



An  
Bord  
Pleanála

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

## Inspector's Report ABP-304632-19

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<b>Strategic Housing Development</b>	366 no. residential units (184 no. houses, 182 no. apartments) creche and associated site works.
<b>Location</b>	Capdoo, Clane, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Applicant</b>	Ardstone Homes Limited
<b>Prescribed Bodies</b>	<ol style="list-style-type: none"><li>1. Irish Water (IW)</li><li>2. Transport Infrastructure Ireland (TII)</li></ol>
<b>Observer(s)</b>	61 number observations
<b>Date of Site Inspection</b>	5 <sup>th</sup> August 2019
<b>Inspector</b>	Fiona Fair

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## 1.0 Introduction

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 subject site (11.442 hectares) is located, to the north of Clane town centre at Capdoo, Co. Kildare, approximately 500 m north of the centre of Clane. The lands are currently greenfield, consisting of a network of fields and hedgerows. The site is located in the transition between the suburban development of the town to the south and rural hinterland to the north. There is an existing house and cluster of former agricultural out buildings located to the east of the site with an access from the lane serving Capdoo Commons.
- 2.2. The lands are surrounded on all sides by housing or public roads. The site is irregular in shape due to a number of plots that have been developed as one-off housing along the northern boundary. The northern boundary of the site benefits from two areas of road frontage of approx. 70 m each separated by two dwellings which do not form part of this application site. The balance of the northern boundary is characterised by one-off dwellings which are generally single or dormer properties on large sites. The eastern boundary is similarly characterised by the rear of one-off dwellings save for the boundary with a local road to the east. The southern boundary is characterised by the Capdoo Park residential development and the western boundary adjoins residential properties on College Road East and Mainham Woods and the R407. The lands directly adjoin the road serving properties on College Road East.
- 2.3. The local road to the north of the site is rural in character and is constrained in width and alignment. This road continues eastwards for approximately 600 m before turning into un-metalled track to which access is restricted. The Local Road to the east is also rural in character, is significantly constrained in width and alignment, and does not have a centre line. Informal passing bays have been created on both roads

at existing entrances in order to facilitate two vehicles passing. The R407, Kilcock-Clane Road, is to the west of the site.

- 2.4. The southern portion of the site comprises of three long, narrow fields running in an east-west direction. These fields previously formed part of long gardens which were associated with properties to the east. The two northern fields are under pasture. The southernmost field of the entire development site is under conifer trees in its western section and contains three modern sheds in its eastern part.
- 2.5. The boundaries of the site generally comprise of mature hedgerows and trees. A number of hedgerows run east-west across the site along the field boundaries.

### 3.0 **Proposed Strategic Housing Development**

- 3.1. The proposed development, as per the submitted public notices, will consist of:
  - Demolition of all existing structures on site, including 1 no. habitable house, agricultural structures and domestic sheds;
  - Development of 366 no. new residential units;
  - A childcare facility (316sqm GFA approx.);
  - A new Link Road connecting the R407 (College Road/Kilcock Road) to Capdoo Park and the R403 (Celbridge Road) beyond, incorporating cycle tracks and footpaths on both sides of the carriageway, together with a new roundabout on the R407 and
  - All necessary upgrades to existing junctions and road realignments at both the R407 and Capdoo Park; associated internal access roads, pedestrian and cycle paths and linkages; open space; and, all associated site and development works.

The residential element of the development consists of the following:

98 no. apartments arranged in 3 no. Apartment Blocks comprising:

- **Block 1** four storey - 4 no. one-bed apartments and 32 no. two-bed apartments
- **Block 2** three-storey - 18 no. two-bed apartments

- **Block 3** three-storey - 12 no. one-bed apartments and 32 no. two-bed apartments
  - 12 no. one-bed, two-storey, own door apartments
  - 36 no. two-bed apartments, with 36 no. three bed duplex units above,
  - 19 no. two-bed, two-storey terraced houses, and 1 no. two-bed, dormer, semi-detached house,
  - 75 no. three-bed, two-storey terraced, semi-detached and detached houses,
  - 77 no. four-bed two-storey, end of terrace and semi-detached houses
  - 12 no. five-bed, three-storey semi-detached houses
- In addition to the new vehicular access created by the Link Road, the proposed development includes new vehicular accesses, at Local Road L5078 (Capdoo Commons) to the north of the site and at Capdoo Park to the south of the site.
  - 2 no. semi-detached dwellings located on the eastern boundary of the site are accessed directly from the adjoining Rural Road.
  - A total of 605 no. car parking spaces, including 587 no. spaces serving the residential units with 18 no. spaces designated for use by the childcare facility, and a total of 704 no. bicycle spaces are proposed.
  - The associated site and infrastructural works include foul and surface water drainage, attenuation areas, provision of a foul pumping station, open space, boundary walls and fences, internal roads, cycle paths and footpaths including future potential pedestrian and cycle linkages to established residential areas and surrounding road network to north, east and south.
- 3.2. The application is accompanied with an Environmental Impact Assessment Report.
- 3.3. The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017-2023, and the Clane Local Area Plan 2017 – 2023.

3.4. The following tables set out some of the key elements of the proposed scheme:

**Table 1: Development Standards**

Site Area	11.442ha Gross 9.6778ha Net development area omitting the spine road
No. of units	366
Total Gross Floor Area (including the creche 316sq. m)	38,848.7 sq. m
Gross Density	31.98 units/ha
Net Density	37.82 units/ ha
Plot Ratio	2.49
Public Open Space	1.6125 ha (16.66%)

**Table 2: Unit Mix**

Description	Quantity	Mix %
1 Bed own door apartments	12	3.28
1 Bed Apartments	16	4.37
2 bed Apartments	82	22.4
2 bed own door apartment under duplex	36	9.84
3 bed own door duplex	36	9.84
2 bed Houses	20	5.5
3 bed House	75	20.5
4 bed House	77	21.0
5 bed House	12	3.3
<b>Total Houses</b>	184	50.27%
<b>Total Apartments/ Duplexes</b>	182	49.73%
<b>Total Units</b>	366	100

**Table 3: Building Height**

Block	Storeys	Parapet Height
1	4	c. 13m
2	4	c. 13m
3	3	c. 9.6 m
Duplexes	3	c. 12.24m
Houses	2 / 2.5	9.9m – 11.4 m
Own door apartments	2	9.3m
Childcare Facility	1	c. 6.7m

**Table 4: Part V Provision**

Requirement: units	Provision: 36 units
	The proposed mix of Part V units to be transferred includes one two and three units, location specified (MCORM Dwg No. PL70. Part V Allocated Units Site Layout).

**Table 5: Childcare Provision**

Requirement:	Provision:
<p>Regard is had to the childcare guidelines which states; ‘...a <i>standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate</i>’ and also to the Clane Local Area Plan 2017-2023 which considers that pro-rata childcare provision of a rate of 0.13 childcare space per dwelling is more appropriate standards for KDA2 lands.</p> <p>49 – 98 space childcare facility depending upon guidelines observed.</p>	49 childcare spaces - 316 sq. m child care facility

**Table 6: Car Parking**

	Number of car parking spaces
Proposed for Houses	368
Proposed for Apartments & Visitor parking	219 (including 16 Visitor)
Proposed for Creche	18
Total Provision	605 surface car parking spaces

**Table 7: Bicycle Parking**

Bicycle parking spaces	1 per bed space - 704 spaces
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- 3.5. In term 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.
- 3.6. The project will be constructed as part of 5 phases of development, with the phasing as follows:
- Phases 1
    - 48 Apartments, 37 Houses
  - Phase 2
    - 8 Apartments, 68 Houses, Creche, Link road
  - Phase 3
    - 32 Apartments, 38 Houses
  - Phase 4
    - 54 Apartments, 41 Houses
  - Phase 5
    - 40 Apartments



## 4.0 Planning History

An area at the north-west corner of the site was the subject to applications Reg. Ref. 04/1212 and 05/299. Under Reg. Ref. 04/1212 Glenkerrin Homes Ltd was refused planning permission on 19 July 2004 for development described as ‘two detached bungalows with detached garages and ancillary works’ at Capdoo Lane. Permission was refused for a single reason relating to a material contravention of the Clane Development Plan 2002 under which the lands were zoned as Open Space and Amenity.

A subsequent application was made by Glenkerrin Homes Ltd on the same site under Reg. Ref. 05/299 for development described as a ‘detached bungalow with detached garage and ancillary works. Permission was refused on 15 April 2005 for the same reason stated under Reg. Ref. 04/1212.

## 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 30<sup>th</sup> November 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 **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

5.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Density

Further consideration/justification of the documents as they relate to the density in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Clane town centre, with its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

## 2. Design, Layout and Unit Mix

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the creation of a defined urban edge along the new link road; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas within a high quality scheme should be given further consideration. In addition, further consideration/justification of the documents as they relate to the proposed housing mix, having regard to the proportion of three bed and larger units within the overall proposed scheme. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted

## 3. Infrastructural Constraints

Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development in particular as it relates to Contract 2B of the Upper Liffey Valley Sewerage Scheme. The documentation at application stage should clearly indicate the proposals to address the constraints, the compulsory purchase order process and completion of same and the timelines involved in addressing the constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

#### 4. Surface Water Management and Flood Risk Assessment

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 4th November, 2018 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Cross sections and other drawings, as necessary, at an appropriate scale, which detail the interface between the proposed development and the new link road/street and which provide for a sense of enclosure by the proposed built form along the new link road/street.
2. A detailed phasing plan for the proposed development
3. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal
4. Waste management details
5. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access

6. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
7. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
8. Construction and Demolition Waste Management Plan

## 6.0 Applicant's Statement

- 6.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion.

Summarised as follows:

### 6.2. Item 1. Density.

The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) promote and encourage higher residential densities where appropriate, noting that for greenfield sites in cities and larger towns, development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

Omitting the proposed Link Road, which provides a wider, strategic transport function for the town, the proposed development provides for 366 no. dwellings on a development area of 9.7 ha, equating to a net density of 37.8 units per hectare. In order to achieve the increased density, it was necessary to introduce further apartments and duplex units within the scheme. These units comprise a mix of two storey own-door apartments; own-door duplex units over a ground floor own-door apartment unit; and three apartment blocks of three and four storeys.

The introduction of additional apartments assists in creating a greater mix of unit types and sizes. Apartments have been located proximate to the proposed Link Road at locations proximate to Clane Town Centre which will benefit from good pedestrian and cycle links to established social and community services. Lower

density houses are proposed at location more distant from the town centre to sensitivity integrate with the surrounding low-density housing and more rural character.

It is considered that the proposed net density of 37.8 units per hectare is well in excess of the 30 dwellings per hectare recommended for land efficiency by the Guidelines. Furthermore, the proposed density has regard to its immediate context, the nature and character of the settlement and its role function in the settlement hierarchy. In this regard, the proposed density is at the higher end of the density range of 30-40+ dwellings per hectare advocated small towns while also consistent with the 35-50 units per hectare for greenfield sites in cities and larger towns.

### **6.3. Item 2 Design, Layout & Unit Mix**

Section 2 of the Architectural Design Statement prepared by McCrossan O'Rourke Manning Architects (MCROM) included as part of this application, sets out the design rationale and the key criteria considered in the design process for the proposed development based on the 12 criteria identified in the Urban Design Manual.

A statement on consistency of the proposed scheme with the Design Manual for Urban Roads and Streets has been prepared by DBFL Consulting Engineers and submitted as part of this application.

A streets hierarchy is proposed.

The further consideration of the proposed housing mix been informed by national guidance documents which emphasise the need for urban consolidation, intensification and densification of both brownfield and greenfield development land and ensuring the delivery of a wider mix and form of housing typologies. In particular the documents note the smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of

households in the rented sector as the basis for increasing the of number apartments and smaller housing typologies in new residential development.

In response to the ABP Order and consistent with the guidance documents the number of apartments have been significantly increased from 116 to 182. This proposed mix and variety of dwelling types will ensure the delivery of a wide choice of dwelling types of varying tenure and sizes to meet the housing needs within Clane's expanding local community. In particular, the proposed development will ensure the delivery of a large proportion of smaller one- and two-bedroom dwellings consistent with the Sustainable Residential Development in Urban Areas Guidelines 2009, Sustainable Housing – Guidelines for New Apartment Development 2018, and the Guidelines on Urban Development and Building Heights 2018. In addition, the proposed development will also provide family type housing which reflects the current household composition and will reinforce Clane's attractiveness for families.

#### **6.4. Item 3 Water Infrastructure Constraints**

A detailed response has been provided in the Technical Note prepared by DBCL Consulting Engineers and submitted with this application.

#### **6.5. Item 4 Surface Water Management and Flood Risk Assessment**

A detailed response to surface water management and a site specific Flood Risk Assessment has been prepared by DBCL Consulting Engineers and submitted with this application.

#### **6.6. Specific Information to be Submitted with Application**

The Board's Opinion detailed specific information to be submitted with any application.

#### **6.7. 1. Cross sections and other drawings, which detail the interface between the proposed development and the new link road/street.**

Response refers to MCORM Drawing Nos. PL80 & PL81.

In addition, please see Photomontages (CGI 1 & 2) from along the Link Road illustrating the interface between the Link Road and the proposed development.

## **2. A detailed phasing plan for the proposed development**

Response refers to MCORM Drawing No. PL84 Phasing Plan. Phases 1 – 5. Further details of the construction phasing programme are provided in Section 1 of the submitted Draft Construction and Environmental Management Plan.

## **3. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal**

Response refers to the following documents prepared by Ciaran Keating and submitted herewith:

- Arboricultural Assessment
- Arboricultural Impact Report
- Tree Protection Strategy
- Associated Drawings (Dwg. Nos. 102-104), including Arboricultural Impact Drawing indicating trees/hedgerows to be removed (Dwg. No. 103).

An ecological assessment of the Hedgerows has been provided in the Biodiversity Chapter of the EIAR (Chapter 10).

## **4. Waste management details**

Response refers to MOLA Dwg. No. PL72 and PL73 for details of bin stores for apartments and terraced houses. The locations of bin stores are indicated on the Site Layout Plan Dwg. Nos. PL02, PL03 & PL03.

## **5. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access**

Response refers to MOLA Dwg. PL71 Taking in Charge.

Streets to be taken in charge have been shown up to the site boundary.

**6. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.**

Response refers to the submitted Schools Capacity Assessment prepared by Future Analytics.

**7. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018)**

Response refers to submitted Building Lifecycle Report prepared by MCORM

**8. Construction and Demolition Waste Management Plan**

A Draft Construction and Environmental Management Plan was prepared by DBFL and has been submitted.

## **7.0 Relevant Planning Policy**

### **7.1. National Planning Policy**

7.1.1. The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Draft Eastern and Midland Region Spatial and Economic Strategy (RSES) published on 5<sup>th</sup> November 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Sustainable Urban Housing: Design Standards for New Apartments – 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
- Architectural Heritage Protection

## **7.2. Local Planning Policy**

### **7.2.1. Clane Local Area Plan 2017 – 2023**

### **7.2.2. The Clane Local Area Plan 2017 – 2023 (LAP) was adopted on 10 May 2017.**

The site is primarily zoned Objective C, New Residential/Infill, to ‘provide for new residential development’. A small portion of the northwest corner of the site, proximate to the R407 is zoned objective B, existing residential, with the objective to ‘protect and enhance the amenity of established residential communities and promote sustainable intensification’.

It is noted that the site comprises the full extent of Key Development Area 2 (KDA2) and contains a road objective along its western boundary connecting to the local road to the south.

Dwellings are permitted in principle under both the Objective B and C land use zonings. Crèches/Playschools are permitted in principle under the Objective C zoning.

### **7.2.3. Settlement Strategy and Residential Development**

Section 2.2 of the LAP states that Clane is designated as a Small Town in the Kildare County Development Plan 2017-2023. In this respect, the following strategic objectives of the LAP for Clane are relevant to the proposed development:

- ‘To accommodate 2.4% of Kildare’s allocated housing growth in Clane over the period 2017- 2023, in accordance with the County Development Plan Core Strategy’.
- ‘To support and facilitate the development of high-quality, integrated residential neighbourhoods that cater for all demographics and deliver community, recreation and amenity facilities in tandem with housing’.

- ‘To enhance the existing transport network by increasing permeability and connectivity for pedestrians, cyclists and vehicles, in order to enable access to key land uses such as community facilities, public transport nodes and zoned lands’.

The LAP identifies 5 No. Key Development Areas (KDAs) to accommodate growth during the Plan period and Table 4.1 provides the estimated residential capacity of each KDA. The subject site comprises the full extent of KDA2, which has an estimated net developable site area of 9.7ha, discounting 20% of the lands for strategic infrastructure.

The following policies and objectives of the LAP are relevant to the proposed development:

CSO1.2: ‘To focus new residential development into the Key Development Areas identified in the Core Strategy map and new enterprise development into areas identified for light industry and warehousing and business and technology development’.

HCO1.1: ‘To require new residential developments to meet the standards and guidance as set out in:

- The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual Best Practice Guide, DEHLG (2009).
- The Design Manual for Urban Roads and Streets, DTTS and DECLG (2013).
- The policies, objectives and development management standards contained in this Local Area Plan and in the Kildare County Development Plan.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DEHLG (2015)’.

HCO1.2: ‘To promote and facilitate the phased development of identified Key Development Areas in accordance with the guidance set out in Section 12.’

The application proposes new residential development on lands designated as a Key Development Area under the LAP and consequently is in accordance with the overriding settlement strategy and the requirements of Objective CSO1.2.

#### **7.2.4. Residential Mix, Density and Design**

Section 6.3 of the LAP states that the housing allocation for Clane is based on an average density of 26 units per hectare. In accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DECLG (2009) the LAP states that higher densities will generally be considered in town centre infill locations and proximate to public transport, with medium to lower densities being considered at outer suburban sites. It is also stated that given Clane's location within commuting distance of Dublin and other employment centres in the region, it is anticipated that there will continue to be a strong demand for family housing. The need for smaller housing units and apartments should be considered within each of the Key Development Areas to contribute to the achievement of an appropriate housing mix and to address an emerging demand for smaller units. The following policies and objectives of the LAP are relevant to the proposed development:

Policy HC2 - Residential Density, Mix and Design: 'It is the policy of the Council to require that all new residential development provides for a sustainable mix of house types, sizes and tenures and that new development complements the existing residential mix'.

HCO2.1: 'To ensure that a good mix of housing types and sizes is provided in each Key Development Area to meet the future needs of the population of Clane'.

HCO2.2: 'To require the submission of a Design Statement (CDP Section 17.3 refers) and Housing Mix Statement (CDP Section 17.4.3 refers) with applications for residential development in accordance with the provisions of the County Development Plan'.

HCO2.3: 'To apply a 10% social housing requirement, pursuant to Part V of the Planning and Development Act 2000 (as amended) to all sites that are zoned solely

for residential use or for a mixture of residential and other uses (save where the development is exempt from the provisions of Part V)'.

#### **7.2.5. Early Childcare and Education**

Section 6.4.2 of the LAP states that there are nine private childcare facilities in Clane, providing a range of full day-care and sessional services, including playgroups and Montessori, and after-school care. There are four full day-care premises located on the Prosperous Road, Ballinagappa Road, in the town centre and at Alexandra Walk.

The LAP notes that while there appears to be an adequate level of provision in Clane at present, additional facilities will be required over the Plan period to meet the needs of a growing population. The LAP considers a rate of 20 childcare spaces per 150 dwellings (0.13 childcare spaces per dwelling) as representing an adequate level of provision in conjunction with new housing development. Planning applications for housing in the Key Development Areas will be required to outline proposals to meet childcare requirements on a pro-rata basis in accordance with the phasing strategy in Section 13.

The following objectives of the LAP are relevant to the proposed development:

HCO3.2: 'To require the provision of a minimum of 0.13 childcare spaces per dwelling on a pro-rata basis in the Key Development Areas, in accordance with the phasing requirements set out in Section 13 Implementation'.

HCO3.3: 'To support the provision of a purpose-built childcare facility or facilities to meet the pro-rata childcare needs of housing development during the Plan period'.

#### **7.2.6. Movement and Transport**

Chapter 8 of the LAP states that given the strategic position of Clane between the M4 and M7, its proximity to significant employment centres in County Kildare, and the Greater Dublin Area, the town experiences a high volume of through traffic. One

of the major challenges facing Clane during the Plan period is the need to improve connectivity for local journeys by providing new vehicular, cyclist and pedestrian connections for local use, whilst balancing the needs of through traffic

It is a strategic objective of the LAP to ‘enhance the existing transport network by increasing permeability and connectivity for pedestrians, cyclists and vehicles, in order to enable access to key land uses such as community facilities, public transport nodes and zoned lands’.

Map 8.1 and Table 8.1 indicates that the site is subject to a specific road and transportation objective to provide a Capdoo Link Road, including off road cycle track from the Kilcock Road (R407) to the Celbridge Road (R403).

The following policies and objectives of the LAP are relevant to the proposed development:

Policy MT3 - Roads and Streets: ‘It is the policy of the Council to support improvements to the road and street network in Clane in order to provide connectivity and permeability throughout the town, enable access to new communities and to reduce through-traffic in the town centre’.

Policy MT5 – Strategic Road Network: ‘It is the policy of the Council to plan for the long-term needs of Clane in its regional context and provide additional capacity on strategic routes, in order to reduce congestion in the town and improve linkages to the national road network’.

MTO1.2: ‘To maximise connectivity for pedestrians and cyclists in Key Development Areas and identify strategic links in existing areas in order to maximise access to local shops, schools, public transport services and other amenities’.

MTO1.3: ‘To maximise direct cycle and pedestrian access to local shops and services, health facilities, schools, supermarkets, sports grounds and leisure facilities and places of work in all new developments’.

MTO1.4: 'To require new housing developments to deliver filtered permeability to adjoining development in so far as is possible and, in the case of adjoining greenfield sites, to ensure the potential for such provision is addressed'.

MTO3.1: 'To improve connectivity between the outer areas of the town through the planning and delivery of orbital connections between the existing radial road network'.

MTO3.2: 'To secure implementation of the road projects as indicated on Table 8.1 and Map 8.1, and to preserve identified road corridors free from development'.

MTO3.3: 'To apply the principles of the Design Manual for Urban Roads and Streets, DECLG & DTTS (2013) in the planning, design and construction of all roads and streets within the town'.

#### **7.2.7. Infrastructure**

Section 9.1.1 of the LAP states that Clane is served by the North-East Kildare Regional Water Supply Scheme, with water supplied from the water treatment plant at Ballymore Eustace. Irish Water considers that the North-East Kildare Regional Water Supply Scheme has sufficient capacity to provide for the growth of Clane. However, there are deficiencies within the local network in Clane which will need to be addressed in conjunction with development.

Section 9.1.2 of the LAP states that Clane is served by the Upper Liffey Valley Regional Sewerage Scheme (ULVRSS), which ultimately connects to the Osberstown Wastewater Treatment Plant (WWTP) and discharges to the River Liffey. The Osberstown plant is stated as currently operating to a capacity of 80,000 population equivalent (PE), with an upgrade to 150,000 PE due to be completed by Q4 2016 and planned capacity of 350,000 PE by 2048.

The LAP states that there is capacity in the WWTP to cater for the planned growth in Clane. However, there are significant constraints within the Clane network and the wider collection network that require to be addressed in order to facilitate intended

growth. The upgrading of the network by Irish Water is proposed under Contract 2B of the ULVRSS. Elements relevant to Clane include:

- Upgraded pumping stations at Clane, Sallins and Monread, Naas.
- Upgraded rising mains at Clane-Sallins and Sallins-Osberstown and interceptor sewer at Monread.
- New/upgraded sewers within Clane and Sallins towns.

The target date for completion of these works under Contract 2B is early 2020. It is a stated action of the LAP that the Council will encourage early consultation with Irish Water at pre-application stage to establish whether proposed developments might be premature pending the completion of Contract 2B of the ULVRSS.

The following policies and objectives of the LAP are relevant to the proposed development:

Policy I1 - Water Supply & Wastewater: 'It is the policy of the Council to work in conjunction with Irish Water to protect existing water and wastewater infrastructure in Clane, to maximise the potential of existing capacity in the town and to ensure infrastructure is provided in tandem with development'.

IO1.2: 'To work in conjunction with Irish Water to promote the ongoing upgrade and expansion of water supply and wastewater services to meet the future needs of Clane'.

IO1.3: 'To support Irish Water in delivering key water supply and wastewater projects relevant to Clane, including contract 2B of the ULVRSS comprising:

- An upgraded pumping station at Abbeylands, Clane
- A new 300mm rising mains between Clane and Sallins
- Upgraded gravity sewers on the Prosperous Road and Ballinagappa Road and new/upgraded sewers within Clane town centre'.

IO1.4: 'To ensure that new development on zoned land is subject to a requirement for a connection agreement from Irish Water'.

### 7.2.8. **Surface Water and Flood Risk**

Section 9.3 states that Clane has a history of flooding at various locations throughout the town, arising from the fluvial sources of the Rivers Cott/Butterstream, Gollymochy and Liffey and from groundwater and artificial drainage systems. Works have been carried out to alleviate flooding in the recent past including those at the Butterstream and from Millicent Road junction to Clane Hospital.

Map 9.1 of the LAP identifies the areas of Clane that will require the submission of a Site Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed. Figure 4.3 is an extract of Map 9.1 of the LAP, with the approximate site area indicated in orange.

Section 9.2 of the LAP states that adequate storm water drainage and retention facilities are necessary to accommodate surface water run-off resulting from current and future developments in Clane. The use of Sustainable Drainage Systems (SuDS) and Green Infrastructure in new developments will contribute to surface water retention and help to reduce and prevent flooding, by mimicking the natural drainage of a site.

The following policies and objectives of the LAP are relevant to the proposed development:

IO2.2: 'To incorporate Sustainable Urban Drainage Systems (SUDS) as part of all plans and planning schemes in Clane'.

IO3.1: 'To ensure development proposals within the areas outlined on Map 9.1 are the subject of Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed'.

### 7.2.9. **Natural Heritage and Green Infrastructure**

Section 10.3 of the LAP states that there are a number of areas within the Plan boundary that are considered to be of heritage value including hedgerows, trees, watercourses, etc. Habitat and landscape features have an important role to play as ecological corridors/infrastructure as they allow for movement of species and help



sustain the habitats, ecological processes and functions necessary to enhance and maintain biodiversity. It is considered to be important that these areas are conserved and well managed.

In addition, Section 11.1 of the LAP states that some hedgerows and trees in Clane form an important element of the ecological infrastructure. It is the policy of the Council to adopt a proactive approach to protecting, enhancing and managing the Green Infrastructure network in Clane. In this regard, all proposals for development will be required to demonstrate that the existing Green Infrastructure network is protected, in so far as practicable, and that the development contributes positively to the development and protection of the overall green infrastructure assets of Clane. Map 11.1 of the LAP includes details of habitats and Green Infrastructure mapped in Clane. It is noted in the LAP that the site contains 3 no. hedgerows of moderate value and 1 hedgerow of high value.

The following policies and objectives of the LAP are relevant to the proposed development:

Policy H3 – Protection of Habitats: ‘It is the policy of the Council to support the protection of species and habitats that are designated under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 as well as areas of high local biodiversity value and to ensure developments with potential to impact the integrity of the Natura 2000 network will be subject to Appropriate Assessment’.

HO3.4: ‘To ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest’.

HO3.5: 'To protect, conserve and enhance, wherever possible, wildlife habitats and species of local importance and to give appropriate consideration to maintaining existing local ecological corridors and linkages not otherwise protected by legislation'.

GIO1.2: 'To integrate Green Infrastructure as an essential component of all new developments and restrict development that would fragment or prejudice the Green Infrastructure Network'.

GIO1.4: 'To ensure key trees, woodlands and hedgerows identified, and the linkages they provide to larger areas of green infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments.'

OSO1.7: 'To ensure that the provision of open space for all new developments seeks to incorporate and enhance any existing landscape features such as hedgerows and trees within the receiving environment'.

The LAP identifies a number of higher and moderate value hedgerows on the subject site. The LAP provides that where possible such hedgerows should be retained in order to protect important ecological corridors and maintain biodiversity.

#### **7.2.10. Key Development Area 2 - Capdoo (KDA 2)**

Section 12.2.2 of the LAP provides the design brief and analysis for the subject site, which is designated as a Key Development Area (KDA 2). In addition, Section 13.2 of the LAP states that development in the Key Development Areas will be subject to a schedule of phasing.

#### **7.3. Applicant's Statement of Consistency**

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

### **8.0 Third Party Submissions**

8.1. Sixty one number submission received they are collectively summarised under the following headings:

## **Layout and Design**

- No objection in principle to the residential development on the lands, however the proposed density is too high on this site.
- Overdevelopment
- Density is contrary to the Clane LAP and the Kildare County Core Strategy
- Height and location of apartments Blocks 1 and 2 is not appropriate
- The apartments blocks, height, finish and density proposed is at odds with the character of the town.
- Apartment Blocks should be in the centre of towns and not on the edge
- The apartment blocks are isolated from the rest of the development and lack required amenities and space.
- Apartments are monolith not well designed and non-integrated
- Apartment Blocks 1 and 2 are largely dominated by surface car parking surrounds, bin areas, a proposed new road.
- Open space is severely imbalanced and inadequate to serve the overall development.
- Shortfall in car parking spaces
- Location of the creche to the west of the proposed link road, on the opposite side to the majority of housing units is undesirable.
- Signage should be bilingual
- Concern that balconies of apartments will be used for storage in full view of passers-by
- Devaluation of neighbouring adjoining property.
- Proposal is not consistent with the pattern of existing and permitted development

## **Impact Upon Residential Amenity**

- 4 blocks of terrace houses on the south west of the proposed link road, three of these blocks will cause overlooking and over shadowing to a neighbouring garden to the south west.
- Apartment blocks will cause overlooking of dwellings in Mainham Woods in particular to No. 9, 10, 11, 12, 13, and 14 all five bedroom detached houses
- Height and scale of the proposed buildings and absence of comprehensive shadow analysis study to ascertain impact of proposal on adjoining buildings.

- Loss of light to neighbouring residents from overshadowing
- Increase in HGV traffic and carbon emission, street lighting, dust, noise impact upon quality of living.
- Concern of anti-social behaviour around the apartment blocks and at the entrance to Capdoo Park.
- Concern regarding ground levels and boundary height adjoining House No. C1, 15.35 FFL identified as 71.970 for House C1 15.35 – separation distance of 24.5m from observers house to House C1 15.35 This equates to a rise of circa 1 in 8. Concern that the new house will tower 4.7m above observer's house.
- Request that a shadow analysis and re-assessment of floor levels be carried out.
- Concern of flooding impact – surface water run off.
- Location of western red line boundary encroaches on third party lands.
- Unsatisfactory boundary treatment between the proposed development and third party lands. Request that a 2.0 high boundary wall be constructed between third party lands and House C1 15.35.
- Raising ground levels, on the site, will have a negative impact upon existing surrounding development. Could cause flooding.
- Concern of any proposed pedestrian / cycle access from College Road East to the proposed development.

### **Flood Risk / Plain**

- The SSFRA and the AA screening report do not accurately reflect the significant increase in flood risk that the proposed development presents.
- The site is close to areas prone to flooding
- The Loughbollard development (500m from Blocks 1 and 2) and Kilcock Road have been identified as areas of flood risk by the OPW (see [www.floodmaps.ie](http://www.floodmaps.ie))
- Clane has a history of flooding
- The location of the site in close proximity to Loughbollard has been omitted from the SSRFA
- The SSRFA does not refer to the fact that the Gollymochy river has a history of flooding.
- Proposals for surface water drainage are insufficient.
- Flooding of the Gollymochy river will be exacerbated.

- Increased risk of flooding of the tributary on Capdoo Lane and no mitigation measures proposed.
- Concern with regard to the open ditch along third party lands and Capdoo Lane.
- Upgrade of existing network / culverts similar to C. 20 of planning file reg ref. PL09217279 is required.
- SSRFA Flood zone C designation is disputed by local residents and a justification test is required as per OPW Guidelines.
- Houses on Capdoo Lane are located at a much lower level and the event of a storm greater than 1% AEP pluvial event, these houses would be at risk as surface water is directed to adjacent public roads incl. Capdoo Lane.
- The construction of the apartment blocks will impact upon the water table and result in increased flooding on Capdoo Lane

### **Waste water network**

- A revised assessment by Irish Water is required to take account of the additional units now proposed
- There are identified capacity constraints in the wastewater network.

### **Traffic**

- Traffic impact is questionable
- Local knowledge would suggest that the proposed development will negate the positive impact a link road from N4 to N7 (Kilcock to Sallins via Clane) will have and cause even more congestion in the community.
- The town is under massive distress, with bottle necks
- Public transport in Clane is at capacity
- All rail services lack car parking for park and ride in both Maynooth and Sallins.
- There is no information provided as to the traffic management at the Woods corner where the R403 and R407 roads meet.
- It is vital that any development involving the link / relief road also addresses the provision of appropriate junction planning to deal with traffic accessing the R403
- Capdoo lane is totally inadequate
- There is absence of a footpath from the north west proposed apartment block. Residents would have to cross the main road to walk to the village for school.

- Location of the childcare facility will give rise to traffic safety concerns and congestion / traffic problems.
- Need for traffic calming at / close to the creche
- Noise pollution
- Segregated cycle lanes not proposed

### **Schools / Services**

- The three primary schools are at capacity
- The secondary school is currently oversubscribed.
- 366 units will increase the population of Clane substantially.
- Local medical services are already over subscribed
- No provision is being put in place in advance of this development for anticipated increase in demand for primary school places.
- Inadequate open space and children play provision

### **Green Infrastructure & Natural Habitat**

- No hedgerows of value are retained
- The site contains 'high value hedgerow' as the development plan map indicates.
- Proposal is contrary to policy to retain and protect green infrastructure.
- Destruction of feeding habitat for bats
- Destruction of a building where evidence of protected Brown Long-Eared Bat was detected.

## **9.0 Planning Authority Submission**

9.1. 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 31<sup>st</sup> July 2019. The report may be summarised as follows:

Details were submitted in relation to the site location and context, proposal, planning history, interdepartmental reports and consultees. A summary of representations received was outlined and a summary of the views of the elected members as expressed at the Area Committee Meeting.

## 9.2. **Summary of Inter-Departmental Reports**

**Heritage Officer:** Report dated 9<sup>th</sup> July 2019 it sets out that the proposed development has had very little regard for the retention of hedgerows within the overall layout of the development. The retention of the boundary hedgerows at the back of the development does not provide a green corridor as often these hedgerows do not survive the development stage and cannot contribute in a meaningful way to the protection and conservation of wildlife as is the intention of green infrastructure policies. The limited proposed planting in the open spaces does in no way mitigate the loss of 630 m of significant hedgerow within the development. In addition, an area of 100 sq. m of scrub and 1.160 sq. m of woodland is to be removed.

Conditions are recommended in respect of woodland management and archaeology.

**Housing Section:** Report indicates no objection to a grant of permission subject to a condition requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 (as amended) prior to commencement.

**Environment Section:** Report states no objection subject to condition.

**Transportation Department:** Report states no objection subject to condition.

**Water Services:** Report states no objection subject to condition.

**The main issues raised is the Chief Executive Officers assessment are summarised as follows:**

- The proposed density of 37.8 units per hectare is excessive.
- The p.a. considers that a lower density of c. 30 units per hectare would be more appropriate at this transitional location between suburban Clane and open countryside and would accord with settlement strategy of the Kildare County Development plan 2017 - 2023 and the Clane LAP 2017 – 2023
- The level of public open space is below that of the required 15% as per section 17.4.7 of the CDP and section 12.2.2 of the Clane LAP.
- Serious concern regarding the design and layout of POS

- The level of high quality and moderate quality hedgerow removal is excessive and is detrimental to biodiversity and wildlife corridors
- Parts of the proposed development would contravene policy 17.2.4 of the KCDP and would result in undue level of overlooking, which would negatively impact upon adjacent properties residential amenity.
- Block 1 would result in an overbearing impact on the streetscape of Clane
- Shortfall of 15 no. car parking spaces, does not accord with the car parking requirements of the Kildare CDP and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for PA, March 2018 and has serious concerns regarding the distribution of the car parking within the scheme particularly with regard to Block 1 and Block 2.
- Proposed 4 storey block 1 would result in an inappropriate height within the area and would be out of character.

### **Refusal Recommended**

The planning authority recommends that permission be refused for the following reasons.

1. Having regard to the status of Clane as a Small Town in the Settlement Hierarchy of the Kildare CDP 2017 – 2023, the new dwellings target of 780 units identified for Clane in the Kildare CDP during the plan period up to 2023 and the density indicated within the Clane Local Area plan 2017 – 2023 for the application site (Key Development Area 2), the density and number of residential units proposed would distort the core and settlement strategy figures set out in the Kildare County Development Plan 2017 – 2023, would be contrary to the planned housing provision for Clane as set out in the Plan, would contravene the development strategy for Clane and projected residential capacity outlined for this Key Development Area as set out in the Clane LAP 2017 – 2023. The proposed development would be contrary to section 4.3 of the Eastern and Midland Regional Assembly's Regional Spatial Economic Strategy which seeks a graded reduction in residential densities in towns and villages commensurate to the existing built environment. Having regard to the



foregoing the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development does not comply with the 12 Criteria as indicated in the Urban Design Manual Best Practice Guidelines in terms of Context, Distinctiveness, Layout, Public Realm, parking and Detailed Design, having specific regard to the following:

- The design of Apartment Block 1, including its 4 storey nature, and its lack of regard to the existing built forms in the area, the elevated nature of this part of the site and undulating nature of the site and the prominent location adjacent to the development boundary of Clane Local Area Plan 2017 – 2023.
- The proposed removal of significant areas of high value and moderate value established hedgerows.
- The poor relationship between the duplex Blocks and adjacent open space areas.
- Unsatisfactory open spaces with limited active recreational value and low proportion of useable open space.
- Over dominance of car parking in some areas and inadequate distribution of car parking throughout within the overall site.
- Inadequate design of the apartment blocks and the negative visual impact of same.
- The proposed development would set an undesirable precedent for similar poor quality development and would be contrary to Policy DL1 of the Kildare County Development Plan 2017 – 2023 which seeks to promote a high quality of design and layout in new residential developments and to ensure a high quality living environment for residents, would be contrary to the provisions of the Urban Design Manual Best Practice Guidelines (DEHLG, 2009) would be seriously injurious to the existing residential amenity of the area, depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3. The proposal to remove a significant level of High Value and Moderate Value hedgerows to facilitate the proposed development would be contrary to the

provisions of Policies NH1, GI8, GI9 and GI13 of the Kildare County Development Plan 2017 – 2023, which seek to preserve, maintain and protect native hedgerows within the County. To permit the proposed development would set an undesirable precedent for the removal of a significant amount of Green Infrastructure in this location, with a resultant loss in natural habitats and associated biodiversity and would therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed development does not accord with the standards for car parking provision as provided for in Chapter 17 of the Development Management Standards of the Kildare County Development Plan 2017 – 2023 and Section 4.22 of the Sustainable Urban Housing – Apartment Guidelines. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### **No Conditions Attached.**

## **10.0 Prescribed Bodies**

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

- HSE
- IFI
- Irish Water
- Transport Infrastructure Ireland
- TII

### **HSE**

- Recommends that a Construction Management Plan be drawn up.
- A noise and vibration management plan should be adhered to.
- Welcomes the inclusion of a dust management plan.
- It is recognised that biodiversity areas are designed to accommodate playgrounds and other amenity areas.
- Consideration should be given to incorporation of green infrastructure in the design of play areas, greening of proposed pedestrian walkways.

- It is acknowledged that green spaces are provided throughout. Replacement planting is welcomed.
- The proposed development should consider the needs of cyclists.
- It is noted that 140 of the units are designed to be suitable for use as step down for persons with special needs.
- A waste management plan is recommended.

#### IFI:

- The proposed development is located in the catchment of the Gollymochy River, which has a resident population of brown trout, lamprey species and freshwater crayfish. The Gollymochy is also an important spawning tributary of the Liffey. The River Liffey is exceptional among most rivers in the area in supporting Atlantic Salmon.
- Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of local surface waters.
- It is essential that receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment.
- Chapter 7.8 of the EIAR regarding monitoring of the discharge from sediment retention ponds should be made a condition of planning. A written log of this monitoring should be available for inspection onsite.
- Wheel wash facilities should receive regular inspection and maintenance.
- IFI is opposed to any development on floodplain lands.

#### Irish Water:

Based upon the details provided by the developer (366 no. residential units) and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

### Transport Infrastructure Ireland (TII):

The observation states that the authority requests 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.

## 11.0 Oral Hearing Request

None requested.

## 12.0 Assessment

12.1. 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 2017-2023, the Clane Local Area Plan 2017 - 2023, relevant Section 28 Ministerial Guidelines; provisions of the Planning Acts, as amended and associated Regulations; the nearby designated sites; 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. I consider the main issues relating to this application are:

- **Compliance with Planning Policy**
- **Density, Layout and Design**
- **Residential Amenity and Quality of Proposed Development**
- **Childcare Facilities and School Demand**
- **Residential Amenity of Adjacent Property**
- **Boundary Treatment**
- **Transport and Carparking**
- **Biodiversity, Trees, Landscaping**
- **Infrastructure**
- **Surface Water and Flood Risk**

- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

## 12.2. Compliance with Planning Policy

- 12.2.1. Having regard to the nature and scale of development proposed, namely an application for 366 residential units and childcare facility, 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.
- 12.2.2. The site is a zoned infill urban consolidation site approximately 500 m north of Clane town centre at Capdoo County Kildare. The majority of the site is zoned 'Objective C New Residential' under the provisions of the Clane LAP 2017 – 2023. A small portion of the northwest corner of the site, proximate to the R407 is zoned objective B, existing residential, with the objective to 'protect and enhance the amenity of established residential communities and promote sustainable intensification'. The site is also identified as Key Development Area 2 (KDA) to 'provide for new residential development' and contains a road objective along its western boundary connecting to the local road to the south.
- 12.2.3. Section 2.2 of the LAP states that Clane is designated as a Small Town in the Kildare County Development Plan 2017-2023 which will develop as a key centre for local services. Clane is not identified in the Settlement Strategy under the Draft Regional Spatial & Economic Strategy 2018, however recent population growth may result in the settlement being more appropriately designated as a Medium Town. In this respect, the subject site has been considered in context of appropriate densities for both smaller and larger towns as provided for in the Guidelines.
- 12.2.4. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) promote and encourage higher residential densities where appropriate, noting that for greenfield sites in cities and larger towns, development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

- 12.2.5. For centrally located sites in smaller towns, the Guidelines advocate a density range of 30-40+ dwellings per hectare reducing to 20-35 units per hectare on edge of centre sites.
- 12.2.6. Following pre-planning consultation opinion, specific design proposals have been incorporated to address the issues identified in relation to density and layout of the proposed development. The total number units have been increased from 322 no. dwellings to 366 no. dwellings. From a net density of 33.34 units / ha to 37.8 units / ha or proposed gross residential density of 31.98 units / ha.
- 12.2.7. It is considered that the proposed net / gross residential density is in accordance with the 30 plus dwellings per hectare recommended for land efficiency by the Guidelines. Furthermore, the proposed density has regard to its immediate context, new link road, proximity to town centre, the nature and character of the settlement and its role function in the settlement hierarchy. In this regard, the proposed density is well within the density range of 30-40+ dwellings per hectare advocated for small towns while also consistent with the 35-50 units per hectare for greenfield sites in cities and larger towns. Accordingly, I am of the opinion that the proposed density is appropriate to the application site and is fully consistent with the requirements of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009). National guidance documents clearly emphasise the need for urban consolidation, intensification and densification of both brownfield and greenfield development land and ensuring the delivery of a wider mix and form of housing typologies.
- 12.2.8. I highlight for the attention of the Board that the planning authority in their recommendation for refusal concludes that: 'Having regard to the status of Clane as a Small Town in the Settlement Hierarchy of the Kildare CDP 2017 – 2023, the new dwellings target of 780 units identified for Clane in the Kildare CDP during the plan period up to 2023 and the density indicated within the Clane Local Area plan 2017 – 2023 for the application site (Key Development Area 2), the density and number of residential units proposed would distort the core and settlement strategy figures set out in the Kildare County Development Plan 2017 – 2023, would be contrary to the planned housing provision for Clane as set out in the Plan, would contravene the development strategy for Clane and projected residential capacity outlined for this Key Development Area as set out in the Clane LAP 2017 – 2023. The proposed

development would be contrary to section 4.3 of the Eastern and Midland Regional Assembly's Regional Spatial Economic Strategy which seeks a graded reduction in residential densities in towns and villages commensurate to the existing built environment. Having regard to the foregoing the proposed development would be contrary to the proper planning and sustainable development of the area'.

12.2.9. It is noted that the core strategy of the Kildare County Development Plan sets out a housing allocation of 780 housing units for Clane over the period 2017 – 2023. This is essentially the target population growth of Clane, as a whole, up to 2023.

12.2.10. The Clane LAP 2017 – 2023 estimates the capacity of the KDA 2 subject lands based on a residential density of 26 units per hectare. Table 4.1: of the LAP 'Estimated Residential Capacity,' specifically, sets out a number of 227 units for KDA 2 Capdoo. I note that this is a net calculation of the lands, based on a gross density of less than 20 units / ha and that a gross estimation (based on 26 units / ha) would be in the region of 300 units. There is no explanation or justification for a density of less than 20 units per hectare on such a site having regard to Sustainable Residential Development Guidelines (2009)

12.2.11. Within Clane there are 5 number KDAs with a projected estimated residential capacity of 1026. To date, only, part of KDA4 is currently under development and has permission for 90 residential units. Therefore, a grant of permission for an additional 366 units, as proposed in the subject application, would give rise to permission being granted, to date, or since the adoption of the LAP to 456. We are now almost halfway into the timeframe of the LAP, it being Q4 of 2019. This figure is nowhere near the target projected for housing units, set out in the Kildare County Development Plan and the LAP of 780 units for the town up to 2023. Clearly the number of units proposed in the subject application does not breach the overall target number set out in the core strategy for the town of Clane. Cognisance is had to the phasing plan for the subject lands set out in the submitted Construction Management Plan, and to what can or will conceivably be permitted and constructed within the life of the plan.

12.2.12. It is firmly considered that an increase in the density proposed is not material. While the LAP proposes 26 units per hectare with a number of 227 units specifically denoted, it is highlighted that taking the gross density (of 26 units per ha, as opposed

to 20 units / ha) a 300 residential unit development could be accommodated. What is proposed is a residential development of 366 units with a gross density of 32 units per hectare, i.e. a 15 % increase in the density as set out in the LAP. This is not considered a significant or material increase in density, specific regard being had to Objective HCO1.1 of the LAP which provides that residential development should accord with the standards provided in The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009). To this end the proposal satisfies Objective HCO1.1

12.2.13. Clearly National Guidelines emphasise the need for urban consolidation, intensification and densification of both brownfield and greenfield development land and ensuring the delivery of a wider mix and form of housing typologies. The proposed development which provides for a gross residential density of 32 units per hectare / net residential density of 37.8 units per hectare is considered in accordance with national guidelines, in the interests of the efficient use of land, and appropriate on this site.

12.2.14. I am satisfied that neither the core strategy and or planned population target for Clane are materially contravened and that in the event of permission being granted neither the overall figure of 780 units for Clane or the corrected figure for the site (300 units by 2023) as per the planning authorities stipulated target density of 26 units / ha would be necessarily breached.

12.2.15. The proposed development is in accordance with Kildare County Council objective HCO1.1 and in accordance with National Policy. I am satisfied that the proposal in terms of unit numbers proposed to be delivered by 2023 and density proposed does not materially contravene Kildare Development Plan / Clane LAP.

### 12.3. **Density, Layout and Design**

12.3.1. Third party concern is raised with respect to the density proposed and it is submitted that a density of 30 units per hectare would be more appropriate. It is contended that Blocks 1 and 2 are too high that they are inappropriately located furthest away from the town centre at the northern boundary of the site. There would be overlooking from Blocks 1 and 2 of dwellings in Mainham Woods. Concern is also raised with



respect to boundary treatments and ground levels, in particular, to the south east of the site.

- 12.3.2. It is noted that the northern portion of the subject site adjoins the development boundary of Clane LAP. The planning authority acknowledge that an appropriate density is critical to creating a high-quality integrated development within the context of the existing and surrounding development and which also promotes efficient use of land. The density proposed, revised on foot of the Board's Opinion which noted that particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Clane town centre, with its established social and community services has resulted in a 4 storey apartment block being located along the development boundary of Clane at the entrance to the site off College Road - R407.
- 12.3.3. Paragraphs 3.4, 3.5 and 3.6 'Building Height in suburban / edge locations (City and Town) of the Urban Development and Building Heights Guidelines for Planning Authorities (Dec 2018) is of particular relevance to the subject proposal. It states: 'Development should include an effective mix of 2, 3 and 4 storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river / sea frontage or along wider streets.'
- 12.3.4. Section 17.2.1 KCDP states the following regarding building heights: 'The appropriate maximum or minimum height of any building will be determined by:
- The prevailing building height in the surrounding area.
  - The proximity of existing housing.
  - The formation of a cohesive streetscape pattern, including height and scale of proposed development relative to width of street or area of open space.'
- 12.3.5. It is noted that section 12.2.2 of the Clane LAP states that 'Buildings 2 – 3 storey height with transition in scale from existing residential development. This KDA is likely to accommodate lower to medium density residential development in the order of 25 – 30 units per hectare. Building shall not exceed 2 storey in height along the southern eastern and western perimeters of the site where they adjoin existing residential properties.'

- 12.3.6. The alignment of the link road, as provided for in the Clane LAP and the approved Part 8, is a principal component of the design concept. The curvature of the route of the link road creates two distinct development parcels, the larger being to the east and north and the smaller to the southwest. It is contended by the applicant that the movement and open space strategy for the site, including the retention of trees and hedgerows and compensatory proposals, have been significantly influenced by the alignment of the road which is a fixed major structuring element. Cognisance is had to this circumstance in the overall assessment of the layout and design proposed.
- 12.3.7. The layout has also been informed by the Clane Local Area Plan 2017-2023. The site is identified as Key Development Area 2 (KDA 2) which provides design parameters that place an emphasis on a high degree of permeability and connectivity for the town between the Kilcock and Celbridge Regional Roads.
- 12.3.8. Three-character areas are proposed across the scheme to create a series of distinctive neighbourhoods which will fit appropriately into the context of the surrounding area. Each of these are focussed on its own cluster of streets giving a sense of identity and place and are linked by a number of open spaces and pocket parks.
- 12.3.9. The apartments and duplex units proposed comprise a mix of two storey own-door apartments; own-door duplex units over a ground floor own-door apartment unit; and three apartment blocks of three and four storeys. The proposed development provides for a wide range of house sizes, from one to five-bedroom dwellings, and types include apartments, duplex units, terraced, semi-detached and detached dwellings. In particular, in excess of 45% of the proposed units are one and two beds in recognition of the increase in one and two person households.
- 12.3.10. It is considered that the development has regard to both local and national policies, two storey development is proposed to the south east of the site, with three storey and one four storey apartment blocks and 3 storey duplex apartments addressing the proposed link road, creating a strong frontage and cohesive streetscape pattern. Block 3 has been designed to address the Link Road to the south of the development and has been faceted to follow the curvature of the street. The four storey Block 1 located to the north west of the site addresses the entrance

to the site off the R407 – College Road / the new junction of the Kilcock Road and Link Road.

12.3.11. Increased heights are proposed at locations adjoining public spaces and in particular along the proposed Link Road and overlooking the central open space. The building heights assist in providing a variety in scale and form, assisting in overlooking and enclosing the new Link Street and public open space and will create visual interest in the landscape. I consider that the apartment blocks 1 and 2 are well designed and create a strong presence at the entrance to the site and the urban fringe of Clane. Removing a floor and reducing the height to 2 – 3 storey is not in my opinion necessary or desirable from a visual perspective and would, only, support a reduced density of the development, contrary to national guidelines and the sustainable development of Clane town. Site sections along the Link Road, photomontages / views into the site are noted. Character areas are identifiable throughout the layout and variation in unit design and type is noted. National guidance takes precedent and I am satisfied that the layout, density, design and height reflect the proximity of the site to the town centre and the importance of consolidation on zoned and serviced lands within established urban areas.

12.3.12. Overall, I am satisfied that the design proposed is visually acceptable and will act as a gateway to Clane. The palette of materials consists of a mix of buff brick with white brick/ render and stone details. The submitted CGI's, contextual elevational drawings, supports this view. Regard is also had to Chapter 11 of the EIAR, 'Landscape and Visual Impact Assessment' and submitted Photomontages.

#### **12.4. Residential Amenity and Quality of Development**

12.4.1. The following assessment considers the quality of the proposed residential development with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; the Kildare County Development Plan 2017-2023 and the Clane LAP 2017-2023.

12.4.2. A detailed breakdown in the housing mix proposed, is set out in Table 2, Section 3.4 of this report. The proposed development includes a combination of own door, duplex and standard apartment types. The mix is considered satisfactory with

regard to development plan housing policy and SPPRs 1 and 2 of the apartment guidelines. The PA have not express concern in relation to the mix proposed. I would note that the proposed development meets the standards set out in national guidance with regard to housing mix and that there is a predominance of larger 3 bed + units within Clane environs. The proposed housing mix (50 % houses and 50 % apartments / duplexes) is, therefore, acceptable in my view.

#### 12.4.3. Apartment Design and Layout

The submitted Schedule of Floor Areas and summary of Residential Mix indicate that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines. The individual apartment types also meet the requirements for internal floor areas and storage space provision as per Appendix 1 of the guidelines.

The Guidelines include a range of specific planning policy requirements (SPPR's) which the Board are required to have regard to. SPPR's relevant to the proposed development, and compliance with same, are as follows:

SPPR1: A total of 98 no. apartments (with grouped or common access) are proposed. Of these a total of 16 no. units are one bedroom representing 16% of the total number of apartments proposed. It is noted that when the one-bed own door apartments are included, one-bed units represent 7.7% of the overall development proposed (including houses).

SPPR3: Prescribes minimum floor areas. All apartments exceed the stated minimum floor areas. One-bed apartment range in size from 48.9 to 58.4sqm. Two-bed apartments range in size from 79.1 to 86.5sqm. Accordingly, all one and two-bed units exceed the minimum floor area standards required by SPPR3.

It is noted that own-door one-bed apartments range in size from 53.1 to 59.2sqm, own door two-bed apartments are 83.7sqm and three-bed duplex units range in size from 119.2 to 120.4sqm

SPPR4: Requires a minimum of 33% of dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate

locations. Based on a total of 98 no. apartments proposed a total of 22 no. units are single aspect, representing 22.4% of the apartments proposed. Accordingly, 77.6% of the apartments proposed are dual aspects well in excess of the 50% requirement for suburban or intermediate locations required by SPPR4.

If the own door apartments and duplex units proposed are included the total percentage of dual aspect units increase to 88%.

SPPR5: requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR6: specifies a maximum of 12 apartments per floor per core. This requirement is complied with. The maximum number of units on any floor is 9 no. apartments (Block 1). For Blocks 2 and 3 each core serves either 5 or 6 no. apartments.

Accordingly, all Blocks meet the requirements of SPPR6.

Based on the foregoing, the proposed development is in full compliance with all relevant SPPR's contained in the Apartment Guidelines.

Sections 3.8 to 3.15 of the Apartment Guidelines considers safeguarding higher standards with particular reference to the majority of units exceeding minimum floor area standards. The Guidelines outline a number of ways this can be achieved.

For the proposed development, all apartments (Blocks 1, 2 & 3) exceed the minimum standards, one-beds exceed the minimum standards by between 8.7% and 29.8%, while two beds exceed the minimum standards by between 8.4% and 18.5%. The proposed apartments result in a high standard urban development with generous floor areas that all exceed the minimum standards while also delivering a range of unit sizes.

Private open space is provided in the form of terraces at ground floor level and balconies / winder gardens at upper levels. The submitted schedule of floor areas indicates that private open spaces meet or exceed the quantitative standards provided in Appendix I of the apartment guidelines.

#### 12.4.4. Communal Facilities and Services

Section 4.5 of the Apartment Guidelines encourage the provision of communal rooms and communal facilities in apartment schemes, particularly in larger developments. It is not proposed to provide communal floorspace in this development, with the exception of bin / waste disposal and bicycle storage, this is considered to be acceptable. Details of management can be addressed by condition. The proposed crèche facility is discussed in the succeeding section of this report. Overall services are acceptable subject to agreement of an operational Waste Management Plan.

#### 12.4.5. Landscaping and Open Space Provision

Table 4.1 of the LAP sets out a design brief for KDA2. It requires the provision of a min. of 15% of area as public open space. Retain natural heritage and Green Infrastructure features through incorporation into areas of open space and boundaries of residential development. Incorporate natural heritage and Green Infrastructure features in addressing flood risk and preparation of SuDs strategy.

Section 14.4.7 of the CDP requires that open space for greenfield sites are to be provided at a minimum of 15% of the site area.

Taking the net development area of 9,6778 sq. m a 15% requirement equates to 14,516.7 sq. m (1.4516 ha). The site comprises of 8 no. areas of Open Space.

Open Space 1:	6546 sq. m
Open Space 2:	2515 sq. m
Open Space 3:	1747 sq. m
Open Space 4:	1489 sq. m
Open Space 5:	1424 sq. m
Open Space 6:	1216 sq. m
Open Space 7:	896 sq. m
Open Space 8:	292 sq. m
Total	16,125 sq. m (1.6125 ha)

It is contended that the proposed development provides approximately 1.6125 Ha / 16.7% of area as public open space of varying sizes dispersed throughout the

development. Where possible natural heritage and green infrastructure features have been retained through incorporation into areas of open space and boundaries of residential development. Where necessary, compensatory measures have been proposed to address the loss of hedgerows and ensure that the biodiversity value of the site is maintained and enhanced.

The planning authority has concern regarding the use-ability of the western part of Open Space 1, the level change along this part of the site are stated to be in the region of 3.5m. Also, concern is expressed with respect to Open Space area 3 and Open Space area 8 recommending that they be excluded from the calculation for public open space. This reduces the POS area to 14,086 sq. m (1.4086 Ha) which equates to 14.5% of the development area of the application site. Additionally, concern is raised with respect to Open Space area 2 with regard to configuration, the hedgerow dissecting same and level of car parking.

The landscape design rationale submitted with the proposed development sets out that there are three main large areas of public open space, each of them vary in character. All of the public open spaces are centrally located and overlooked from proposed houses. Their central locations ensure that the public open space is activated and used to its maximum potential. The landscape elements are arranged in such a way as to utilise as much of the space as possible. In both the Northern Open Space and the Southern Open space, significant lengths of existing hedgerow are proposed to be retained and are one of the main drivers of the overall design of these spaces.

I note that dedicated play areas are located in areas of public open space on site. They comprise of areas of natural play which are integrated into meadow areas. Play equipment includes a climbing structure, trails of timber logs and balancing equipment which are accessible to the general public. From my site visit I can confirm that the gradient of the site is undulating with no steep rise or fall in ground level. The site falls from north west to south east, with the northern portion of the site having a ground level of some 73 m AOD and the south east portion having a ground level of some 71m AOD. Concern with respect to changes in level across public

open space area 1 can be dealt with by way of condition. I recommend that a condition be attached which requires written agreement with the planning authority so that an appropriate ground level change be observed.

Overall, I am of the view that the level of public open space and communal space is adequate, regard being had to constraints on the site and density proposed and that the payment of a standard S48 Contribution would suffice in this instance. It is considered the landscape design has had regard to the policies seeking to protect the green infrastructure network set out in the Clane LAP. It is noted that the site contains 3 no. hedgerows of moderate value and one hedgerow of high value. The Landscape Plan proposes to retain the hedgerow to the west of Open Space area 1 and the hedgerow through Open Space area 2. It is also proposed to install approximately 4000sqm of new habitat along the proposed R403-R407 Link Distributor Road. Regard is had to Chapter 11 Landscape and Visual Impact Assessment of the EIAR and landscape plans by Dermot Foley Landscape Architects, included as Appendix 11.D. And to Chapter 16 Summary of Mitigation Measures. This is considered acceptable. While some green infrastructure within the site will inevitably be removed its replacement by trees and shrubbery more suitable in the long term in terms of residential amenity is considered justified and acceptable in principle, in particular, given site location, zoning and national policy.

#### 12.4.6. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

### 12.5. **Childcare Facilities and Schools Demand**

- 12.5.1. The 'Childcare Facilities Guidelines for Planning Authorities' recommend a minimum provision of 20 childcare places per 75 no. dwellings. The apartment guidelines state that the threshold for the provision of childcare facilities in apartment schemes



should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

- 12.5.2. It is noted that the Clane Local Area Plan 2017-2023 considers that pro-rata childcare provision of a rate of 0.13 childcare space per dwelling is more appropriate standards for KDA2 lands. The applicant submits that on this basis, the proposed development has been designed to accommodate in the order of 49 no. children, which is considered appropriate for the particular circumstance of this site.
- 12.5.3. The development includes a crèche of 316 square metres in area. The applicant submits that, the proposed facility will cater for 49 no. children. When 1 bed and units are omitted, the remaining 200 no. units have a childcare requirement of c. 54 childcare places based on the guidance contained in the Childcare Facilities Guidelines and 48 spaces as per the Clane LAP (366 x 0.13). Overall, I am satisfied that the level of childcare provision has been justified and is adequate.
- 12.5.4. A School Capacity Assessment Report submitted with the application concludes that using the Demographic Component Model methodology from the Central Statistics office and CSO 2016 census data, it is evident that the age cohort of persons under the age of 15 will decrease between 2016 and 2026. This data highlights there will be no increase in children in the area over the course of the 10-year period should the population of the area continue to grow at the current rate (not factoring in new development).
- 12.5.5. Primary and post primary School Provision: 2017 enrolment figures for the three primary schools within the catchment show an increase on the figures recorded in 2017/18 compared to 2015/16. The Department of Education and Skills list one school in Clane to be delivered under the school building program, St Patrick's BNS, which is currently in Stage 2b (detailed design).
- 12.5.6. Planning permission was granted by the Council in 2016 and includes the provision of 24 classrooms, general purpose room and ancillary accommodation. This major extension will increase intake to the school, thus providing availability for an increase in population to the area.

12.5.7. It is therefore concluded that the existing school provision in the area is sufficient to cater for the needs of the current and future population of Clane.

12.5.8. While the third-party observations question school capacity and demand, I am satisfied that the assessment provided is acceptable.

## 12.6. Residential Amenity of Adjacent Property

12.6.1. Concern is raised with respect to impact on the residential amenity of adjacent property generally arising from changes in ground level, overlooking (in particular of dwellings in Mainham Woods and to the south west), overshadowing, boundary treatment, concern with respect to pedestrian / cycle links proposed and anti-social behavior. It is contended that Blocks 1 and 2 do not respect the character of the area, are too high, and would give rise to overlooking.

12.6.2. The proposed layout has been informed by the LAP requirements for KDA2 and in particular the requirement to deliver the Link Road previously permitted under Part 8. The Link Road runs directly to the eastern boundary with Mainham Woods and therefore ensures a set back off the boundary with residential dwellings to the west, at the northern portion of the site. Apartment Block 1 is set back 28.9m from the western boundary with Mainham Woods and Block 2 is set back 35 m from the western boundary. The separation distance between dwellings in Mainham Woods and the Apartment blocks is in excess of 45m. Extensive landscape planting is proposed along the western boundary. I note that the separation distance of the north east corner of Block 1 is c. 27 m from the front building line of the adjacent dwelling to the north and c. 11 m from the northern boundary. The balconies to the rear of block 2 are c. 14m to the rear / western party boundary with a neighbouring dwelling and c. 34m from the building line of the dwelling. The first and second floor windows and balconies / terraces of the duplex units in the south western corner of the site, nearest balcony / terrace is c. 9m from the third party boundaries in the south western corner.

12.6.3. The minimum separation distance generally required between an above ground floor window and the boundary it faces is 11m. The proposal has regard to the requirement that a minimum distance of 22m be observed between opposing above

ground floor level window for habitable rooms. (Section 17.2.2 of the KCDP 2017 – 2013)

- 12.6.4. Increased heights of 3 and 4 storeys have been provided in order to ensure that the proposed development takes place at a sustainable density. I consider that the layout, form and set back of Blocks 1 and 2 is acceptable, regard being had to impact upon existing surrounding development.
- 12.6.5. There are multiple one-off dwellings on acre and half acre sites which adjoin the application site. Regard is had that any development on these zoned lands will have an impact on the residential amenity of the existing receiving environment. This is an inevitable consequence of urban development. The site is a zoned infill urban consolidation site, located approximately 500 m north of Clane town centre. It is considered that the development as proposed is consistent with the Urban Development and Building Heights Guidelines for Planning Authorities (2018) (as referenced in Section 11.5 of this Planning Report) and local policy set out in the KCDP and the Clane LAP. The proposed building heights are acceptable. It is considered that the separation distances achieved between the proposed development and the site boundaries with other development, is acceptable. The proposed development will not lead to undue adverse overlooking, overshadowing, overbearing impact on the residential amenity of the adjoining area.
- 12.6.6. Overall, I do not believe the layout would impact residential amenity of properties to such an extent that permission should be refused. The issues raised with respect to change in ground level to the south east of the site can be dealt with by way of condition. While from the drawings submitted there appears to be a difference of some 2.9m – 3.1m between the FFL of Houses C1 15.35 / House A 15.01 and the ground level of existing neighboring dwellings to the east, from my site visit and information on file this part of the site is undulating with no steep rise or fall. There is a proposed separation distance of 24.8 m – 53.5m between the proposed houses and the existing one-off houses which is considerable. From my site visit and information contained on the file such a change in ground level is somewhat ambiguous. This matter requires clarification and can be satisfactorily resolved by way of condition should the Board be mindful to grant planning permission for the subject development.

12.6.7. I note the proposed pedestrian entrance via College Road East and consider this appropriate and desirable. Good linkages and pedestrian connectivity is welcomed and will aid the creation of high-quality linked and accessible streets and public spaces.

## 12.7. **Boundary Treatment**

12.7.1. Drawing 203 Boundary Plan prepared by Dermot Foley Landscape Architects, illustrates sections of proposed and existing boundaries. The general boundaries strategy involves the retention of existing boundaries where possible and their modification to render them more appropriate to the proposed use. Where the existing boundary is formed by a hedgerow, the design has integrated this existing hedgerow where possible. Proposed hedgerows are shown to selected boundaries to fill gaps along lengths of boundary and to complement the existing character of boundaries. Where proposed private open space adjoins open boundaries, the existing boundary is proposed to be in-filled with concrete post and timber panel fencing. Boundaries to public open space are proposed to be secured using simple mesh fences constructed with minimal point foundations and without the need for strip foundations in order to protect and retain as much existing hedgerow as possible. Where existing hedgerow vegetation is thin along the boundary, this will be supplemented with additional appropriate planting.

12.7.2. I note concern has been raised with regard to boundary treatment proposed to the south east of the site. I recommend that should a grant of planning permission be forthcoming from the Board for the proposed development that a condition be attached which requires all rear gardens to be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

## 12.8. **Transport and Carparking**

12.8.1. The proposed development provides for the delivery of the Link Road which corresponds with the alignment of the extant Part 8 and is required under the LAP. The delivery of the Link Road will significantly improve connectivity and increase

permeability for pedestrians, cyclists and vehicles. In addition, the proposed development provides for a number of secondary connections to the surrounding road infrastructure to further enhance permeability to adjoining development.

- 12.8.2. A Traffic and Transport Assessment was prepared by DBFL Consulting Engineers it concludes that there are no traffic or transportation related reasons that should prevent the granting of planning permission for the proposed development.
- 12.8.3. The Roads and Transportation Section of the planning authority recommends a grant of planning permission subject to condition. Their report considers that the proposed development has been redesigned, cognisance been had to planning advice and the redesign has resulted in an improved roads layout.
- 12.8.4. I note the Roads and Transportation Section recommends that a condition be applied which requires a detailed design for the upgrade of the traffic signals at the junction of the R403/link road / Brooklands estate. It is also recommended that a condition be attached to any grant of planning permission which requires that the developer shall submit, for the written agreement of the planning authority, a detailed design for the proposed link road between the R403 Celbridge Road and the R407 Kilcock Road. A detailed Construction Management Plan and a Stage 2 Road Safety Audit are also recommended. I agree that such conditions should be attached to any decision to grant planning permission in the interest of pedestrian, cycle and vehicular safety.
- 12.8.5. It is appropriate that the developer deliver the link road, given the scale and nature of the proposed development. The road is an objective in the Clane Local Area Plan and is a critical piece of road infrastructure for the town of Clane. The construction of the road will serve the development of lands and will improve road safety and traffic congestion at the current junction of the R407 and R403.
- 12.8.6. The planning authority assessment considers that there is a shortfall of 15 no. car parking spaces. The fourth draft reason for refusal by the planning authority considers that the proposed development does not accord with the standards for car parking provision as provided for in Chapter 17 of the Development Management Standards of the Kildare County Development Plan 2017 – 2023 and Section 4.22 of the Sustainable Urban Housing – Apartment Guidelines. The proposed development

would therefore be contrary to the proper planning and sustainable development of the area.

12.8.7. The following car parking is to be provided on-site to serve the proposed development;

- Surface Parking: Apartments and Duplexes – 219 no. spaces
- Surface Parking: Crèche Parking – 18 no. spaces.
- Surface Parking: House Units (front driveways) - 368 no. spaces.

12.8.8. In total 605 no. on-site dedicated car parking spaces are to be provided as part of the subject development proposals. This level of parking provision has been determined with reference to the minimum standards set out in the Kildare County development plan. Dedicated pedestrian and cycle facilities are proposed to provide permeability, safety and connectivity whilst supplementing vehicular trips for short to intermediate vehicles.

12.8.9. Cycle parking (704 no. dedicated cycle spaces) has been provided at a rate which exceeds Kildare County Development Plan (2017-2023) minimum standards. The spaces are dispersed around the site.

12.8.10. Junction upgrade works provide a roundabout as part of the Link Road which helps supplement any potential capacity issues that may arise between the R407 regional road and the proposed link road. Development traffic will be accommodated by two proposed access junctions onto the neighbouring road network; a priority-controlled junction with R403 and a new roundabout junction with Capdoo L5078 local road and R407 College Road. The provision of dedicated pedestrian and cycle facilities acts to encourage the uptake of more sustainable modes of transport for short to intermediate journeys, thus reducing the reliance on private cars.

12.8.11. Overall, I consider the level of car parking proposed is acceptable based on specific site location and when assessed against the underlying principles contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018), which seeks to reduce car parking provision in accessible locations. I recommend that a condition be attached which requires the developer to ensure that the internal road network, public footpaths, car

parking and cycle parking should comply with the requirements of the planning authority for such works. To ensure a satisfactory standard of development.

12.8.12. The subject site provides an opportunity to deliver residential units on a zoned infill urban consolidation site approximately 500 m north of Clane town centre. It is considered that overall connectivity, traffic and carparking is deemed acceptable in principle, subject to condition.

### 12.9. Biodiversity / Trees / Landscaping

12.9.1. The Heritage Officers report sets out that the proposed development has had very little regard for the retention of hedgerows within the overall layout of the development. The retention of the boundary hedgerows at the back of the development does not provide a green corridor as often these hedgerows do not survive the development stage and cannot contribute in a meaningful way to the protection and conservation of wildlife as is the intention of green infrastructure policies. The limited proposed planting in the open spaces does in no way mitigate the loss of 630 m of significant hedgerow within the development. In addition, an area of 100 sq. m of scrub and 1.160 sq. m of woodland is to be removed. The report sets out conditions, in respect of woodland management and archaeology, in the event of a grant of planning permission being forthcoming.

12.9.2. The third draft reason for refusal recommended by the planning authority considers that the proposal to remove a significant level of High Value and Moderate Value hedgerows to facilitate the proposed development would be contrary to the provisions of Policies NH1, GI8, GI9 and GI13 of the Kildare County Development Plan 2017 – 2023, which seek to preserve, maintain and protect native hedgerows within the County. To permit the proposed development would set an undesirable precedent for the removal of a significant amount of Green Infrastructure in this location, with a resultant loss in natural habitats and associated biodiversity and would therefore be contrary to the proper planning and sustainable development of the area.

12.9.3. A key driver of the overall site layout is the Link Road the location of which has been subject to a Part 8 procedure. The applicant submits that the permitted route

traverses the majority of the hedgerows identified in Map 11.1 and results in the fragmentation and removal of these hedgerows. Furthermore, differences in site levels and the level of the Link Road has resulted in access points from the Link Road, and associated housing layout, being somewhat constrained. Notwithstanding these constraints, particular attention has been paid to the existing hedgerows on site with portions proposed to be retained and incorporated within the public open space of the new development, where possible.

- 12.9.4. It is noted that the primary motivation for the retention of the hedgerows is to protect habitats and ecological corridors of local importance. In order to offset the loss of higher significance hedgerow and treelines it is proposed to create new, biodiversity planting within areas of public open space and in particular along both margins of the new link road stretching across the site. This will provide a total area of 3,000m<sup>2</sup> of new habitat. The species to be planted include a wide range of native trees and shrubs while the maintenance plan is intended involve minimal interference – i.e. no use of herbicide sprays, no cutting or mowing - effectively allowing for new linear woodlands to emerge. This planting will effectively create a new biodiversity corridor which will provide connectivity for the species which are currently recorded in this location. While this woodland will take time to mature it will ultimately compensate for the loss of hedgerows and green infrastructure arising from the development, Refer to Chapter 11 of the EIAR.
- 12.9.5. With respect to trees, all trees within the site have been surveyed in accordance with BS 5837:2012. The Tree Survey has been used to assess the existing stock of trees on site and make recommendations for their retention. In this respect, a group of existing trees to the north-east of the site is proposed for retention, as well as a number of Sycamore trees, part of the former driveway of the existing farmhouse to the east. These it is submitted will form a distinctive feature of the new public open space within the development and will also assist in enhancing the biodiversity of the site.
- 12.9.6. The boundaries to the north, east and south are lined with existing trees and hedgerow, either within the site, or overhanging from outside. Older trees are located along the north-east, within the ownership of a neighbouring dwelling. Hedgerows along boundaries are also proposed to be retained where possible or reinstated



where required. The retention of site boundaries will contribute towards maintaining existing local ecological corridors and linkages.

- 12.9.7. A number of documents have been prepared by Ciaran Keating and submitted herewith including an Arboricultural Assessment; an Arboricultural Impact Report; a Tree Protection Strategy and Associated Drawings including Arboricultural Impact Drawing indicating trees/hedgerows to be retained and removed (Dwg. No. 103). An ecological assessment of the Hedgerows has been provided in the Biodiversity Chapter of the EIAR (Chapter 10). An Appropriate Assessment Screening Report (Stage 1) accompany the planning application.
- 12.9.8. Based on the foregoing, it is submitted that the proposed development has, where possible, retained existing hedgerows. In order to compensate for the inevitable loss of hedgerows of local importance associated with the comprehensive development of this Key Development Site, comprehensive measures have been put in place to compensate for the fragmentation and loss of hedgerows. In this respect it is submitted that the proposed development, and the provision of a 'native corridor' is consistent with the overriding objectives of the LAP which is to protect and enhance local biodiversity.
- 12.9.9. I agree with the recommendation that a condition be attached to any grant of planning permission, forthcoming, with respect to appointment of an Ecological Clerk of Works (ECoW) with suitable experience to oversee the development. That all mitigation measures outlined in the EIAR and any subsequent reports shall be collated into a Schedule of Mitigation Measures and submitted to the planning authority for written approval prior to the commencement of any development to ensure all mitigation is carried out in accordance with detail submitted with the planning application.

## **12.10. Infrastructure**

- 12.10.1. Pre-connection enquiry feedback has been received from Irish Water (included in Appendix D of the submitted DBFL Infrastructure Design Report). Irish Water has advised on the revised proposal for 366 units. The submission from IW indicates that based upon the details provided and, on the capacity currently available, as assessed by Irish Water, that subject to a valid connection agreement

being put in place, the proposed connection to the Irish Water network can be facilitated.

#### **12.11. Surface Water and Flood Risk**

12.11.1. It is acknowledged that Clane has a history of flooding at various locations throughout the town, arising from the fluvial sources of the Rivers Cott/Butterstream, Gollymochy and Liffey and from groundwater and artificial drainage systems. Works have been carried out to alleviate flooding in the recent past including those at the Butterstream and from Millicent Road junction to Clane Hospital.

12.11.2. In line with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), Strategic Flood Risk Assessment (SFRA) has informed the preparation of the LAP. Map 9.1 of the LAP identifies the areas of Clane that will require the submission of a site specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed.

12.11.3. Section 9.2 of the LAP states that adequate storm water drainage and retention facilities are necessary to accommodate surface water run-off resulting from current and future developments in Clane. The use of Sustainable Drainage Systems (SuDS) and Green Infrastructure in new developments will contribute to surface water retention and help to reduce and prevent flooding, by mimicking the natural drainage of a site.

12.11.4. The following policies and objectives of the LAP are relevant to the proposed development:

IO2.2: 'To incorporate Sustainable Urban Drainage Systems (SUDS) as part of all plans and planning schemes in Clane'.

IO3.1: 'To ensure development proposals within the areas outlined on Map 9.1 are the subject of Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed'.

12.11.5. The applicant submits that the Surface water network has been designed in accordance with GSDS requirements and incorporates SUDS features. A site specific Flood Risk Assessment for the proposed development was undertaken in accordance with the requirements of "The Planning System and Flood Risk

Management, Guidelines for Planning Authorities”. Following the Flood Risk Assessment, it has been determined that the subject site is located in Flood Zone C, as defined by the Guidelines, this accords with Map 9.1 Strategic Flood Risk Assessment Recommendations of the Clane LAP 2017 - 2023.

12.11.6. The site specific Flood Risk Assessment concludes that the proposed residential development is appropriate for the site’s flood zone category and that the sequential approach outlined in Planning System and Flood Risk Management Guidelines has been adhered to and that the ‘Avoid’ principal has been achieved.

12.11.7. The Water Services department of the planning authority have no objection to the proposed development subject to condition. Concerns raised with respect to flood risk are noted, however, given the foregoing I do not consider it would be reasonable to refuse planning permission for the proposed development based upon inadequate surface water proposals or flood risk. I have no information before me to believe that the proposal would be prejudicial to public health and I am satisfied with the information before me in this regard.

## 12.12. Environmental Impact Assessment

### 12.12.1. Introduction

12.12.2. The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

12.12.3. The development involves a total of 366 residential units and a creche. The site is located at a site to the north of Clane town centre at Capdoo, Clane, Co. Kildare.

12.12.4. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure projects that involve:

- (i) construction of more than 500 dwelling units
- (iv) an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

Given the site area of 11.442 hectares, the development requires mandatory EIA.

12.12.5. The EIAR is laid out in two documents, the main document including appendices and the non-technical summary. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a description of the site, planning history and context. Chapter 3 provides a description of the proposed development. Chapter 4 provides detail with regard to the consideration of alternatives. Chapter 15 considers interactions and Chapter 16 provides a summary of mitigation measures.

The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 5-15 under the following headings:

- Population and Human Health
- Land and Soils
- Hydrogeology and Hydrology
- Noise and Vibration
- Air, Dust and Climatic Factors
- Biodiversity
- Landscape and Visual Impact
- Traffic and Transportation
- Material Assets – Site Services
- Cultural Heritage and Archaeology

12.12.6. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The potential for 'flooding' is considered in Chapter 7 Hydrology. Having regard to the site's location within the development

boundary of Clane and 500m of the town centre, the nature of the receiving environment and the climatic conditions that apply, I consider that the requirements under Article 3(2) are met.

12.12.7. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and the observers has been set out at Sections 8, 9 & 10 of this report. The issues raised are addressed below under the relevant headings, as appropriate, and in the reasoned conclusion and recommendation including conditions.

12.12.8. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

12.12.9. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 12.2 – 12.11 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

### **12.13. Consideration of Alternatives**

12.13.1. The submitted EIAR outlines the alternatives examined at Chapter 4 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives studied comprise alternative design solutions and layouts for a largely residential development. The proposal is predicated on the zoning of the site and site-specific policy objectives in relation to plot ratio and density. Given the site's zoning objective alternative locations were not considered. A number of alternative layouts for the proposed development were considered over the design process. In addition, the proposals for the development were subject to pre-planning consultation with the Planning Authority and An Bord Pleanála prior to the principles of the proposed layout being finalised. Specifically, the proposed layout and detailed design has been directly informed by An Bord Pleanála's Opinion issued subsequent to pre-planning consultation.

12.13.2. The significant environmental issues and potential effects which informed the proposed layout included the alignment of the Clane Link Road as previously approved by the Planning Authority under Part V of the Planning and Development Act 2000 (as amended); landscape and visual impact and impact on amenity of adjoining properties. Other factors which were fundamental to informing and directing detailed design included the design brief established under KDA2 in the Clane Local Area Plan 2017-2023.

12.13.3. Alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives is comprehensive, provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

#### 12.14. **Assessment of Effects**

##### 12.14.1. Population and Human Health

Chapter 5 of the EIAR addresses population and human health. The potential effects are considered in the context of population, community and facilities, economic activity and employment.

Land use in the vicinity of the proposed development is predominantly residential in nature. The immediately surrounding area is characterised by two-storey, suburban style residential developments to the south Capdoo Park and one-off dwellings. The construction of 366 new dwellings will provide critical housing infrastructure for Clane, the wider hinterland and Greater Dublin Area. The additional population for Clane will contribute positively to the community by reinforcing and strengthening the services and function of the town and by increasing housing supply in line with national housing policy and as provided for by the Clane Local Area Plan 2017-2023. During the construction phase there will be positive economic impacts as a result of employment and economic activity generated by the development. Impacts on health and safety could arise due to increased traffic and the nature of construction activities, however, the risk to population can be mitigated through adherence to health and safety legislation and best practice construction management. Impacts on health and wellbeing arising from effects on air and climate, noise and vibration,

landscape and visual, traffic and water during the construction and operational phases are considered and discussed under the respective headings of the EIAR. I am satisfied that the impacts on population and human health during the construction phase will be slight and short-term in nature and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR. In terms of cumulative impacts during construction, I am satisfied that the risks can be avoided, managed and mitigated through good construction management practices and that cumulative impacts are not likely to arise.

During the operational phase, the development will provide housing and a creche close to the town centre of Clane with the potential for significant positive impacts on population and human health. The design and layout of the proposed development is in accordance with relevant national and local policies and will provide a satisfactory standard of residential accommodation, while the planning assessment above concludes that significant adverse impacts on visual or residential amenities would not arise. I consider that the impact of the scheme will be largely positive and that any potential adverse impacts will be mitigated to an acceptable level by the design and management measures proposed within the scheme. The potential for cumulative impacts during the operational phase is largely positive in my view as the developments is consistent with the LAP for the area.

I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.2. Land and Soils / Soils and Geology

Chapter 6 of the EIAR describes the potential impacts on land and soils. The development involves the construction of 366 residential units and a creche building. Likely significant impacts on land are soil are not envisaged. During the construction phase the main risks to underlying subsurface strata are from the stripping of topsoil, excavation of subsoil layers and accidental leaks or spillages of contaminating

substances. During the operational phase risks are again related to accidental leaks or spillages from contaminants.

In terms of mitigation, materials and substances that could contaminate land and soil will be handled and stored in a manner that will prevent or minimise potential impacts as detailed in Section 6.6 of the EIAR. This will include the use of bunded storage areas, designated areas for vehicle refuelling, wet concrete management and the use of oil interceptors.

Potential cumulative impacts on land and soil are not anticipated or predicted. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good construction management practices and that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that impacts identified on land and soil would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soil. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.3. Hydrogeology and Hydrology

Chapter 7 of the EIAR deals with water. In relation to the receiving environment, the EIAR notes that the Gollymochy river is the closest hydrological feature running north of the site. The river Liffey is also in the locality running south east of the site. The site currently drains through a network of open drains which ultimately discharge to the Gollymochy Stream.

Existing public foul sewers are located south east of the site along Capdoo Park and north west of the site adjacent to the proposed new roundabout and are expected to provide suitable discharge points for foul drainage flows from the site.

No adverse effects on surrounding hydrology is anticipated as the proposed development has minimal impact on the adjacent 1% AEP Flood Extent (minor flood compensation measures are proposed) and attenuation of surface water flows to greenfield runoff rates is being provided.



A Site Specific Flood Risk Assessment has been undertaken which concludes that the proposed residential development is appropriate for the site's flood zone category (Flood Zone C). Surface water will be managed to greenfield levels by use of on-site SuDS and storage features. Investigations and GIS data indicates that ground water vulnerability is moderate at this location. No impacts are anticipated. It is proposed to manage flood risk through design mitigation which is considered to be acceptable in the context of the Flood Risk Management Guidelines. During the construction phase there is potential for contaminants to enter ground and surface water systems and impact on the natural water environment. Best practice measures will be implemented during the construction phase to avoid / mitigate potential impacts.

A Preliminary Construction Management Plan (CMP) has been prepared in order to mitigate against potential impacts that may arise during the construction phase. Implementation of the measures outlined in the CMP will ensure that the potential impacts of the proposed development on surface water and the hydrogeological environment do not occur during the construction phase.

Irish Water indicate that connections to foul and water networks are feasible.

In terms of cumulative impacts on water, I am not aware of any similar developments permitted or under construction on sites in the vicinity that would carry similar risks. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good design / construction management practices and that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.4. Noise and Vibration

Chapter 8 of the EIAR addresses Noise and Vibration impacts. The construction works associated with the development proposal are very limited due to the nature of the existing site and the nature of the proposal. Site clearance works are limited,

there is very minor demolition work required, and the scale of the construction activity on site is limited. Screening around the perimeter of the site will be provided to minimise impacts.

This assessment shows that there is no significant impact predicted during the Construction Programme due to the very limited nature of the work required for the proposal.

The existing noise climate in the area is dominated by road traffic and urban activities. During the construction phase there is potential for impacts arising from construction activities and associated traffic movements. The EIAR indicates that noise control measures will be applied during the construction phase (inc. limited and hours of operation) to ensure that noise and vibration impact is kept to a minimum. During the operational phase, no significant sources of noise or vibration are anticipated. Section 16.4 of the EIAR sets out mitigation measures to reduce the noise emissions from plant and I am satisfied that any risks can be addressed by way of condition. No cumulative impacts are anticipated.

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.5. Air, Dust and Climatic Factors

Chapter 9 deals with Air, Dust and Climate. The proposed construction works associated with the development proposed in this planning application is expected to take approximately 18 months. The potential air quality impacts during construction are summarised as follows:

- (a) Dust emissions associated with excavations and demolition works
- (b) Aspergillus emissions from excavation and earthmoving activity
- (c) Construction transport emissions

This assessment shows that the most significant potential impacts are those associated with construction activity and construction traffic. There is predicted to be a temporary slight adverse impact on the closest receptors during the Construction

Programme with potential short-term impacts from traffic on the surrounding roads within about 50m of the site. There will be no lasting impact and the short-term impact can be managed by means of an effective Construction Management Plan incorporating the mitigation measures outlined in the EIS.

These impacts can be mitigated through good construction practices, as set out in Section 16.5 of the EIAR, and would be short-term and negligible in my view. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles, generators etc, but given the scale of the development it is considered that impacts would be negligible and short-term during construction. The primary source of air and climatic emissions during the operational phase would be from traffic related emissions. In the local area this may arise from changes to traffic flow / congestion. It is considered that the impacts would be long-term but imperceptible.

Given the nature and scale of the development proposed, I am satisfied that no significant impacts arise in respect of air and climate during construction and occupation phases.

#### 12.14.6. Biodiversity

Chapter 10 of the EIAR describes the potential impacts on biodiversity. A review of the biodiversity of the site was carried out by OPENFIELD Ecological Services and this included a study of existing information from the area and a site survey. Site surveys were carried out in June 2018. June is within the optimal season for surveying habitats and breeding birds. A dedicated bat survey was carried out by Brian Keeley of Wildlife Surveys Ireland, also in June 2018.

It was found that the site is not within or adjacent to any area that is designated for nature conservation at a national or international level. There are no plants recorded on the site that are listed as rare or of conservation value. There are no habitats that are examples of those listed on Annex I of the Habitats Directive. There are no alien invasive plant species as listed on Schedule 3 of SI No. 477 of 2011. The site can be described as agricultural fields with traditional hedgerow and treeline boundaries. Many of the hedgerows, as well as the treelines, were assessed as of 'higher significance' using methodology from the Heritage Council. No water courses were found on the site although dry trenches may channel water during wet weather. There are no water bodies of significant fisheries value. Overall the habitats on the

site have been evaluated as 'low local value' although the treelines and some of the hedgerows are of 'high local value'.

All birds noted are of 'low conservation concern' and on BirdWatch Ireland's green list, with the exception of Barn Swallow which is of 'medium conservation concern'. The site survey found evidence of Fox *Vulpes vulpes* (scat) and this species is not subject to any legal protection or other conservation measures. No other direct evidence of mammal activity was noted. Irish Hare was not noted but is widespread on agricultural land. While limited data are available on the distribution of Hedgehog, Pygmy Shrew and Irish Stoat, they are considered ubiquitous in the Irish countryside and suitable habitat is available for them. Features on the site are considered to be of moderate value to roosting Bats with a number of buildings. No evidence of Bat roosts were recorded in the Bat survey carried out. Four Bat species were recorded feeding: Leisler's Bat, Daubenton's Bat, Common Pipistrelle and Soprano Pipistrelle. In addition, a feeding perch of Brown Long-eared Bat was found within one of the stables. Linear woodland features, i.e. hedgerows and treelines, provide foraging opportunities and connections to other areas of value away from the site. Recent records of Badgers are found on the National Biodiversity Data Centre website from this 10km square. June is suboptimal for Badger surveying as tall vegetation can obscure field signs, sett entrances etc. No setts or other signs, such as regularly used trails, latrines etc. were noted.

Table 10.6 of the EIAR sets out Significance level of likely impacts in the absence of mitigation. It is noted that loss of green infrastructure is considered 'Significant'.

To offset the loss of higher significance hedgerow and treelines it is proposed to create new, biodiversity planting within areas of public open space and along both margins of the new link road. This is estimated to be 500m long and ~6m wide in total, providing a total area of new habitat of 3,000m<sup>2</sup>. This matter is also discussed in detail in section 12.9 Biodiversity, Trees and Landscaping of this report.

Section 10.6.1 of the EIAR sets out Mitigation Measures proposed for loss of habitat, mortality to animals during construction, damage to hedgerows to be retained, water pollution, loss of green infrastructure and impacts to Bats.

The EIAR and Bat Survey Report set out that the buildings shall be checked for bats immediately prior to demolition by a bat specialist. If bats are found at this stage, a derogation must be sought from NPWS with any additional mitigation requirements. If bats are not found at this point but are found at any stage of the building work,

NPWS must be contacted and any work that may affect bats (demolition, scaffolding etc.) must be halted until an agreed strategy with NPWS is in place. Work that would NOT affect bats must be agreed with a bat specialist as many operations that would not be considered harmful may have unexpected consequences.” Lighting will be reviewed with the bat ecologist to ensure that negative effects are minimised. It is estimated that 242m of ‘lower significance’ hedgerow and 290m of ‘lower significance’ treeline are to be removed. 215m of ‘higher significance’ treeline and 629m of ‘higher significance hedgerow are to be removed. Good site management practices will ensure that pollution to water courses does not occur during the construction phase. Surface water will be attenuated so that there will be no change to the quality or quantity of the discharge. Additional landscaping will compensate for the loss of habitat that will occur and this will include new amenity areas within the development, as well as wildlife-friendly planting along the length of the distributor road.

- The removal of hedgerow habitats will result in some mortality to species. This is predicted to be not significant.
- There will be a temporary loss of green infrastructure until such time as new planting becomes established. This is predicted to be not significant given that the species recorded from the site are not of conservation concern and can be expected to recolonise the new habitats which will be created.
- Enforcing the root protection zone along hedgerows to be retained will ensure that impacts to these locally important habitats will be neutral.

With the suggested mitigation in place, the ecological impacts by this proposed development will be neutral or, at worst, minor negative. There are no impacts that could affect any area designated for nature conservation.

The impact of the proposed development on European sites is addressed in The AA Screening Report and Section 12.17 of this report. The site does not overlap or adjoin any European or nationally designated sites and the closest sites considered to fall within the zone of influence of this project are ‘The South Dublin Bay and River Tolka Estuary SPA (site code: 4024); the South Dublin Bay SAC (0210) and the Poulaphouca Reservoir SPA (site code: 4063), from which drinking water supply for this development will originate, they are respectively located some 30 Km and 18 Km distant. However, having regard to the nature and scale of the development and the

level of separation, it is concluded that the proposed development is not likely to have significant effects on any European site, whether considered alone or in combination with other projects.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.7. Landscape and Visual Impact

Chapter 11 of the EIAR describes the landscape and visual effects of the proposed development. The site is located approximately 500m north of Clane town. The R407 College Road, a regional road servicing Clane town runs to the west of the site, however, it is segregated from the site by several residential dwellings located to the east of the R407. The southern and western boundaries of the site are dominated by single one – off residential dwellings and associated plots. The Capdoo residential development lies to the south of the site. The Mainham Woods residential development lies at the north eastern end of the site. The northern boundary is formed by a secondary road L5078 (Capdoo) and three residential dwellings scattered along the southern edge of this road. To the east, the boundary is made up of individual one-off residential dwellings for the most part.

The site itself is predominately grassland at present. It is made up of former agricultural fields, bounded by hedgerows, used more recently as a pony stud / stables. The more open sections of the site are located towards the centre of the site, with larger, more open agricultural fields. The hedgerows cross the site in its entirety in many most locations, with a series of hedgerows running east west located towards the south of the site.

Views into the site are restricted from the two regional roads running to the east and to the west of the site, the R407 College Road to the west and the R403 to the east. Views from the R407 are blocked for the most part due to the residential properties between the road and the site. There are short distance views into the site from the Mainham Woods residential development and College Road east residential

properties, both adjoining the western boundary of the site. At the northwest corner views into the site are predominantly screened by the existing hedgerow and tree boundary. There are gaps between trees in the hedgerow and glimpse views are possible through the hedgerow looking southeast into the site.

A relatively thick hedgerow runs along the entirety of the road to the north. This, together with residential properties south of the road, screens views into the site almost completely. There are a number of glimpse views into the site over the hedgerow at select locations only.

At present there are no views into the site looking north from the Capdoo Park residential development to the south. A hedgerow running along this boundary screens views completely up to a height of approximately three metres.

The Kildare County Development Plan 2017-2023 does not identify any views to be protected in the immediate vicinity of the site. The closest view to be protected is noted as RL 5 View of river Liffey from Alexandra Bridge in the Kildare County Development Plan 2017-2023. The view towards the subject site from Alexandra Bridge is blocked by existing trees and the topography associated with the river, and the distance from the bridge to the subject site (approximately 1.3km south of the site).

The proposed development would change the character of the site from rural fringe to urban. Thirteen key views were chosen to illustrate the visual impact of the Proposed Development. Each view is illustrated as existing and proposed and the views are numbered 1 to 13. The views include long, mid and short-distant views. Refer to the document by 3D Design Bureau included as Appendix 11.A of the EIAR. The photomontages submitted show that the development will be viewed as part of a composition of two storey, three storey and one four storey Apartment Block. Negative visual effects are likely to arise during the construction phase due to construction activities, but these will be localised and short-term in nature. In the medium to long term impacts would be positive, moderate, in my view, as the development is within the development boundary of the town of Clane and a natural extension to the phased development of the town. The submitted drawings detail the contiguous elevations and I consider the potential cumulative impacts to be moderate.

I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that the identified impacts would be avoided, managed

and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual Impact. I am also satisfied that any cumulative effects arising would be positive.

#### 12.14.8. Traffic and Transportation

Roads, Traffic and Transportation effects are considered in Chapter 12 of the EIAR. A Traffic and Transport Assessment (TTA) has been undertaken with the objective of both quantifying the existing and transport environment and detail the results of assessment work undertaken to identify the potential level of transport impact generated as a result of the proposed residential development. The scope of the TTA covered transport and sustainability issues including access, pedestrian, cyclist and public transport connections. Recommendations contained within the TTA are based on existing and proposed road layout plans, site audits, on site traffic observations and analysis of junction vehicle turning counts.

The subject site is zoned residential, positioned within 500m of Clane town centre, it is ideally located to maximise access to / from the site by sustainable forms of travel including walking, cycling and public transport (Bus Éireann and private service providers).

The proposed development incorporates the delivery of the Capdoo Link Road which is a designated link road in Key Development Area 2 per the 'Clane Local Area Plan 2017-2023'. The proposed development also includes a provision for the upgrade of the existing R407 College Road / Capdoo local road three-armed priority controlled junction to a four-armed roundabout junction to integrate the new arm for the Capdoo Link Road. The delivery of the Capdoo Link Road within the proposed development will include a 2.0m cycle track, 2.0m footpath and grass verge on both sides of the carriageway.

During the construction phase traffic volumes accessing the site will be small compared to the volumes during the operational phase and no significant impacts are envisaged.

The analysis detailed within the TTA demonstrated that both new site access junctions will operate well within capacity in the adopted 2035 design year peak hour scenario. The operational assessment of the key off site junctions in both the 2020



and 2035 design years, following the construction of the proposed development (366 units) indicates that whilst an increase in utilisation of all junctions are predicted they continue to operate within acceptable peak hour operational performance.

I consider that the development will have a limited impact on the established traffic conditions at this edge of centre / suburban location. I am satisfied that any negative impacts arising from increased traffic movements would be offset by the new Link Road and the site's proximity to Clane town centre.

I have considered all of the written submissions made in relation to roads, traffic and transportation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of roads, traffic and transportation. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.9. Material Assets – Site Services

A site-specific Construction & Environmental Management Plan will be developed and implemented during the construction phase. Implementation of the measures outlined in this plan will ensure that the potential impacts of the proposed development on the site's material assets do not occur during the construction phase.

Relocation of existing overhead ESB lines will be fully coordinated with ESB Networks to ensure interruption to the existing power network is minimised (e.g. agreeing power outage to facilitate relocation of cables). Ducting and / or poles along the proposed relocated route will be constructed and ready for rerouting of cables in advance of decommissioning of existing overhead power lines.

Similarly, connections to the existing gas and telecommunications networks will be coordinated with the relevant utility provider and carried out by approved contractors. I have considered all of the written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also satisfied that cumulative effects are not likely to arise.

#### 12.14.10. Cultural Heritage and Archaeology

Archaeology, architectural and cultural heritage is addressed in Chapter 14 of the EIAR. No features of archaeological or cultural heritage interest were identified. However, the site is a large area on the edge of Clane and has the potential to contain previously unknown archaeology. On this basis, it is recommended that topsoil stripping is monitored by a suitably qualified archaeologist during the construction phase of the development.

I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that no potential impacts arise. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of archaeology, architectural and cultural heritage.

#### 12.15. Interactions between Environmental Factors

12.15.1. Section 15 of the EIAR deals with the interactions between environmental factors. A specific section on interactions is included in each of the environmental topic chapters of the EIAR. The primary interactions are summarised in the EIAR as follows:

- Population and human health
- Soil and Geology
- Water, Hydrogeology and hydrology,
- Noise and Vibration
- Air, Dust and Climatic Factors
- Biodiversity
- Landscape and visual impact Assessment
- Material Assets (Traffic & Transport)
- Material Assets (water supply, drainage and utilities)
- Cultural Heritage (Architectural Heritage & Archaeological Heritage)

The various interactions have been described in the EIAR and have been considered in the course of this EIA.

Mitigation measures are proposed and outlined within individual EIAR chapters to ensure that any potential adverse impacts that may arise as a result of the proposed development are minimised.

## 12.16. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population due to the increase in the housing stock.
- Potential direct effect on the landscape by the change in the use and appearance of a relatively large site from greenfield suburban to residential. Landscape and visual impacts, will be mitigated by the retention and enhancement of existing trees and hedgerows and new landscaping throughout the site. Given the location of the site within the development boundary of Clane and 500m from the town the landscape and visual impact is considered moderate positive effect and acceptable.
- Biodiversity impacts.
  - Potential direct effects with regard to loss of Habitat and Green Infrastructure. To offset the loss of higher significance hedgerow and treelines it is proposed to create new, biodiversity planting within areas of public open space and along both margins of the new link road. This planting will effectively create a new biodiversity corridor which will provide connectivity for the species which are currently recorded in this location. While this woodland will take time to mature it will ultimately compensate for the loss of hedgerows and green infrastructure arising from the development.

- Potential indirect effects to species including Bats during construction and operational phases which will be mitigated through appropriate construction management measures and lighting on the site will conform to Bat Conservation Ireland's guidance for minimising impacts to bats from artificial lighting (BCI, 2010). This will include minimising light spatially and temporally and avoiding the use of high-pressure sodium or metal halide bulbs. Planned planting will include many species attractive to wildlife, and will provide new foraging habitat for bats
- Potential effects arising from noise and vibration and air during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.
- Potential indirect effects on hydrology and hydrogeology during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public foul sewerage system, and flood mitigation measures and which will be mitigated during construction by appropriate management measures.
- Traffic and transportation impacts, which will be mitigated by the management of construction traffic and by the construction of the new Link Road between the R403 Celbridge Road and the R407 Kilcock Road.

12.16.2. The proposed development is not likely to have adverse effects on population, biodiversity, land and soil, material assets and cultural heritage. Further it is not likely to increase the risk of natural disaster.

12.16.3. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments to it.

### **12.17. Appropriate Assessment (AA)**

12.17.1. The applicant has submitted an AA screening report which sets out a description of the proposed development. It submits that the site is not located within

or directly adjacent to any Natura 2000 area (SAC or SPA). The report states: 'This part of Kildare is characterised by urban land uses, being close to the town of Clane, although there are also areas of agricultural and other open space. The site itself lies directly adjacent to residential estates and public roads. Mapping from the OSI and EPA show no significance water courses on the site. The Gollymochy Stream flows approximately 100m north of the site boundary at its closest points, and this flows into the River Liffey a short distance downstream. The River Liffey is not subject to Natura designations. However, Dublin Bay, where it discharges to the Irish Sea, is within a number of such areas'.

12.17.2. The report goes on to state: 'The South Dublin Bay and River Tolka Estuary SPA (site code: 4024); the South Dublin Bay SAC (0210) and the Poulaphouca Reservoir SPA (site code: 4063), from which drinking water supply for this development will originate, are all considered to fall within the zone of influence of this project. These are considered to be the only Natura 2000 areas within the zone of influence of the development as pathways do not exist to other areas'.

12.17.3. I note for the attention of the Board that Special Area of Conservation: Ballynafagh Bog SAC and Special Area of Conservation: Ballynafagh Lake SAC are located, respectively, c. 5.5 Km and c. 7 Km to the west of the subject site. There is no pathway connection and therefore the Screening report has screened out any impact.

12.17.4. The screening report goes into a detailed description of The South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC and to a lesser extent the Poulaphouca Reservoir SPA.

12.17.5. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS website in respect of the Natura 2000 sites identified as being within the zone of influence of the development site, including the nature of the receiving environment. The identified European sites are South Dublin Bay and River Tolka Estuary SPA (site code 004024) the South Dublin Bay SAC (0210) located 30 Km distant and the Poulaphouca Reservoir SPA (site code: 4063) located c. 18 Km distant. Given the nature of the proposed housing development and the separation distances involved I do not consider that they are within the zone of influence of the subject site. I am

satisfied that the potential for significant effects on the qualifying interests of the European sites listed above as a result of surface water run off can be excluded. This conclusion is based on the fact that the nature of any discharges during the construction phase is temporary, the fact that there will be no significant increase in surface water run-off during the operational phase and that surface water run-off will be attenuated and part treated within the site. Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites.

12.17.6. I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **13.0 Conclusion and Recommendation**

13.1.1. The development is acceptable in principle with regard to the zoning of the site in the Clane Local Area Plan 2017 - 2023. The housing density and mix are acceptable with regard to the zoning objective and to the location of the site c. 500m north of Clane town centre. The proposed residential design and layout are generally in accordance with relevant national and local policies on residential development and will provide a satisfactory standard of residential accommodation, while achieving a residential density that reflects the strategic nature of the site and the importance of consolidation on zoned and serviced lands within established urban areas. I am satisfied that the development would not have any significant adverse impacts on visual or residential amenities. It is considered that the development will enhance pedestrian and cycle connectivity in the area and would not result in undue adverse traffic impacts. I am also satisfied that the development does not result in a significant flood risk at the development site or upstream or downstream.

13.1.2. I recommend that permission be **granted** for the proposed development subject to the following conditions:

## 14.0 Reasons and Considerations

14.1. Having regard to the following:

- (a) the site's location, on lands c. 500 m north of Clane town centre, with a zoning objective for residential development and policy provisions in the Clane Local Area Plan (LAP) 2017 – 2023 which identifies the lands as Key Development Area 2 (KDA2) to 'provide for new residential development'.
- (b) the delivery of the Link Road required under the Clane LAP which is a critical piece of road infrastructure for the town of Clane.
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (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 nature, scale and design of the proposed development,
- (h) the availability in the area of a wide range of social, community and transport infrastructure,
- (i) the pattern of existing and permitted development in the area and
- (j) to the submissions and observations received,

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 amenity 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.

## 15.0 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. The rear gardens of all neighbouring dwellings shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

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

3. Prior to the commencement of any development the FFL of houses C1 15.35 and House A 15.01 (south east corner) and the ground level across Open Space Area 1 shall be subject to review and agreement in writing with, the planning authority so that an appropriate ground level change is observed.

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



4. Water supply and drainage arrangements, including the 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 proper standard of development.

5. Each dwelling / apartment shall be used as a single dwelling unit, only.

**Reason:** To prevent unauthorised development.

6. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

**Reason:** In the interests of residential amenity.

7. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

**Reason:** In the interests of traffic safety and residential amenity.

8. Prior to the commencement of development the developer shall submit, for the written agreement of the planning authority, a detailed design for the proposed link road between the R403 Celbridge Road and the R407 Kilcock Road, including the proposed roundabout on the R407 where the inscribed circle should be increased in size to ensure proper deflection of traffic controlled pedestrian crossings and pedestrian / cycle facilities, as shown on MCORM Architects Drawing number PL02 titled Residential Development Site Layout and delivery of the agreed accommodation works for 2 plots 103 and 104 with a landowner Mr Donal Curran, which are summarised as follows: 1.4m high timber post fence and rail boundary fence, quick thorn hedge, 2m high block wall with plaster finish, new entrance gates,

access for severed lands onto new link road, access for non-severed lands onto Capdoo Lane, transfer of certain lands. Details of the design, implementation, costing, phasing and site supervision (full time resident engineer) of these works shall be agreed with the Planning Authority prior to the commencement of development. The cost of the design, implementation and site supervision of these works shall be borne solely by the developer. The agreed road realignment shall be constructed and implemented in accordance with the development phasing plan as shown on MCORM Architects drawing number PL84 titled Phasing Plan Site Layout.

**Reason:** in the interests of traffic safety and convenience and to comply with the Clane LAP.

9. (i) The internal road network, public footpaths within and outside the proposed development site, including car parking provision and cycle parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

(ii) Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a detailed design for the upgrade of the traffic signals at the junction of the R403/link Road / Brooklands estate.

Upgrade works and junction improvements shall include:

- a) The upgrade of the existing traffic signals
- b) To upgrade the existing controller to ELV and LED signals
- c) To install traffic CCTV camera and pole at junction to assist monitoring of traffic flows
- d) Installation of MOVA technology for future linkage with other signal controlled junctions.

All installations shall be connected to the County Councils Traffic Management Centre. The cost of the system shall be borne solely by the developer. The agreed junction improvements shall be constructed and implemented in accordance with the development phasing plan as shown on MCORM Architects drawing number PL84 titled Phasing Plan Site Layout.

(iii) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority and all measures recommended by the Auditor should be undertaken unless the Planning Authority approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.

(iv) A full-time resident engineer shall be provided and funded by the developer to supervise the road project works on site and to liaise with landowners, stakeholders and the planning authority.

(v) A legal agreement for the delivery of the link road shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

(vi) 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.

(vii) The developer shall provide e-car charge points and disabled car parking for the apartment and creche elements of the development in accordance with Section 17.7.6 of the Kildare County Development Plan (2017 – 2022)

**Reason:** In the interest of traffic safety and to ensure a satisfactory standard of development.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The

proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

11. All mitigation and monitoring measures outlined in the plans and particulars, including the EIAR and subsequent reports submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

12. A suitably qualified Ecological Clerk of Works (ECoW) shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ECoW shall be present on-site during construction works. The ECoW shall ensure the implementation of all proposals contained in the Schedule of Ecological proposals. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ECoW and submitted to the County Council to be kept on record.

**Reason:** In the interest of nature conservation.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The site shall be landscaped in accordance with the submitted scheme of landscaping, Landscape Plan 1 Drg. No. Ar.07-DR-201 Rev C and Landscape Plan 2 Drg. No. Ar.07-DR-202 Rev C. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The 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.

15. 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.

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

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

17. 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.

18. 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.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of 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.

20. The submitted phasing programme for the development shall be strictly adhered to, unless otherwise agreed in writing with the planning authority.

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

21. Prior to occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

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

22. 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.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction

practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

24. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of residential amenity and nature conservation.

25. 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.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security



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

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

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Fiona Fair

Planning Inspector  
10<sup>th</sup> September 2019

## **APPENDIX A- List of submissions received**

1. Bernard J Durkan
2. Eamonn and Jacintha Courtney
3. TII
4. Paddy and Ann Bracken
5. Peter Cribbin Jr
6. Raymond and Laura Cooper
7. Martin and Ita Devine
8. Michael and Eva Dempsey
9. Michael and Jill Woods
10. Michael Kennedy and Siobhan Dowling
11. James Nolan
12. Kevin and Bernie Dempsey
13. Leo and Catherine Brennan
14. Mark Moffatt
15. Finbarr D'Arcy
16. Fintan and Vivienne Doran
17. Helen Courtney
18. James and Marguerite Lohan
19. Donal and Rosalba Curran
20. Eddie Shortt
21. Ciara Ryan and Liam McGeeney
22. Colm and Niamh Coffey
23. Conor Colreavy
24. Barry Scannell
25. Janet Gartside
26. Peter and Jennifer Cribbin
27. Seamus Colreavy
28. Eoin and Cathy Nolan
29. Ann Byrne
30. Eileen Cooper
31. Eoghan and Karen Bracken
32. Marie O'Connell

33. Peter Hamilton and Vincent P. Martin
34. Stephanie Micheau
35. Deirdre and Eamonn Coll
36. Glenda Farrell
37. James and Marion McHugh
38. John and Noeleen O'Brien
39. Louise Butler
40. Clane Community Council
41. Damien and Marian Egan
42. Nora and Lorcan Wyer
43. Olivia and Michael Reilly
44. Stephen and Sinead Kelly
45. John Pruny and Sandra Nolan
46. Miriam D'Arcy
47. Monica and Edward Howlin
48. Helen and David Slaughter
49. James Grace
50. Joan and Joseph Lyons
51. Joanne and Colm D'Rosario
52. Deirdre Shine
53. Emily Chatten Moore
54. Gearoid and Grainne Lohan
55. Breda and Matthew Reville
56. Brid and Milton D'Rosario
57. Christine Wilson
58. Anthony McGriff
59. HSE
60. Irish Water
61. IFI