water drainage network service in Monasterevin. I consider that any outstanding issues relating to surface water and storm water disposal could be dealt with by way of the attachment of appropriate conditions to a grant of planning permission.

(Flood Risk Management)

7.3.10. Documentation on file includes two separate Flood Risk Assessments (prepared by JBA Consulting) dated December 2017 and September 2018 (update submitted as further information to the planning authority) together with further particulars in relation to flood risk contained within the submitted grounds of appeal.

7.3.11. The site is located within a Flood Zone C and, therefore, at low risk of flooding. The River Barrow which passes close to the site does not impact on the site which is located at a higher elevation than the 1 in 1000 years flood event risk. The flood map produced as part of the CFRAM Study confirms that there is no predicted flooding across the site. Furthermore, there was no pluvial or groundwater flooding predicted as part of the OPW PFRA Study. The Grand Canal which passes in front of the site is considered to pose a low risk of flooding as canals have the capacity to control water flows. There are no sluice gates in the area at risk of damage or flooding. Historic flooding occurred at Drogheda Street where the Cassidy Stream flows under the road (0.6km from the site). Based on the topography of the area the stream is not considered to pose a significant flood risk to the site.

7.3.12. I consider that the submitted grounds of appeal have adequately addressed the outstanding detailed concerns of the planning authority Water Services Department (as set out in their report dated 18th, October 2018) in respect of the drainage ditch running along the north-western boundary of the site, pluvial flood risk posed by the

potential blockage or failure of the proposed storm water outflow to the River Barrow and the need for post-development flood flow routing drawings.

7.3.13. In these circumstances, I consider that any outstanding matters relating to Flood Risk Management could be adequately addressed by way of the attachment of an appropriate condition(s) to a grant of planning permission.

7.3.14. In conclusion, I consider that the grounds of appeal and accompanying technical reports have adequately addressed Reason No. 3 for refusal as stated by the planning authority in their notification of decision to refuse planning permission.

7.4. Appropriate Assessment

Screening:

7.4.1. The planning authority completed screening for Appropriate Assessment based on the documentation submitted with the initial application lodged with the planning authority. The planning authority screening concluded that the proposed development would not have significant effects on any designated European sites and that Stage 2 Appropriate Assessment (and the preparation of a Natura Impact Statement) was not required. The planning authority confirmed this conclusion following revisions proposed at further information stage notwithstanding a revision which included provision for the discharge of storm water directly to the River Barrow and River Nore SAC.

7.4.2. The River Barrow and River Nore SAC (Site Code 002162) is the only designated European site located within 15km of the site.

7.4.3. The other nearest designated European sites include the Pollardstown Fen SAC (Site Code 000396) – c. 16 km from the site, Mouds Bog SAC (Site Code 002331) – c. 18 km from the site and the Slieve Bloom Mountains SPA (Site Code 004160) – c. 25 km from the site. There is no direct source-pathway-receptor connection between the latter three designated areas and the appeal site.

7.4.4. With the exception of the River Barrow and River Nore SAC which runs c .27 km (at its nearest point) to the west of the site, I consider that having regard to the nature and scale of development proposed, the distance between the proposed development and the any other Natura 2000 sites, and to the nature of the receiving environment, 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 any such sites.

7.4.5. With respect of the River Barrow and River Nore SAC and in light of the changes to the surface water drainage system proposed at further information stage including the provision of a storm water outfall discharging directly to the SAC, I consider that the likelihood of significant effects on the River Barrow and River Nore SAC cannot be screened out.

7.4.6. Screening for Appropriate Assessment conducted (by JBA Consulting) on behalf of the Applicant (dated October 2018) concluded that there are likely significant effects on the River Barrow and River Nore SAC and, therefore, the requirement for Stage 2 Appropriate Assessment (and the preparation of a Natura Impact Statement) could not be screened out. Likely significant effects on the SAC identified in the Consultant's Report include:

- Noise and vibration disturbance to Otter
- Spill incidents leading to site materials entering the watercourse
- Land-take of the River Bank (for construction of storm water outfall).
- Introduction of non-invasive species.
- Alterations to surface water flows.

Natura Impact Assessment - Stage 2 Appropriate Assessment

7.4.7. A Natura Impact Statement (NIS) was prepared by JBA Consulting and submitted on behalf of the Applicant.

7.4.8. The River Barrow and River Nore SAC contains a total of 24 habitats and species (including Floating River Vegetation; Hydrophilous Tall Herb Communities; Freshwater Pearl Mussels; Atlantic salmon; white-clawed crayfish and Otters) in respect of which Conservation Objectives have been established by the National Parks and Wildlife Service (NPWS). The submitted NIS summarises these objectives along the following ecological principles:

- Increase in habitat accessibility and areas
- Improvement in habitat quality

- Improvement in biotic and abiotic conditions
- Increase in population sizes

7.4.9. This NIS also identified a number of proposed mitigation measures including (i) Pollution prevention measures to be implemented during the construction of the storm drain (ii) Control of equipment being brought to the site – careful inspection of equipment on delivery (iii) toxic materials to be stored away from watercourses in bunded areas (iv) dust management including the wetting of surfaces (v) cement to be mixed away from any watercourse (vi) refuelling to take place away from watercourses (vii) construction vehicles to carry spill kits etc.. The NIS concluded, that subject to these mitigation measures, there will be no adverse effect on the integrity of the River Barrow and River Nore SAC.

7.4.10. In addition to the proposed mitigation measures as outlined above I note from the details in relation to surface water drainage prepared by Kavanagh Burke Consulting Engineers that the proposed storm water outfall to the River Barrow will discharge only controlled occasional light trickles of water which will contain little or no sediment (having already passed through bio-retention and an attenuation tank).

7.4.11. I consider that the NIS comprehensively addresses the Conservation Objectives for all of the species and habitats listed for the River Barrow and River Nore SAC. I agree with the schedule of potential significant effects contained in the NIS screening prepared on behalf of the applicant and agree with the findings of the NIS that there will be no adverse effects on the River Barrow and River Nore SAC provided that the mitigation measures contained within the NIS are followed.

7.4.12. Appendix C of the submitted NIS refers to ‘Other Relevant Plans and Projects’ considered in relation to the potential for cumulative effects when considered in conjunction with the proposed development. These included the Monasterevin Local Area Plan 2016-2022 (in respect of which a Natura Impact Statement was prepared – concluded there are no likely significant impacts arising from the plan), the River Basin Management Plan for Ireland 2018-2021 and a number of planning application for relatively large scale developments that have either been permitted or are currently within the planning process. I agree with the conclusions contained in the NIS that the in-combination effects of these other plans and projects in conjunction with the

proposed development would not give rise to adverse effects on the River Barrow and River Nore SAC.

- 7.4.13. Accordingly, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code No. 002162) or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- (1) It is considered that the proposed development, by reason of restricted carriageway width at the proposed shared vehicle and pedestrian access to the site from Canal Harbour Road and inadequate visibility for vehicles exiting the site onto the public road, would result in conflict between vehicles and pedestrians and other vulnerable road users. Consequently, the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

(2) The proposed vehicular access arrangements to serve the proposed development would, by reason of inadequate separation distance between vehicles and carriageway and the gable wall of the historic Malt House building, detract from the historic setting of the Malt House (a Protected Structure) and give rise to potential damage to the wall of the building from passing vehicles. The proposed development would, therefore, contravene Policy PS 2 of the Kildare County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

Paddy Keogh
Planning Inspector

27th, May 2019