



An
Bord
Pleanála

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

Inspector's Report ABP-305007-19

Strategic Housing Development

375 no. residential units (185 no. houses and 190 no. apartments), crèche and associated site works.

Location

Former McGee Barracks Site, Hospital Street, Kildare Town, Co. Kildare.

Planning Authority

Kildare County Council

Applicant

Ballymount Properties Limited.

Prescribed Bodies

1. An Taisce,
2. Department of Culture, heritage and the Gaeltacht,
3. Transport Infrastructure Ireland,
4. Irish Water.
5. National Transport Authority

Observer(s) 31 no. submissions as listed in
Appendix A

Date of Site Inspection 04th of September 2019.

Inspector Karen Hamilton

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located at the former Magee Barracks in the centre of Kildare Town, County Kildare. The site is c.11.35 hectares and forms part of the applicants overall land holding of c. 20.78 ha (along the northern portion). The southern portion of the large barracks site is accessed from Hospital Street (R445) and backs onto a number of existing housing estates, including: Magee Terrace, Campion Crescent, Ruanbeg, Rowanville and a newly constructed primary school.

There are a number of buildings associated with the former use of the site as a military barracks including accommodation blocks, officers' quarters, water tower, stores, kitchens etc. There are large number of mature trees and hedging across the site. The parade grounds, of which there are two, are surfaced with tarmac and the northern portion of the barracks, which does not form part of the application, is agricultural grazing land.

The overall site cannot be easily viewed from the main thoroughfares, however, views of the barrack blocks can be had from Ruanbeg Estate and the school site can be found at higher levels to the north. Construction works are currently underway along the front, southern part, of the site, adjoining Hospital Road, to accommodate a permitted discount food store.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of demolition of 16 no. existing buildings (connected with the former military use) and the construction of 375 no. residential units (185 no. houses and 190 no. apartments), neighbourhood centre, 3 no. retail units, childcare facility and all associated site works at the former Magee Barracks site, Hospital Street (R445), Kildare Town, Co. Kildare.

The commercial element of the proposal comprises a stated 1,328m² and includes a crèche, café/ gallery shop and three no. neighbourhood retail units.

- 3.2. A Material Contravention Statement accompanied the application, which states that having regard to pre application submission from the planning authority relating to the contravention of the zoning on the site.
- 3.3. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	11.35 hectares
No. of units	375
Density (nett)	39.42 units/ha
Height	Up to 5 for the apartments
Site Coverage	18%
Open Space provision	16.5%
Net Residential Area	95,139m ²
Crèche	680m ² (136 no spaces)
Retail	335m ²

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4+ bed	Total
Apartments	30	92	-	-	122
Duplex/Apartments	16	34	18	-	68
Houses	-	-	118	67	185
TOTAL	46	126	136	67	375
As % of total	12	34	36	18	100%

Table 3: Unit Sizes

Apt	Size m ²
1 bed	51-53
2 bed	84-94

Duplex/Apt	
E1 & E2	82
F1 & F2	115
Houses	
A1 & A1a	117
A2 & A3	121
B1	121
B2	117
B3	121
B4	125
C1	151
C1A & C2	153

3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. In terms of surface water disposal, infiltration/attenuation tanks are proposed with outfall to the public storm network in conjunction with SuDS features. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated

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

Table 4: Phasing

Phase	Proposed Works
A 73 units	Site entrance from Hospital Rd (R445) Neighbourhood Centre and Crèche Magee Gardens Spine Road (partial up to south of Parade Park) Temporary Road to the south of Phase 4 to access the Phase 1 residential House and duplex residential mix

	Pedestrian access to accommodate connectivity to Magee Terrace Road connectivity to the adjoining retail and cancer treatment proposal
B 92 units	Spine Road (up to boundary with phase 2) Coolmoney Gardens Henry Howard Gardens House and Duplex Residential Mix Connectivity to School Pedestrian access to connect Ruanbeg
C 88 units	Parade Park plus interface with cancer treatment centre Linear Park House and duplex residential mix
D 122 units	Camara Gardens 4. no Apartment Blocks Temporary phase 1 access to be replaced by a "Green Connection" on completion

4.0 Planning History

ABP- 301371-18 SHD application

Permission refused for the demolition of 16 no buildings and the construction of 264 no. residential units, neighbourhood centre, 3 no. retail units, childcare facility and associated works for two reasons relating to the provision of an inappropriate tenure mix where there was an over saturation of three and four bed, semi-detached dwellings and also the insufficient provision of a density to comply with the national standards and ensure the efficient use of lands.

Reg Ref 18/273 (304093-19 withdrawn)

Permission granted for a supermarket/discount foodstore on lands within overall Magee barracks site- to SW of proposed development. A first party appeal was withdrawn from ABP 304093-19. The following conditions are of note:

C No 10- Prior to commencement of development a detailed design for the temporary access off the Hospital Street R445 shall be agreed alongside traffic calming measures.

C No 11- A special contribution of €231,600.00 under the provisions of Section 34 (4) (m) of the Act towards the cost of Hospital Road R445 Traffic Calming Measures.

C No 14- requires the developer to close of the temporary junction road onto Hospital Street (R445) and replace it with the permanent connection to the main access road, serving the adjoining developments, located in the former Magee Barracks Site within 1 month of opening the main access junction.

C No 21- requires the submission of a detailed design and inclusion of a Toucan Crossing on the R445 adjacent to the proposed temporary access junction and shall be linked to the main signalised junction.

C No 36- e-car charge points in line with Section 17.7.6 of the Kildare County Development Plan (2017-2023).

C No 56- €78,561.04 towards a Section 48 Development Contribution.

PL303141-18 (Reg Ref 18/149)

Permission granted for a Cancer Treatment Clinic on lands along the front of the site within former Magee barracks site, to SE of proposed development. **The first party** appeal relates to the requirement to undertake works along the front of the site, Hospital Street, for c. 300m to facilitate road improvement works outside the red boundary.

Appeal relating to the imposition of Conditions No. 25, 26, 27 & 34 to undertake significant works along the Hospital Road (R445). Condition No 25 related to the imposition of a levy for €231,600.00 and €12,000.00. Final consideration by the Board has yet to be undertaken.

Reg Ref 16/13

Permission granted for a two-storey school building for the Minister for Education and Skills at the north of the site.

PL09.243089 (Reg Ref 13/635)

Permission granted for a two-storey national school for the Minister for Education and Skills along the north of the site.

Part 8 (P82018.002)

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

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 11th of December 2018. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

- The consideration and justification of the **minimum densities** as provided for in the sustainable residential guidelines as they refer to brownfield and inner suburban sites and having regard to the previous Board decision ABP-301371-18. The calculation of density, inclusion of open space and net provision should be clearly documented and justified. Emphasis was placed in the opinion on the inclusion of open space at Parade Park.

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

1. A **housing quality assessment** which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building

lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

2. A report demonstrating compliance with the applicable standards set out in **DMURS and the National Cycle Manual** in relation to the proposed housing and the works to Hospital Street. Details should also be submitted as to the timing and responsibility of works to Hospital Street and of any consultations with the planning authority on the matter. Clarification should be provided if there are any outstanding issues regarding works to the street on which agreement has not been reached between the prospective applicant and the planning authority.
3. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and **Building Heights** issued by the minister in December 2018 in accordance with SPPR3 of those guidelines
4. A **phasing scheme** for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner. The scheme should also specify what links would be provided to the adjoining parts of the town, including Magee Terrace, the Ruanbeg Estate, Melitta Road and the road serving the neighbouring schools, as well as when they would be provided and who would be responsible for their provision.
5. Proposals for compliance with **Part V** of the planning act.
6. A **Site Specific Flood Risk Assessment Report**. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
7. Details of proposed **boundary and surface treatments** throughout the development, and of landscaping and planting.
8. A draft **construction management** plan
9. A draft **waste management** plan.

5.3. Applicant's Statement

5.3.1. Introduction

- The proposed density now stands at 39.42 units per ha which is considered acceptable and complies with the residential guidelines, in particular the reference to under 30 per ha on brownfield sites is adhered to.
- The previous refusal for planning on the site ABP- 3001371-18 accepted the density at 34.3 per ha.
- The net area calculation used at pre-application submission has been amended to exclude the Parade Park and the neighbourhood centre in accordance with Appendix A of the Sustainable Residential Guidelines.
- The revised proposals now include 4 no apartment Blocks (south of Magee Gardens).
- The total number of residential units has increased from 298 to 375 and the open space provision has been increased from 15.9% to 16.5% since the pre-application stage

5.3.2. The following **documentation** has been submitted as requested:

- A Residential Quality Audit demonstrating compliance with various SPPRs from the design standards.
- A building lifecycle report to comply with Section 6.13 of the apartment guidelines.
- A road design report has been prepared which demonstrates compliance with the DMURS and following the pre application additional upgrades have been including tree planting, traffic islands, a curve in the main link and a reduction in the overall width of the streets.

5.3.3. A **Material Contravention Statement** has been prepared having regard to the proposed unit quantum and potential material contravention of the LAP.

- The planning authority raised compliance with the zoning in their pre - application submission.
- It can be argued that the proposal is not a material contravention and the Boards previous reason for refusal only related to density and unit size.
- Reference to Section 37 (2) (b) states that the Board may materially contravene the zoning of a development plan where it is of strategic or

national importance or the permission should be granted having regard to the regional spatial strategy or the Section 28 guidelines.

- It is submitted that the proposal complies with the density required in the development plan.

Kildare Local Area Plan 2012-2018

- The LAP allows for 161 units on the site and the density is an estimation.
- The proposal includes 375 units in line with the County Development Plan.
- The LAP has not been updated to be consistent with the current development plan.
- In the event the Board considers the proposal constitutes a material contravention for the number of units proposed, justification is submitted.
- The National Development Framework (NDF) places emphasis on the promotion of infill/ brownfield sites to accommodate housing developments with 40% of housing facilitated in the built up areas.

Compliance with Section 28 Guidance

- The building height guidance requires increased heights and densities and a proactive and flexible approach should be had.
- The guidance for sustainable residential development requires the adoption of a sequential approach. The subject site is a brownfield site close to the town centre and the train station. Densities have been increased to address the Boards previous reason for refusal.

5.3.4. **Statement of Consistency** with Planning Policy

National Development Plan (NDF)

- Compact urban form is supported and compliance to policies in particular Objective 3a, 3c, 6 & 11.

Eastern and Midland Regional Assembly- Regional Spatial & Economic Strategy

- Kildare is identified as a Self-Sustaining Town and is located in the Dublin hinterland with key road and rail connectivity.

Guidelines for Planning Authorities on Sustainable Residential Development in urban Areas

- The sequential approach to development is supported and the provision of a high quality scheme is integrated.
- The provision of a neighbourhood scheme and use of community facilities has been considered.
- The layout is highly accessible to all areas for all members of community and cycle and pedestrian routes are integrated into the design.

Urban Design- A Best Practice Guide (2009)

- The 12 criteria have been adhered to.
- Ruanbeg and Magee Terrace connections are proposed (subject to agreement)
- The provision of public open space and movement of pedestrian will link the proposed Cherry Avenue Park (Part 8 for a public park) on the opposite side of the road.

Guidelines for New Apartments and those SPPRs within have been complied with.

A Statement of Compliance with DMURS & National Cycle Manual confirms compliance with both documents.

Guidelines for Planning Authorities on urban Development and Building Heights.

- In response to Item no 3, the Boards request for additional specific information, the applicant states that there is a move away from blanket caps on urban heights and the maximum building heights are 5 storeys and set adjacent to internal roads and public spaces.

6.0 Relevant Planning Policy

6.1. National Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Childcare Facilities – Guidelines for Planning Authorities
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, 2018.
- Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (2018)

6.2. Eastern and Midlands Regional Assembly, Regional and Spatial Economic Strategy (RSES)

- Kildare County is located within the Dublin Metropolitan Areas (DMA)
- Kildare Town is a Level 3 Service Centre
- Section 5.4 states that Kildare has a Strategic Development Corridor with the Kildare railway line identified for increase capacity.

6.3. Kildare County Development Plan 2017-2023

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

Table 3.3- Settlement Hierarchy- Population growth and Housing Unit Allocation 2016-2023

- Allocated growth % 2016-2023 - 4.7%
- New Dwellings Target 2016-2023 - 1,527 units
- 2023 dwellings forecast- 4,872
- 2023 Population forecast- 10,750

Table 3.4 sets out the Development Capacity of County Kildare and Kildare Town shows a capacity surplus of 2,027 units over 134 hectares of zoned land and highlights Magee Barracks as an area with development capacity.

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

Policy MD 1 is to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.

6.4. **Kildare Town Local Area Plan 2012-2018**

The site is located on lands zoned **Objective Z** - 'Regeneration of Magee Barracks' where it is an objective *"to facilitate a wide range of uses to allow for the flexibility in the regeneration of the former Magee Barracks site in a sustainable manner"*.

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

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

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

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

Development Strategy 1. The Regeneration of Magee Barracks.

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

Table 10- Phase 1 sites for Residential Development

- Magee Barracks with a site area of 23.1ha and as a mixed use development can accommodate c. 161 units.

Table 11- Indicative Residential Densities

- Town centre and brownfield sites are site specific

Section 7.3.1 Economic development

(iii) Encouraging the flexible re-use of Magee Barracks through the provision of a mix of employment, education, residential and community uses, high quality public realm and open spaces and a built environment that reflects both the military history of the site and the existing urban fabric of the town.

Section 7.3.1- Tourism

Policy TO2- Refers to the use of signage maps to gateways throughout the town such as the proposed civic space at Magee Barracks.

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

Objective R 8: To establish a new neighbourhood centre within the Magee Barracks regeneration site with a suitable range of uses to meet the daily needs of residents/employees of the emerging new neighbourhood and the existing surrounding residential area. This neighbourhood centre shall be of a size and function that ensures it complements rather than detracts or displaces retail or other activities from the town centre. The neighbourhood centre may be anchored by a supermarket (net retail floorspace of up to 1,500m²) and have a limited range of non-retail services, civic, community and commercial and leisure floorspace.

Objective RR 1: To encourage and facilitate the appropriate and sustainable re-use and regeneration of the Magee Barracks site for uses that are appropriate to its

strategic location within the town creating a built environment that reflects both the military history of the site and the existing urban fabric.

6.5. Kildare Town Local Area Plan 2019- 2025

The pre-draft consultation Issues paper for the LAP review was on public display from 21st of August -17th of September 2018 and a Chief Executives Report on the submissions and observations was published in December 2018. No further documentation was published.

6.6. Designated Sites

The site is located c.4.5km to the south west of Pollardstown Fen SAC (site code 000396), c. 7.0km to the south west of Mounds Bogs SAC (site code 002331), c. 7.0km north of the River Barrow and River Nore SAC (site code 002162).

7.0 Third Party Submissions

7.1. A total of 35 no submissions where received in relation to the proposal of which 4 no. of these are prescribed bodies, further detailed below in Section 9.0. The remaining submissions are from residents, residents associations of the estates in the vicinity of the site, and a community group, and the issues raised are similar in nature which I have summarised into common themes below:

Principle of development

- The proposal contravenes the Development and Local Area Plan.
- It is not accepted that c. 3.6ha of land of the Former Magee Barracks, to the Department of Education, complies with the requirement for 10 acres of community and education facilities as per the LAP.
- The proposed development does not support any regeneration of the site.
- The proposal exceeds the original bill of sale (requirement for 10 acres of community/ landscaping facility).
- The overall vision of the Barracks Site was to strengthen the town and a deliver jobs.
- There has been no consultation with the community.

- Proposal contravenes Policy HP8, HP10, HP11 & HP13 & Objective HPO13 of the LAP.
- The proposal will only support the town as a commuter destination.
- The issues which were highlighted as cause for concern in the previous proposal, 301371, are still cause for concern.

Core Strategy

- The County Plan states that surplus capacity will be identified in LAPs.
- The County Plan states that Kildare town has a surplus capacity of 2,027 units.
- It is contended that with the publication of the RSES there will be no surplus capacity for additional surplus.
- The Kildare LAP anticipated 161 dwellings for the entire site.
- The proposal exceeds the housing density for the town in the next 5 years
- A reduction in the Core Strategy is expected following a review of the CDP after RSES.
- The submitted density is too high.

Economic Development

- Policy EDO1 requires the development of the site for enterprise and employment which has not been undertaken and the development is therefore a material contravention
- The lack of economic development will add to the carbon footprint as people are forced to commute.
- The site can support retail warehousing and would provide a balance to existing development on the west of the town.

Landscaping

- A formal play area should be provided beside the school and would be more beneficial.

- The proposal for c. 3ha within the overall masterplan (including the cancer centre) is an insufficient facility for the rest of the residents of Kildare.
- The removal of the wall at Ruanbeg to accommodate pedestrian connectivity is of concern, particular relating to the impact on the use of the green space by children.
- Playing pitches should be provided as part of the overall landscaping scheme.
- The location of the playground relative to the existing and surrounding area is queried.

Traffic and connectivity

- The main spine road connecting Hospital Road to Melitta Road be completed before any of the units in Phase 1 are completed.
- The access to the rain station is via a pedestrian walkway which is locked in the evening after the school closes.
- There should be not road access through Ruanbeg Estate.
- Will the right of way at the rear of existing dwellings be locked?
- There is no traffic management for the town.
- Public transport is already strained.

Housing

- The proposal does not comply with Policy HP1, facilitating development in line with a settlement strategy.
- The proposal fails to include a phasing plan, required under Policy HP3.
- The proposal does not ensure the density and design respects the character of the existing town (Policy HP8).
- The proposal mainly comprises of starter homes and therefore does not comply with PolicyHP10.
- Apartments are only considered where a high standard is provided, as per Policy HP11 and the proposal does not comply.
- The proposal exceeds the housing density for the town over the next 5 years.

- The connectivity into the adjoining residential estates would require consent from those residents.

Design and Layout

- The 4/5 storey buildings are not in keeping with the overall feel of Kildare Town.
- The apartment development will not enhance the overall site.
- The overall proposal includes a limited range of house types which are primarily starter homes.
- The urban design guidance in the development plan has not been complied with.

Residential Amenity

- The current development has increase vermin in adjoining estates and should be mitigated against in future developments.
- The SHD does not comply with Policy UD4 with regards the provision of permeability between the site and surrounding area.
- There are limited recreational facilities in Kildare and the proposal does not enhance the standard of living of those in the vicinity.
- Policy HP13 requires sufficient education provision for development over 20 which the proposal does not include.
- The existing services within the town are already stretched.
- Concerns are raised over the potential for anti-social behaviour.
- Any wayleave maintenance should be undertaken by the developer and included as a condition on any grant of permission.
- There should be no overlooking on adjoining properties
- There is a difference in the ground levels of the site and the surrounding area which will result in overlooking.
- The proposal does not respect the character of the adjoining residential areas therefore Policy HP5 has not been complied with.

- The site is elevated and the boundary treatment is not appropriate.

Ecology

- A survey of noxious weed and invasive plants and proposed methods for removal should be included in proposal. Japanese Knotweed has already been identified in Champion Crescent.
- The removal of noxious weed from the site should be appropriate.
- Large Oak tree at Runabeg Drive should be retained.

History

- Other than the naming of streets, no connection to the Magee barracks has been made and historical referencing to military.
- There is disappointment that a County Museum or Military Museum was included in the plan.
- The development does not consider the Kildare Town Heritage

Community

- There is a strategic need in Kildare for a community/ arts centre
- There is no capacity on secondary schools.
- The schools and medical facilities are already over capacity.
- The scouts have been in the town for over 35years and do not have any permanent residents, have an extensive waiting list for children and site is promised as an areas supporting community use.
- The gallery/ exhibition area on the first floor is not sufficient to support community facilities.
- There is no county museum on the site, Policy CUO 1.

8.0 Planning Authority Submission

A submission to the SHD application was received from the Planning Authority on the 19th of September 2019 and includes a summary of the points raised in the submissions, the opinion of the Elected Members and the Chief Executive Views

which recommend a refusal of permission having regard to the zoning objectives on the site, the lack of employment and the scale of residential development. The submission has been summarised below.

8.1. View of Elected Members

- The scale of density proposed is not commensurate with the site of the surrounding area.
- The proposed mix is mostly for starter homes.
- The density is too high for a moderate growth town such as Kildare
- There has been no employment generated proposals or integration of same into the overall scheme
- The proposal contravenes the LAP and does not integrate employment with the housing provision.
- The recreation and amenity components are insufficient.
- The proposed development will only accommodate commuter based population
- The key route objectives for Kildare Town have not been delivered and the proposal will be a threat to the movement of pedestrians, cycle and vehicles throughout the town.
- There was a commitment to the local community, through the sale of the Barracks that there would be some type of community gain.

8.2. Opinion of Consistency

- It is considered the proposal is not consistent with the policies of the development plan, having regard to the number of units proposed and the Core Strategy.
- Table 3.3 of the Kildare County Development Plan 2017-2023 has allocated housing 1,527 units to Kildare Town up to 2023.
- The zoned lands in Kildare Town can accommodate a surplus of 2,027 units.

- The Kildare Town LAP 2012-2018 (extended until the review of the county plan) allocated 161 no units for the development of the site and Magee Barracks.
- A variation of the County Plan is imminent following the publication of the Regional Spatial and Economic Strategy (RSES) and the Key Towns of Maynooth and Naas have been identified for regional growth.
- Policy R8 of the Local Area Plan requires a neighbourhood centre, which may be anchored by a discount food store.
- Section 7.6.2 of the LAP includes a **Design Brief** for the regeneration of the site and the issues not addressed include the following:
 1. Mend and Connect to the urban fabric- The hours of commercial activity do not support evening supervision of the area between the residential and Hospital. Street and there is no residential activity in the neighbourhood centre.
 2. Commercial and Economic activity- There should be greater significant economic activity.
 3. Amenity of the adjoining residents- The variable differences in the ground levels mean that there will be a visual impact on the adjoining residents, in particular Runabeg.
 4. Community Uses- The provision of 10 acres of open space and community facilities is open to interpretation. It is noted the application refers to the provision of two schools is noted as is the relocation of the clock from the water tower and the use of the footprint of the water tower as public open space. The view of the elected members does not support this.
 5. Physical links and Connections- The pedestrian and vehicular links area noted.
 6. Integration of new communities- The provision for existing and future connections is noted.
 7. Implementation and Phasing- The four sub phases are noted. The LAP envisaged Phase 2 as cultural/commercial around the officer's mess,

whilst Phase 3 the employment and enterprise block. The housing provision of 375 units represents a 133% increase to the c. 161 units required in the LAP.

- No Social Infrastructure Assessment (SIA) has been submitted with the application i.e. Policy CO2.

EIAR

- One of the alternatives listed is the proposal as per the design brief in the LAP and the EIAR noted this option was not an effective use of lands.
- Two invasive alien species are noted and a management plan to successfully eradicate these species is being implemented.
- Impact to bats will be mitigated by the planting of new habitat.
- Any grant of permission should ensure the development adheres to the mitigation and monitoring measures presented in the EIAR (Chapter 15).

8.3. Conditions

The Planning Authority recommend a refusal for the permission as summarised below, therefore no conditions have been proposed:

- Status of Kildare as a moderate sustainable growth town,
- The target of 1,527 units in the town until 2023,
- The capacity surplus of dwellings deliverable of zoned lands in the rest of the town during the period,
- The zoning of the site for “regeneration of Magee Barracks” in the LAP,
- The scale, nature and number of dwellings units on the site.

Should the Board be minded to grant permission they are advised that the following should be considered:

- Compliance with all development management standards
- Visual impact both within and outside the scheme
- Height of dwellings vis a vis adjoining dwellings
- Topography of site and open spaces

- Internal storage space in the dwelling units.

8.4. **Interdepartmental Reports**

Water Service- No objection subject to conditions

Roads, Transportation & Public Safety Department- No objection subject to conditions

Environment Section- No objection subject to conditions

Parks Section- No objection subject to conditions

Housing Section- No objection subject to conditions.

9.0 **Prescribed Bodies**

- 9.1. An Taisce- The previous refusal reason relating to density is noted. A condition should be attached to any grant of permission requiring a mobility management operator to promote Smarter Travel Objectives.
- 9.2. Transport Infrastructure Ireland- No observations
- 9.3. Department of Culture, Heritage and the Gaeltacht- No objection subject to archaeological monitoring on the site
- 9.4. Irish Water- No objections subject to a valid connection agreement being put in place.
- 9.5. National Transport Authority- No objection subject to the increase in cycle standards to 447 cycle parking spaces for the residential aspect and ensure the permeability of all pedestrian and cycle links including Option B for Magee Terrace.

10.0 Assessment

The main issues relating to this application are:

- Land Use Zoning
- Core Strategy & Density
- Design and Layout
- Residential Amenity
- Road Infrastructure and Connectivity
- Part V
- Flooding
- Appropriate Assessment

Land Use Zoning

- 10.1. The site is located on lands zoned for “Regeneration of Magee Barracks” in the Kildare Local Area Plan (LAP) 2012-2018, where it is an objective “*to facilitate a wide range of uses to allow for flexibility in the regeneration of the former Magee Barracks site in a sustainable manner*”. Legal opinion sought by the Council notes the plan as operative for the area. The Kildare County Development Plan 2017-2023 is the operative plan for the County. The proposed development includes for 375 no. residential units and a neighbourhood centre with 3 no. retail units and a crèche.
- 10.2. A significant number of observations received have raised concern relating to the overall proposal, the overprovision of residential development and under provision of employment and community facilities. The Report of the Chief Executive of Kildare Council has recommended a refusal having regard to the zoning of the lands for “Regeneration of Magee Barracks” and the provisions of the Design Brief for these lands in the LAP.
- 10.3. The application contains a Material Contravention Statement having regard to any possible consideration specified in Section 37 (2) (b) of the Act. The statement refers to the planning authority opinion, submitted to the Board as part of the Pre-Application consultation, which indicates that the proposal could be a material contravention of the LAP in the context of the residential units numbers identified for

Magee Barracks site and the failure of the proposal to include any substantial employment mix which would regenerate the area. The statement refers to the powers of the Board to grant permission under Section 37 (2) (b), should the Board determine the proposal as a contravention of the development plan.

- 10.4. In the first instance, it should be noted that the Inspector's assessment on a previous SHD application (301371-18) did not consider a similar development on the same site as a contravention of the zoning of the development plan. The Board accepted this assessment and determination. In the second instance, I have assessed the objective for development on these lands detailed in the LAP, including the design brief, the vision for the lands and the indicative framework for the site as set out in Map 7.6 (f). I note the completion and occupation of both a national and secondary school to the north west of the site, the current development of a discount food store to the south (Reg Ref 18/273), at the entrance of the site at Hospital Road and the grant of permission for a Cancer Treatment Centre also adjoining the entrance to the site (Reg Ref 18/149) all of which have been recently permitted by the Local Authority. Having regard to the current permitted development in the vicinity of the site, the inclusion of a neighbourhood centre and the quantum of open space provision, further detailed below, I consider a sufficient array of facilities within the overall site have been provided to support the regeneration of the Magee Barracks. Reference to a covenant in the sale of the lands for 10 acres for community gain is included in a number of submissions and whilst I do not consider this is a planning consideration, I note the quantum of mixed use (335m²) and educational use site (8.9 acres/36,017m²) and open space provision (c. 18,000m²) would equate to c. 13 acres (54,354m²).
- 10.5. The remaining key objectives relating to traffic, built heritage and residential amenity are further detailed below and having regard to the location of the site adjacent to Kildare Town Centre, the existing and proposed mix of uses on the site and the specific objectives in the LAP for site, I consider the principle of development at this location acceptable, subject to compliance with other planning considerations, and I do not consider the proposed development would contravene the overall zoning of the site.

Core Strategy and Density

- 10.6. In relation to the Core Strategy, the Land Use Zoning Map of the LAP includes a specific objective for Residential lands integrating Phase 1/ Phase 2 mostly located on the outskirts of the town contiguous to existing residential estates. Magee Barracks is a brownfield site, adjacent to the town centre and train station, which has a commuter service, and the proposed development includes a mix of uses. Table 10 of the LAP “Phase 1 sites identified for Residential Development” allocates 161 residential units to Magee Barracks for a mixed use site of 25.1 ha. Section 7.6.2.5 of the LAP refers to these figures as a potential and notes the actual final numbers will be determined following detailed design. As stated above, the design brief and associated documentation in the LAP refers to the guidance for development on the site as indicative and I consider the policies and objectives of the LAP clearly intended that the residential use would be integral for the regeneration of the site.
- 10.7. The report of the Chief Executive noted the status of Kildare as a Moderate Sustainable Growth Town and considered the proposal should be refused having regard to *“the capacity surplus of dwellings deliverable on zoned lands in Kildare Town during the plan period”* and the scale, nature and number of dwelling units on the site which the planning authority considered excessive.
- 10.8. Kildare Town has a population of 8,142 in the 2011 census with an estimation of 8,598 in the 2016 census and has been designated as a Moderate Sustainable Growth Town in the Kildare County Development Plan 2017-2023. Table 3.3 of this development plan allocates 1,527 housing units for Kildare town for the lifetime of the plan. The applicant has submitted an analysis of extant permissions and constructed development on residentially zoned lands in Kildare town. The figure provided for total extant units is 1,029 (957 units which have been constructed are omitted) and addition 190 units are under construction in Phase 1 lands. Having regard to the completion of 72 units completed under (06/1697) the submitted assessment indicates a remaining capacity for future residential development in Kildare Town of c. 400 units.
- 10.9. Having regard to the allocation of residential units for Kildare Town in the County Development Plan and reference to Magee Barracks as Phase 1 lands in the LAP I

do not consider the proposal for 375 no units would be a material contravention of the policy or objectives of either the county plan or LAP.

- 10.10. The second reason for refusal for the previous SHD application (301371-18) on the same site, considered the proposed density, stated in the Inspectors Report as 34.3 units/ha, was not appropriate to provide for an acceptable level of efficiency in the use of serviced lands and would therefore be contrary to national policy. Following on from the Pre-Application Consultation Opinion, specific design proposals have been incorporated to address the issues identified in relation to density where the calculation, inclusive of open space, has been clearly documented and justified. The total number units was increased from 298 no. dwellings to 375 no. dwellings providing a net residential density of 39.4 units / ha.
- 10.11. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) promote and encourage higher residential densities where appropriate, including brownfield sites and former barracks, where the opportunity for re-development to higher densities, subject to other planning considerations, should be promoted. For sites within walking distance of public transport i.e. 1km from a rail station minimum net densities of 50 dwellings per hectare should be applied. Section 5.12 of the guidelines state that to facilitate a choice of housing types in areas, limited provision for lower density may be provided.
- 10.12. As stated above, the subject site, as part of the Magee Barrack designation, was allocated 161 no. units in the phasing for residential lands in the 2012-2018 LAP for an area of 25.1ha and even considering the mixed use requirement I do not consider this unit allocation of 161 could comply with national guidance. The unit allocation for Kildare Town has been increased under the Kildare County Development Plan 2017-2023 and the LAP figures have not been update to reflect these Core Strategy Figures. Whilst the density has only be slightly increased, I note the inclusion of apartments adjoining the neighbourhood centre and the necessity to protect existing residential amenity in the vicinity of the site, further detailed below, and I consider the submitted design proposed appropriate for the nature and character of the site and the role and function of Kildare Town in the settlement hierarchy. 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).

Design and Layout

10.13. This application is the first of two phases on Magee Barracks. Construction is currently underway for the discount foodstore at the west of the proposed entrance at Hospital Road and a Cancer Treatment Centre (3,555m²) is planned to the east of the same entrance. All the lands are currently within the ownership of the applicant and access into the site is via a shared access from the Hospital Road (R445) along the south. Two schools are located to the north west of the site. As stated above, a design brief and indicative layout are included in the LAP. The location and design of the existing education and economic uses of the site dictates the design approach to the proposal. Compliance with the design brief, Section 7.7 and Map 8.2, in the form of a spine road runs from the south, Hospital Road, to the north, Phase 2 towards Melitta Road, detailed further in the traffic section below. Other specific requirements include the retention of historic elements of the military, provision of a neighbourhood park and community gain, which I addressed below.

Neighbourhood centre

10.14. The commercial element of the proposal are located at the entrance to the site and adjacent to the discount foodstore, currently under construction, with access, orientation of the buildings and car parking integrating with this development. A public plaza (Magee Square) is proposed at the entrance of the site, as an interface with Hospital Road, and connects at the north of the site with the neighbourhood centre. The Sense of Place documentation, submitted with the application clearly documents the usability of this space with the 3 no. retail units and café/gallery proposed. In conjunction with a section of mature trees to be retained, I consider this space should provide a public realm for the surrounding community and not solely for the proposed residents. The provision of this scale of retail (c. 350m²) is appropriate at this location, adjoining the discount food store and within proximity to the town centre and should not cause any adverse impact. In addition the location of the neighbourhood facility should complement the location of the crèche and Cancer Treatment Centre, to the east and therefore comply with the zoning objective for regeneration of the site. The contemporary design and orientation of the units onto the Spine Road and Public Plaza which should provide a focal point into the overall development as recommended in the Urban Design Manual, replicated in Chapter 15 of the County Development Plan and whilst the signage is indicative, I consider the

final details should comply with Kildare Shop front Guidance, which requires a high standard of design which can be agreed separately.

Built Heritage

10.15. The site contains a number of vacant military buildings related to the traditional use as Magee Barrack which closed in 1998 and the proposal includes the removal of all 16 no. structures on the site. The LAP seeks to retain the Officer's Mess and integrate within the overall scheme. The application is accompanied by a Structural Survey and Report of the Officer's Mess and Water Tower which states that these buildings are in a poor state of repair and are of limited architectural merit. In addition, it refers to the extent of deterioration of the other structures in poor physical conditions and subject to vandalism and fires. The proposal includes the retention of a clock from the water tower and integration into the scheme at the entrance. Other attempts to preserve the historical links include using the water tower footprint as paved public space, the use and location of the open space and the naming of character areas/streets/ parks with military references.

10.16. A number of observations received do not consider the historical reference is sufficient. It is of note that none of the structures are Protected Structures, within a Conservation Area or listed on the NIAH. The report of the Chief Executive (CE) refers to the ruinous condition of the buildings and notes that this has been the case for some time. In addition, the CE report considers those features listed above and the proposal to integrate a museum within the proposed café unit is appropriate to protect the military reference. The Inspectors Report on the previous refusal application (301371-19) recommended the inclusion of a photographic survey of all buildings on the site in the event of any grant of permission. Having regard to the historic military presence and links to the area I consider this reasonable and can be conditioned as part of that museum feature within the café.

Housing Mix

10.17. The first reason for refusal for the previous SHD application 301371-18 related the provision of an inappropriate mix of units which mainly focused on three and four bed semi-detached dwellings. Policy MD 1 of the development plan requires a wide variety of adaptable housing types, sizes and tenures. In response to the previous reason for refusal and to ensure compliance with both Policy MD1 and criterion

number 4 of the Urban Design Manual, which recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups, the proposal includes a greater balance of units sizes as detailed below in Table 5. For ease of comparison, the previous dwelling mix is provided in Table 5a.

Table 5: Unit Mix (**Submitted proposal**)

	1 bed	2 bed	3 bed	4+ bed	Total
Apartments	30	92	-	-	122
Duplex/Apartments	16	34	18	-	68
Houses	-	-	118	67	185
TOTAL	46	126	136	67	375
As % of total	12	34	36	18	100%

Table 5a: Unit Mix (**Previous refusal 301371-18**)

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

10.18. A number of observations have raised concern over the inclusion of apartments within the scheme and do not consider there is a demand in Kildare Town for smaller units. Both the national guidance for sustainable residential development and the County Development Plan recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. I note the residential areas surrounding the site comprise mainly of detached and semi-detached dwellings and I consider the mix now proposed has a varied range of house types to support a wide and differing socio-economic community.

Apartments.

10.19. The second reason for refusal for 301371-18 related to the inclusion of an inappropriate density and the positioning of the proposed three storey apartment/duplex units on the periphery of the lands adjoining established single storey and two storey houses which was considered to be an inappropriate design response to the site and would seriously injure the residential and visual amenities of these properties.

10.20. In response to the Pre-Application Opinion 4 no. apartment blocks of apartments providing 122 no. units replaced 56 no. duplex units. The applicant states the location of these in the centre of the site away, from the site boundaries and residential properties will reduce the impact on existing residential amenity. I note the location of the apartments to the north of the neighbourhood centre 35m from the closest duplex units (6 no.) and consider this the appropriate location. In addition to the gated communal open space in the centre of the apartments blocks (Camara Gardens), a large landscaped area (Magee Gardens) serving the wider site is located to the north of the apartments and having regard to the design and orientation of the apartments I do not consider they will a negative impact. A building height strategy accompanied the application which refers to the lower height of the western blocks (Block A & D) for 4 storeys, whilst those two blocks along the spine road (Block B & C) are higher with 5 storeys. The layout of the site and open space provision around the apartments allows for greater height at this location and I consider the design response submitted appropriate.

10.21. The Chief Executive Report requests that in the case of any grant of permission compliance with the development management standards are met and queries the separation distance between opposing balconies. With regards the layout of the apartments, the Statement of Consistency, which accompanied the planning application, includes details on compliance with the national apartment guidelines as summarised below:

- SPPR 1- A combination of the apartment development and the duplex units provides a unit mix of 24.2% 1 beds, 66.32% 3 beds and 9.47% 3 beds, which complies with the SPPR.
- SPPR 2- This is not considered relevant as the site is greater than 0.25ha.

- SPPR 3- The minimum floor areas of all apartments are met and 100% of the units exceed the minimum sizes by greater than 10%.
- SPPR 4- 64.2% of the proposed units have a dual aspect, greater than the required 50%.
- SPPR 5- The ground floor units all complied with the required 2.7m floor to ceiling height.
- SPPR 6- A lift core ratio of 1 per 7 no. apartments is less than the one per 12 required in the guidelines.

10.22. I note the minimum separation distance between the apartments is c. 20m and with no balconies directly opposing each other. In relation to minimum storage areas, Section 3.31 of the apartments guidelines states that storage areas should be in addition to kitchen presses and bedroom furniture, but may be partly provided in these rooms where the minimum aggregate living dining/ kitchen or floor areas are complies with. I have assessed the floorplans against the standards in Appendix 1 of the guidelines and note that storage space provided is in addition to the minimum floor space requirements. Therefore, having regard to the above, the proposed development is compliant with section 28 apartment guidelines.

10.23. The phasing plan submitted with the application includes the apartment units in the final phase (Phase D) of the development and I note a temporary construction access proposed along the south of the apartment development, the main spine road, 73 no. dwellings along the west and open space provision to the north (Magee Gardens) are all contained within first phase (Phase A). In terms of sequential development and the provision of services, the inclusion of the apartments within Phase A would be the logical approach, therefore I have some concerns in relation to the realistic expectation that these apartments will be developed. The initial reasons for refusal related to dwelling mix and density are highlighted at this stage and the need for the efficient use of lands and compliance with national policy. For this reason I consider the apartments should be developed in tandem with those lands surrounding which are within Phase A. I consider it reasonable that a condition is included requiring an amended to the phasing plan.

Dwelling Design & Character Areas.

10.24. Six character areas, one commercial and five residential are proposed, each with defining materiality, house types and landscaped areas which interconnect with each other. The range of external materials and house types provides sufficient detail to distinguish between each area sufficiently in line with the requirements of Criteria 5 & 6 of the Urban Design Manual and I note the high quality and mix of elevation styles. A mix of hard paving, seating and play facilities are provided in the landscaped areas which reflects the character areas and phasing they are associated with, further discussed below.

Open Space

10.25. Section 7.6.2 of the LAP, design brief, seeks to facilitate the development of a neighbourhood park at Magee Barracks. Map 7.6 provides an indicative layout for the development of the site where playing pitches are provided at the entrance of the site, along Hospital Road, at the location where planning permission has recently been permitted for the Cancer Treatment Centre. Six character areas are, each supported with individual open space provision (total c. 18,000m²), detailed below, with 16.5% of communal open space for the site in total, complying with the development plan requirement of 15%. The neighbourhood park provision has been designed to integrate into the open space proposed along the north of the Cancer Treatment Centre (CTC), which is within the applicants' ownership and will provide an effective amenity space for the neighbourhood.

10.26. In response to third party observations, which raised concern over the absence of a neighbourhood park on the site, the applicant refers to a recently permitted Part VIII proposal for a public park "Cherry Avenue Park" directly opposite the site along Hospital Road. The open space provision has been designed to provide a range of active and passive recreation, supporting a wide range of facilities. The Landscape Design Rationale Report, which accompanied the application provides an analysis of the layout and provision of facilities within each of the landscaped areas.

Table 6 : Breakdown of landscaped areas throughout the development.

Character Area	Open space	Size (ha)
1 Neighbourhood Centre	Magee Square - public plaza	0.05
2 Dwellings and CTC	Parade Park- Neighbourhood Park	0.5
	Linear Park	0.3
3 Duplex and Apartments	"Magee Gardens"	0.3
	Water Tower Park	0.03
	Gannon Plaza	0.02
	Leitrim Gardens	0.06
4 Dwellings west	Coolmoney Square	0.2
	Wickham Park	0.06
5	Henry Howard Gardens	0.2
6 Apartments	Camara Garden	0.02

10.27. A large number of seating is provided throughout the scheme, formal children play area in Camara Gardens restricted for the apartment development, and other informal play areas throughout the scheme for age 4-12 year olds. I note the absence of any facilities for older children and I consider this should be integrated into the overall design for Phase 1. In addition, the size of the children play area illustrated in the Camara Garden should comply with the standards in Section 4.13 of the apartment guidelines and be included within the management plan for the apartment development. This can be included as a condition.

10.28. A Tree Survey has been undertaken on the site and lists a number of trees which have a high value, 1 classified as category A, 27 of moderate value category B and 50 of low value category C and trees have been tagged. The landscape proposal integrates a number of trees within the overall scheme, including the category B trees at the entrance in "Magee Square" and 3 no. trees within "Magee Gardens",

which I consider reasonable having regard to the value of trees. The report of the Parks Section includes a recommendation for a number of conditions relating to the landscaping proposals, final design details of the play facilities etc., which I consider reasonable. The report refers to a specific condition relating to the employment of an Arboriculture Consultant during construction works and having regard to the existing tree survey and landscaping proposal to integrate trees of merit, I do not consider this a necessity.

10.29. Leitrim gardens communal open space is located to the rear of the duplex units, a 2m high block wall is proposed along the northern boundary and a 1.2m high metal railing along the south to the rear of proposed dwellings, additional brick and block walls are located at either side of the open space. The duplex units have limited private amenity space and I consider the removal of the central block wall will ensure the entire open space is available for all the duplex units and having regard to absence of significant private open space for these residents the retention and management of this space should be connected to the occupation of the duplex units.

10.30. Having regard to the mix of units, the integration of high quality external materials into the differing character areas and the open space provision, I consider the design and layout of the scheme will provide a sense of place for future residents and comply with the 12 criteria in the urban design guidance both at a national and local level.

Residential Amenity

10.31. The impact of the proposed development on potential residents is partially discussed above in relation to the design and layout, further detailed in relation to the boundary treatment.

Existing properties

10.32. The site is located to the west of residential areas of Runabeg and Rowanville, to the north of Magee Terrace and to the east of Campion Crescent, all of which contain a variety of two storey dwellings. The site is relatively flat in comparison to the surrounding area and site section drawings, which accompanied the application illustrate a similar ground floor level across the site into the surrounding residential estates. The proposed dwellings, which are bound against the interfaces with the

existing two storey dwellings, are also two storey and the higher duplex and apartment buildings are central to the site and surrounded by open space. I note the landscaped area which is proposed along the south west of Runabeg Drive has a 1m height difference and the treatment of surface water attenuation within the site boundary will prevent any run-off. I note a minimum separation distance of c. 22m from the closest existing dwellings in the adjoining surrounding residential areas and the absence of any first floor windows directly adjacent to the proposed dwellings.

10.33. Having regard to the location and design of the proposed dwellings and the distance and orientation from the existing dwellings in the residential estates in the vicinity, I do not consider the proposal will have negative adverse impact on the residential amenity of these properties by way of overbearing, overshadowing or overlooking.

Way leave

10.34. The applicant acknowledges that a redundant wayleave/ right of way along the south/east south of the site need addressed and proposes to transfer these lands into the ownership of properties owners at Rownanville/Hospital Street. In the interim a 2m high block wall will replace the timber fencing along the rear of these sites. Submissions from observers are concerned that this area will be used for dumping and anti-social behaviour if not managed correctly. Having regard to the location of the wayleave at the rear of private dwellings and connected to public open space I consider these are viable concerns and the applicant should be required to provide a gated access and management of this area until such times as a permanent solution is finalised, which may be included as a condition on any grant of permission.

Boundary treatment

10.35. A 2m high boundary wall separates Runabeg and the subject site. A linear park is proposed along the site adjoining this wall. Details in the application state that the interface between the site and Runabeg will be subject to an agreement with the Local Authority. A proposed vehicular access is located between Runabeg and the site for Phase 2, although not included in this application.

10.36. Pedestrian access is proposed to the south east of the site, into the existing residential estate Magee Terrace with two options for pedestrian connectivity proposed. Option A includes the removal of part of the existing wall to accommodate a walkway whilst option B includes the removal of the entire wall and the integration

of the proposed pocket park and the open space at Magee Terrace. A submission from Parks Section of the Local Authority and the NTA include a preference for Option B and recommend a condition requiring the inclusion of this design feature, which I consider reasonable.

10.37. The Boundary Treatment Plan refers to an existing boundary wall and palisade fence along at the interface between the Linear Park/ side of spine road and Runabeg estate. Landscaping drawings state that the interface IS to be agreed with the Planning Authority. The report of the Parks Section does not make any reference to this boundary treatment although having regard to their recommendation on the treatment of the interface between the site and Magee Terrace, I consider it reasonable that this is replicated and a condition requiring further detailing reasonable.

Roads Infrastructure and Connectivity

10.38. The main vehicular access to Phase 1 development will be provided by an entrance off Hospital Street (R445) to the south of the site. A new signalised road junction is proposed at the main junction into the site along with two Toucan Crossings, and other associated works including pedestrian crossings, upgrades to footpaths, road marking and traffic signalling. The TRICS database generation indicates that the signalised junction will operate with small queues until 2037 and then with no queues once the junction for Phase 2, at Meliatta Road, is completed.

10.39. A Traffic Impact Assessment (TIA) is submitted with the application, which provides a breakdown of the proposed development and an analysis and justification of the traffic generated from the development which include a parking provision of 639 no. spaces, detailed below.

Table 7: Car Parking Provision

Residential	560
Visitor	51
Neighbourhood Centre	28
Total	639

10.40. A Statement of Compliance with DMURS and National Cycle Manual accompanied the application in response to a request in the Pre Application Opinion. The statement details the design parameters of the internal roads which comprises of the main spine road, and two local street roads (Type A & B) which complies with the key concepts and indicative framework of Map7.6 (f) of the LAP.

10.41. The TIA states that traffic calming measures along Hospital Road, detailed in the application will be developed in conjunction with the scheme approved under Part VIII for the public park on the opposite site of Hospital Road, Cherry Avenue Park. Section 3.1 of the Road & Traffic Report provides details for three pedestrian crossings, one outside the Cancer Treatment Clinic, a Toucan Pedestrian Crossing at the main entrance and a further pedestrian crossing to the west of the site. For the remaining works, i.e. to the existing road, the applicant refers to the Part VIII approved.

10.42. The report of the Roads Department notes no objection to the overall proposal subject to conditions relating to, but not restricted to the following:

- the provision of traffic calming measures along the R445, to include additional cycle ways and footpaths along a 664m section,
- the submission of a Roads Safety Audit (Stage 2) after the detailed design has been approved and a Stage 3 on completion of the signalised junction,
- the installation of two additional Toucan Crossings on the R445 at either side of the signalised junction,
- the installation and operation of signalised crossings before occupation of Phase 1 units,
- Submission of a legal agreements confirming the delivery of works along the R445, taking into account the possible change in ownership in the future and subject to the payment of €231,360 by Londale LTD (Reg Ref 18/149), €231,360 by Lidl (Reg Ref 18/273) and €501,280 by Kildare County Council in relation to Cherry Avenue Park Development.
- Payment of €964,000 to the developer by Kildare County Council as a special contribution towards the cost of the R445 Hospital Street Calming and

Signalised Junction, subject to the above costs being submitted to the Council.

- The submission of a wayleave agreement from the development for the Phase 2 Spine Road and the transfer of lands at Phase 1 with the interface with Phase 1 and Phase 2 (5m buffer strip) and connection to Runabeg Estate

10.43. The report of the Roads Section estimates the costs of road infrastructure works along 664m of the R445, Hospital Road will be €1,928,000 to include, traffic calming works along the site frontage, installation of signalised works at the Melitta Road/ Development Junction and the R445 Hospital Street/ Development junction and the installation of 2 toucan signalised crossings on the R445 to service the retail development and the cancer treatment centre. It proposed to apportion these costs between Lonadale Ltd €231,600 (Cancer Treatment Centre), Lidli Retail €231,600, Kildare County Council €501,280 and the balance of funding with Ballymount Properties (the applicant). The report of the Road Department refers to Section 34 (4) (m) of the Act which allows for conditions imposed requiring *the provision of roads, including traffic calming measures, open spaces, car parks, sewers, watermains or drains, facilities for the collection or storage of recyclable materials and other public facilities in excess of the immediate needs of the proposed development, subject to the local authority paying for the cost of the additional works and taking them in charge or otherwise entering into an agreement with the applicant with respect to the provision of those public facilities;*. As stated above the Report of the Roads Section includes a condition to pay €964,000 to the developer by Kildare County Council.

10.44. The applicants "Statement of Response to ABPs Opinion" refers to the first party appeal PL303141-18 (Reg Ref 18/149) currently before the Board for the Cancer Treatment Clinic on lands along the front of the site and the requirement to undertake works along the front of the site, Hospital Street, for c. 300m to facilitate road improvement works outside the red boundary. I note this first party appeal relates to Conditions No. 25, 26, 27 & 34 (inclusion of a levy) to undertake significant works along the Hospital Road (R445). Final consideration by the Board has yet to be undertaken.

- 10.45. The applicant considers, as submitted in the TIA, that the signalised junction proposed for the development access/Hospital Street (R445) is sufficient to accommodate traffic generated by the development. The applicant does not refer to the movement and flow of pedestrians/ cyclists outside the site, other than the provision of three pedestrian crossings, as detailed above.
- 10.46. Drawing No 1024 “Hospital Street Junction- Road Signage and Markings” includes full illustration of the proposed traffic junction along Hospital Road based on the signings for the Cancer Treatment Centre. I note the Roads Authority have no objection to the overall design and provision of the junction, subject to conditions and I consider the works proposed by the applicant reasonable to service the proposed development. With regard to the additional works required along the Hospital Road, outside the site, I consider the appropriate mechanism for upgrade is via the collection of Section 48 contributions and as such I do not consider the inclusion of an additional levy reasonable.
- 10.47. The report of the Roads Section also recommends the inclusion of a wayleave agreement for Phase 2 of the Spine Road and the buffer interface between Phase 1 and Phase 2, both of which are within the applicant’s ownership. I note concerns of the Local Authority in relation to the future provision of this Spine Road as a conception through to Melitta Road and the objective in the LAP to deliver this connection and I consider a condition requiring a wayleave reasonable.

Cycling

- 10.48. The R445 Hospital Road is identified as a cycle route in the NTA “Greater Dublin Area Cycle Networks Plan (2013) and segregated cycling facilities have been integrated along the proposed spine road through the site. The submission from the NTA notes the amended of the design from the previous proposal, removing a two-way cycle track on one side of the road, segregated cycling facilities along the R445, increase in cycle parking spaces and the provision of cycle connectivity throughout the site. The Mobility Management Plan which accompanied the application notes that the cycle lanes will link into cycle lanes which will be provided along Hospital Road, included in the Part VIII for Cherry Avenue.
- 10.49. A submission from the NTA has raised concern in relation to the quantum of cycle spaces provided and refers to the TIA (Section 6.3) which states that 417 cycle

spaces are being provided and the Residential Quality Audit (page 6) stated that 447 spaces are provided. I note the total spaces referred to in Section 6.3 is 447 and includes both the residential and commercial allocation. I consider reasonable to comply with standards.

Connectivity

- 10.50. The road network has been designed to comply with DMURS, with the main Spine Road and Type A and B roads within the residential areas to encourage pedestrians and cyclists. The Spine Road proposes to extend north towards Melitta Road and into Runabeg as part of Phase 2. The roads hierarchy is in compliance with DMURS with traffic islands and zebra crossings to reduce speed on the spine road with permeable paving provided at junctions and road bends.
- 10.51. The issues of pedestrian access has been partially addressed in relation to the overall design approach with connections proposed at the discount food store and Cancer Treatment Centre to Runabeg, Magee Terrace through a pocket park “Wickham Park” and the school site through “Henry Howard Gardens”. All open space areas are located to take advantage of passive surveillance and the orientation of dwellings adjoining Wickham Park (Type B1 gable front, corner) and Coolmoney Square (Type C1A gable front, corner) are such that they will overlook these spaces. A letter of consent is submitted from an adjoining school (Educate Together) supporting the connections and whilst an observation has raised concern over the use of gates at this access. Unrestricted vehicular access is currently available, via Melitta Road and the school site, up to the boundary of the site at the north and I consider a condition removing any restriction on access appropriate to support permeability throughout the site.
- 10.52. A submission from NTA consider any reference to pedestrian connectivity should include cycle, option B for Magee Terrace should be supported which requires the removal of the existing wall on the southwest of the boundary rather than the gated access and those indicative connections in Phase 2 should be retained as any grant of permission. As stated above in relation to the boundary treatment, the removal of the wall between Magee Terrace and Runabeg is the acceptable and any grant of permission should include a condition required the retention.

Part V

10.53. Compliance with the Part V requirements is illustrated in the site layout plan and listed in the Schedule of accommodation with 14. No. 1 bedroom apartment units, 16 no. 2 bedroom apartment units and 8 no houses proposed for the 10%. The applicant submits that the final figures will be subject to further agreement with the Planning Authority. A letter of interest is submitted from Cluid Housing and the response from the Housing Section of the Local Authority state's that whilst they are satisfied with the costs associated with the Part V allocation the mix, design and location of unit types should be agreed prior to any Part V agreement being finalised, which I consider reasonable.

Flooding

10.54. A Site Specific Flood Risk Assessment Report (FRA) has been submitted, as required under the Pre-Application Notice of Opinion issued from An Bord Pleanála which notes the absence of any watercourse on the site and in the vicinity of the site and the absence of any flood risk mapping or events and considers the site is located in Flood Zone C (low risk) as it pertains to fluvial flooding. A previous flood event is recorded¹, in 2005, to the south east of the site. The FRA report acknowledges this flood event and notes the upgrade of the drainage in the area and the proposed SuDS system and considers the proposed works will not cause any negative impact from additional surface runoff. I have assessed the flood reports, the information contained in the FRA and the proposed attenuation and SuDS for the site and I do not consider the proposed development will have any significant negative impact on flooding in the vicinity.

Appropriate Assessment

10.55. An Appropriate Assessment Screening Report was submitted with the application which refers to the location of the site within Flood Zone C, the distance from European sites within 15km, as listed below, and the absence of any surface water connection to any European Site.

¹ http://www.floodinfo.ie/map/pf_addinfo_report/1487

Table 8: European Sites

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

10.56. The objective for all of the above designated sites is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

10.57. In terms of groundwater, hydrology and ecology, there are no groundwater dependant terrestrial ecosystems receptors (GWDTE), in close proximity to the site. It is acknowledged within the screening assessment that Pollardstown Fen SAC, as a significant, groundwater-dependant feature, is potentially sensitive to any changes in groundwater levels and water quality, including those caused by development at a distance although having regard to a hydrological assessment undertaken as part of the EIAR, it is confirmed that the groundwater flows in a SW direction across the site and not towards Pollardstown Fen. I do not consider there is a pathway-source with this SAC.

10.58. In terms of in-combination effects, the discount foodstore and permission for a cancer treatment clinic on the overall site, are noted and taking these developments into consideration, it is concluded that the development either on its own or in-combination with other developments will have no impacts on European sites, which I consider reasonable. The submitted Screening Report concludes that based on best scientific evidence, it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects in light of their conservation objectives and I note the characteristics of the proposal, the location of the site, the distance from any

European Sites and the absence of any potential pathways and I consider this conclusion acceptable.

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

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

11.2. This application was submitted to the Board after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive has been transposed into Irish legislation to date through the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 and the 2018 Guidelines "*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*" have informed this assessment.

11.3. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001 (as amended). Item 10 of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of:

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

11.4. The development site has a stated area of 11.35ha and exceeds the above threshold and EIA is thus mandatory in this case. The EIAR includes a cumulative assessment of the applicant's entire landholding, including Phase 2 which can potentially accommodate c. 250 units and surveys have been taken over the entire c. 20.78ha landholding.

- 11.5. The EIAR is laid out in one volume and has a Non-Technical Summary. Chapter 1 provided details of the expertise of various people who were responsible for particular sections of the EIAR. Chapter 2 of the main volume describes the project and alternatives, Chapter 3 to 12 identify likely significant effects on the environment with reference to various factors, Chapter 13 detailed risk management, Chapter 14 considered the interactions between the effects on different factors of the environment and Chapter 15 contained a summary of all the proposed mitigation and monitoring measures.
- 11.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and observers has been set out in previous sections of this report. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed below.

Alternatives

- 11.7. Article 5(1)(d) of the 2014 EIA Directive requires:
- (d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
- 11.8. A description of the reasonable alternatives (locations, designs and processes) have been assessed and submitted by the applicant, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. A do-nothing scenario was considered to be ineffective given the need for compact urban growth and the main design configuration considered include:
- Magee Barracks Indicative Site Framework set out in the Kildare LAP 2012-2018,

- Application No. 1 Refused Scheme (SHD consultation stage- September 2017),
- Application No. 1 Refused (SHD Application- April 2018),
- Application No. 2 (SHD consultation stage- October 2018),
- Current Proposed Development (July 2019).

11.9. The development proposal, phasing, current planning history and provision of facilities and services in the vicinity have been considered in the assessment of reasonable alternatives, with the final proposal preferred due to it being the closest site to the town centre zoned for development of this nature. I consider that the description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been properly addressed.

Likely Significant Direct and Indirect Effects

11.10. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the Directive/ Section 171A of the Act, namely:

- Population and human health;
- Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- Land, soil, water, air and climate;
- Material assets, cultural heritage and the landscape; and
- Interaction between the above factors

Population and Human Health

11.11. Chapter 3 of the submitted EIAR deals with population and human health with reference to economic, social and land use/settlement patterns. The assessment provided by the applicant indicates that the construction of the proposal is likely to have a positive direct effect on local employment and economic activity, particularly in the construction sector which will be temporary in nature. The proposed commercial elements will generate permanent employment opportunities. The

proposal will cater for a portion of Kildare town’s planned population growth, enhance its urban structure and built fabric and provide new connections between existing residential areas and the town centre, train station and community facilities.

11.12. The impacts on population and human health mainly relate to works proposed during the construction stage in particular e.g. noise, dust abatements etc. This is considered acceptable. Concerns have been raised in some of the submissions received in relation to vermin being displaced during demolition works, with subsequent impacts on neighbouring properties. This is no specific reference to the control of vermin and the use of a Construction Environmental Management Plan will be used to manage the impact of other aspects of the construction. Having regard to the brownfield nature of the site and the number of buildings on the site, I consider the control of vermin during the construction phase is a valid concern and the control of same can be reasonably included as a condition on any grant of permission. The EIAR concludes that the proposed development would not be likely to give rise to a significant adverse effect on the population or human health as it is an issue which can be managed in accordance with good construction practice, which I consider reasonable.

Biodiversity

11.13. Chapter 6 of the EIAR deals with biodiversity and the likely significant effects arising from the proposed development with a bat survey and hydrogeologist report integrated. The nearest site designated for nature conservation is the Curragh pNHA, approximately 1.3km to the east at the closest point. The following European Sites are located within a 15km radius and no source-pathway-receptor to any of the sites are identified.

Table 9: European Sites

Name	Code	Distance
Pollardstown Fen SAC	000396	4.3km NE
Moud,s Bog SAC	002331	7.2km NE
River Barrow and River Nore SAC	002161	7.4km S
Ballynafagh Lake SAC	001387	15km NE
Ballynafagh Bog SAC	000391	16km NE

The subject site is dominated by hard surfaces and abandoned military buildings. The trees and hedgerows present in parts of the site are of some use for commuting and foraging bats. None of the military buildings, or any of the trees are confirmed to be bat roosts and no impacts are expected on roosting bats. This assessment concluded that it is anticipated that this development will have no direct impact upon the conservation status of any bat species. No rare species or habitats, or habitats of ecological value are present on site. No rare plants were recorded.

Two invasive alien plant species, Giant Hogweed and Japanese Knotweed were recorded near the eastern boundary of the site, in close proximity to buildings. Appendix 6.1 of the submitted EIAR includes an Outline Invasive Species Management Plan. A specific, long-term management plan to permanently eradicate giant hogweed and Japanese knotweed, details of which are included in Appendix 6.1 of the EIAR which states that two herbicide treatments have been administered. I consider the management plan does not refer to any possible regrowth future treatment and a condition relating to the successful eradication of the species would ensure no adverse impacts arising from the proposal.

Appendix 6.2 of the EIAR, Bat Survey, notes no recorded bat roosts on the site during surveys undertaken in 2017 and 2018. Species recorded were mostly the Common pipistrelle. The potential for roosts on trees, and the impact on these may be mitigated by controlling tree felling in September and October and the inclusion of bat boxes, which I consider reasonable to have any significant negative impact.

No watercourses have been identified on or in the vicinity of the site and any potential for impact on water quality via surface water can be mitigated by the use of good construction methods and best practice.

Having regard to the characteristics of the site, I am satisfied that the topic of biodiversity has been appropriately addressed in terms of the application and the information submitted by the applicant and I am satisfied that any adverse impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of biodiversity.

Land and Soils

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

The identified potential construction and operational stage impacts on sensitive receptors predominantly relate to the disturbance of potential ground contamination, the storage of fuels on site and general construction/excavation activities. Site specific mitigation measures have been outlined which include undertaking further site investigations/surveys, implementation of construction and Demolition Waste Management Plan and CEMP, suitable fuel and waste storage during construction, suitable fuel and waste storage during construction, suitable run-off and sediment control measures and minimisation of surplus soil. The identification of waste, disposal and appropriate treatment of contaminants has been addressed in Table 8.6 of the EIAR and will comply with any relevant waste regulations.

Having regard to the current use of the site as a brownfield, the absence of any hydrological features on the site and the mitigation measures summarised above, I am satisfied the issues relating to land and soil have been addressed and adverse impacts can be avoided or mitigated. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of land and soil.

Water

11.15. Chapter 9 deals with water and hydrogeology. The site is underlain by a Regionally Important (Rg) Curragh Gravel Aquifer West Groundwater Body (GWB). In terms of groundwater body classifications for the Water Framework Directive (WFD) a

separate groundwater body has been delineated by the GSI within the Curragh GWB for Pollardstown Fen. The groundwater vulnerability on the site is high and the groundwater flows towards Pollardstown Fen. The groundwater framework directive status for water is classified by poor, due to the drainage pressures and water abstraction. There are no mapped streams/rivers in the vicinity of the site. The Tully stream, located 2.5km to the south of the site is not considered a direct risk from the proposed development. A Site Specific Flood Risk Assessment, which accompanies the application, concludes that the risk of flooding is low for all identified sources of flood risk.

Storm water drainage system and infiltration to the ground water is proposed. In terms of foul drainage, there are a number of existing sewers traversing the site which will be diverted into the proposed foul drainage system for Phase 1 site. It is proposed to provide two new gravity sewer systems on the Phase 1 site. The southern system will discharge into the existing foul sewer on Hospital Street and the northern system will discharge into the existing 600mm diameter foul sewer at the eastern boundary in the Ruanbeg residential development. Design measures integrated into the storm and foul systems will ensure the residual impact on groundwater and surface waters during the operational phase will be imperceptible and the use of good construction practice will ensure no significant adverse impacts during construction phase.

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

Air Quality and Climate

11.16. Chapter 10 deals with Air and Climate. The nearest representative weather station is Casement Aerodrome (32km) which measures the dominate wind direction as south-westerly to westerly. In terms of air monitoring and assessment, the site is within Zone C. In terms of existing air quality environment baseline data indicates levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene were found to be generally well below national and

EU ambient air quality standards. The operational impact of the development was assessed against the above five pollutants using recommended screening model for assessing the impact of traffic on air quality. Scenarios whereby development does not progress were modelled to indicate whether concentrations will be within EU ambient air quality standards. In addition, the impact of traffic from proposed development and wider Magee Barracks regeneration masterplan proposals in comparison to the respective EU limit values for the pollutant was assessed. The impacts of the proposed development in terms of ambient levels of the five pollutants cited above are predicted to be negligible with respect to the operational phase local air quality assessment for the long and short term.

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

Mitigation measures in relation to traffic derived pollutants have focused on improvements in both engine technology and fuel quality. I consider the issue of air quality and climate has been sufficiently addressed in the EIAR in order to assess the impact of the proposal. Having regard to the existing air quality, the overall design of the proposal and the mitigation measures included in the EIAR, I am satisfied that any adverse impacts would be avoided, and I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of air quality and climate.

Noise and Vibration

11.17. Chapter 11 of the EIAR deals with Noise and Vibration. Noise monitoring was conducted at the site in order to quantify the existing noise environment with prevailing noise levels are primarily due to local road traffic. Noise impact

assessment focussed on the potential outward noise impacts associated with the construction and operational phase of the development on the surrounding environment. During the main construction phase of development, the assessment has determined that construction noise criteria can be complied with at the nearest properties. There is potential for some elevated levels of noise at some adjacent properties during demolition works. A schedule of noise mitigation measures will be employed including noise limits and screening, as detailed in Section 11.8 of the submitted EIA. During the operational phase, the outward noise impact on surrounding environment will be limited to any additional traffic on surrounding roads and plant noise from the commercial/community buildings. The impact assessment concluded that the noise effects from additional traffic within the wider Magee Barracks regeneration site will not be significant. The resulting impact is neutral, long-term and non-significant.

I consider the issue of noise and vibration has been sufficiently addressed in the EIA in order to assess the impact of the proposal and having regard to mitigation measures and the duration of construction works I am satisfied that any adverse impacts would be avoided, managed and mitigated and I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of noise and vibration.

Landscape and Visual Impact

11.18. Chapter 7 deals with landscape and visual amenity. An assessment of the likely effects of the proposal on the landscape and visual environment was considered, as was the potential cumulative landscape and visual impacts arising from the wider Magee Barracks regeneration proposals. Appendix 7.1 of the EIA includes a series of photomontages of the proposal taken from 14 locations around the site. I note the most significant visual impact from the 4/5 storey apartment development is mitigated by the location centre to the site and at a distance from the surrounding area and I do not consider it will have a significant negative impact on the visual amenity of the surrounding area.

Potential landscape and visual effects have been identified within section 7.5 of the submitted EIA and include, inter alia, removal of majority of existing internal trees and vegetation, loss of existing open landscape, emergence of new residential and

commercial development, provision of lighting, footpaths and cycleways. A tree survey undertaken as part of the landscaping proposals includes the retention of a number of trees along Hospital Road and integration into the overall design.

The removal of trees and boundaries along Hospital Road, the most dominant interface with the wider environment. As the visual sensitivities relate mainly to the impact along the Hospital Road, the submission of photomontage drawings (Appendix 7.1) along this approach is noted and I consider the overall design of the scheme integrating a high quality finish with public plaza will enhance the setting and will not have undue adverse visual impacts on the general area.

I consider the issue of landscape and visual impact has been sufficiently addressed in the EIAR in order to assess the impact of the proposal and having regard to location of the higher buildings central to the site, the protection of trees on the site and the location of open space throughout the site, I am satisfied that any adverse impacts would be avoided, managed and mitigated and I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in terms of impact on the landscape and visual amenity

Archaeology, Cultural and Architectural Heritage

11.19. Chapters 4 and 5 respectively of the submitted EIAR deals with the topics of archaeology, cultural and architectural heritage. There are no Record of Monuments and Places (RMP) or Sites and Monuments Record (SMR) sites within the proposed Phase 1 development, or within the overall Masterplan area, although the western corner of the site encroaches slightly into the RMP zone of archaeological potential for the historic town of Kildare (KD022-029). The Phase 1 site is predominantly brownfield and occupied by various redundant military installations of the former Magee Barracks. The historical background of the site is outlined in section 4.3 of the submitted EIAR.

Small areas of the site, as identified have an inherent 'greenfield' archaeological potential, though this would be reduced or negated if the ground has suffered disturbance in the past. It is possible, where there has been no disturbance, that previously unknown archaeological deposits or features survive subsurface within these areas. Consultation with the National Monuments Service took place in November 2017 regarding appropriate mitigation measures for the entire Magee

Barracks site. Archaeological monitoring will be undertaken in advance of demolition and construction at the former Lock hospital site, at the site of the former gravel pit and at the former parade ground by an archaeologist with specialist knowledge of military/industrial archaeology. Archaeological testing will also be undertaken at various specified locations. There is no predicted impact on any recorded or known archaeological sites, features or deposits. The proposed development may, however, directly impact upon potential, previously unrecorded, below-ground archaeological remains. Archaeological monitoring and testing have been specified to mitigate any such potential impacts, which will be undertaken well in advance of any construction works and a submission from the Department of Culture, Heritage and the Gaeltacht recommend a condition on any grant of permission relating to archaeological monitoring during works, which I consider reasonable.

In terms of architectural heritage, it is noted that Magee Barracks was the first purpose-built barracks to be constructed by the Irish Free State, but in architectural terms it is not unique. The Kildare Town LAP 2012 lists the Officer's Mess building, the water tower and entrance gates on Hospital Street as features of heritage importance on the site. As stated above in relation to Built Heritage, the buildings on site were found to be in very poor condition. The Officer's Mess building and water tower have deteriorated significantly in condition since the publication of the LAP and permission has been granted at the front of the site for a discount footsore and Cancer Treatment Centre.. Although the possibility of retaining the Officer's Mess building was investigated and the findings were that partial re-construction of the building would be needed in order to render it fit for modern occupation, the retention of either of these structures was not considered viable or warranted in conservation terms and the proposed demolition of all existing buildings on site is not considered to constitute a loss of significant architectural or historic fabric.

Measures are incorporated into the design of the scheme, including the use of a clock, from the Officers Mess, into the public plaza, design features of the play areas and the integration of footprint of water tower into the paved open space will reflect the historic use of the site as a barracks, which I consider a reasonable method of heritage related mitigation measures and a suitable way of reflecting the site's history. In addition to these mitigation measures, having regard to the assessment above in relation to historic features, a recommendation to undertake a photographic

survey of the buildings and include in the proposed museum in the neighbourhood centre, would further preserve the historic reference and link to the proposed development and those military features. The predicted impact of the proposals on the architectural heritage is assessed as a minor positive.

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

Material Assets

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

Interaction between Environmental Factors

11.21. Chapter 14 of the submitted EIAR deals with significant interactions and interrelationship between environmental factors and states that interactions between various disciplines have been taken into considerations in the preparation of the document and each of the specialist consultants liaised with each other and dealt with likely interactions between effects predicted as a result of the proposed development during the preparation stage and ensured that appropriate mitigation measures are incorporated into the design process. A specific section on

interactions has been included in each of the environmental topic chapters of the EIAR. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

The primary interactions are summarised within section 14.2 of the submitted EIAR and are as follows: (check interactions)

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

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

11.22. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development and suitable conditions. Adequate information has been submitted to allow these interactions and cumulative impact of all proposals to be properly considered in the environmental impact assessment. I do not consider there are any significant environmental considerations which would prevent the proposed development and I consider those mitigation and monitoring measures summarised in Chapter 15.0 will ensure appropriate treatment of the site and surrounding environment during construction and the operation of the site.

Reasoned Conclusion on the Significant Effects

11.23. Having regard to the examination of environmental information in the EIAR, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is

considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the town,
- Landscape and visual impacts, which will be mitigated by the design and landscaping proposal which will reflect and increase awareness of the site's military heritage; planting and tree/planting plans and monitoring,
- Traffic and transportation impacts, which will be mitigated by the phasing of the development and by the completion of a package of local road improvement measures,
- Land and soils impacts, which will be mitigated by re-use of soil and sub-soil in the development, limited soil stripping, measures to control sediment in surface runoff, and construction management measures.
- Water impacts, which will be mitigated by further investigations for buried waste, construction management measures and the storage of waste fuels and materials within the scheme.
- Biodiversity impacts, which will be mitigated by construction management measures, protection of trees to be retained, landscaping, invasive species management, measures to avoid disturbance to bats, and provision of bat boxes.
- Cultural, archaeological and architectural heritage impacts, which will be mitigated by design and landscaping which reflects and increases awareness of the site's military heritage, pre-construction surveys and site investigations, and monitoring of ground works.
- Noise and vibration impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels
- Impacts on air quality and climate during construction which will be mitigated by a dust management plan including a dust monitoring programme

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

12.0 Recommendation

12.1. I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

13.0 Reasons and Considerations

Having regard to the following:

(a) the location of the site on lands with a zoning objective for regeneration and policy provisions in respect of residential development and mixed use in the Kildare Town Local Area Plan 2012-2018,

(b) the nature, scale and design of the proposed development which is consistent with the provisions of the Kildare County Development Plan 2017-2023,

(c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

(d) the Design Manual for Urban Roads and Streets (DMURS), 2019

(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.

14.0 Conditions

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

Reason: In the interest of clarity

2. Details of all external shop fronts and signage shall comply with Kildare Shop front Guidance and be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity

3. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

4. Prior to commencement of development the applicant shall submit all details for the treatment and management of the wayleave/right of way along the

east of the site at the rear of the dwellings at Rowanville, which shall include a gated access, for the written approval of the planning authority.

The internal road network serving the proposed development, including turning bays, junctions parking areas, footpaths and kerbs, access road to the service area including the junction at the development site/ Hospital Street (R445), and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. (a) The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
 - (i) Final details of roads and traffic arrangements serving the site (including signage) shall be agreed and shall include the integration of all works at the junction of the development /Hospital Road with any local authority works along the R445.
 - (ii) Full details of development works at the interface with the public realm at Magee Square. All works to public roads/footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the Planning Authority.
 - (iii) A Stage 2 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) that accords to the Design Manual for Urban Roads and Streets and Transport Infrastructure Ireland standards.
 - (iv) Full details of cycle parking facilities with provisions for direct and unobstructed access to all cycle parking spaces.
 - (v) Full details of the management of the pedestrian access into the adjoining school site shall be submitted for the written approval of the planning authority.

(b) Within 6 months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.

(c) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately, or let, to avoid non-take-up by residents. Prior to the commencement of development, the applicant shall submit a layout plan for the written agreement of the planning authority showing which parking spaces are allocated to individual numbered units and to visitor parking.

(d) One car parking space per ten residential units shall have a functional electric vehicle charging point.

(e) Clearly designated spaces for car share use shall be provided.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

6. (a) The development shall be carried out on a phased basis detailed in the application, and shall include the inclusion of all apartments buildings in Phase 1 and those associated works which accompany same. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

7. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

Reason: In the interest of public health.

8. A secure outdoor play area shall be provided for the use of children attending the childcare facility, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and safety

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

(ii) Details of screen planting [which shall not include cupressocyparis x leylandii]

(iii) Details of roadside/street planting [which shall not include prunus species]

(iv) Hard landscaping works, specifying surfacing materials, furniture, including play equipment and finished levels.

(v) Details of all formal and informal play/ toddler areas within the scheme and the provision of a children's play facilities which shall comply with the standards of the "*Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*" as a minimum.

(vi) Integration and provision of play facilities for older children/ young adults.

(vii) Details of the interface and landscaping finish between both Magee Terrace and Runabeg Drive, including the implementation of Option B for Magee Terrace and open plan landscaping for Runabeg as per the plans and particulars.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

10. Details of the road network to be used by construction traffic and by the long-term maintenance of the wayleave/ right of way along the east of the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and residential amenity

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

The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

The plan shall include details for the appropriate disposal of the invasive species which has been treated within the site and the prevention of any increase in vermin on the site or in the vicinity of the site, during construction.

Reason: In the interest of sustainable waste management.

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

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

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a properly constituted Owners’ Management Company.

The Management Company shall relate only to the apartment blocks. A separately designed Management Company shall link the ownership and management of Leitrim Gardens, with the duplex units along the south.

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 proposed 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.

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

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

15. The developer shall facilitate the recording of those existing military building on the site. In this regard, the developer submit photographic copies to the planning authority at least four weeks in advance of the commencement of development works on the site. Documentation associated with the photographic recording of the military buildings shall be retained and integrated into the design of the proposed museum/ café in the neighbourhood centre.

Reason: In order to conserve the architectural heritage of the site.

16. 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 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 with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

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.

17. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Prior to commencement of development the applicant shall confirm in writing the successful eradication and/or removal of any invasive species on the site.

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

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

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

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

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

20. 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 of roads, footpaths, watermains, drains, 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 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 of the development

21. 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.

Karen Hamilton
Planning Inspector

10th of October 2019

Appendix A (not prescribed bodies)

1. Rosemary Spillane and Others- Kildare Medical Centre
2. Campion Crescent Residents Association- James Donnelly and Others
3. Campion Crescent Residents Association- Tracey Broe and others
4. Thomas Harrington
5. Tom Flanagan
6. Wayne Fitzgerald- Scouts.ie
7. Cllr Mark Hall- Michael Smyth Branch
8. Teresa Harrington
9. Seamus Maher
10. Shona Heffernan- Heffernon tyres Ltd
11. Nigel Flanagan
12. Rachel Flanagan
13. Maria Flanagan
14. Martina Loakman
15. Melitta Park Resident's Association
16. Lorraine Moran
17. Marcus O'Toole
18. Kildare Chamber of Commerce
19. John Fofarty
20. Gary King
21. James Donnelly Esq
22. Joann Mahon
23. Elaine Doyle
24. David and Kathy Moran

25. Eileen Lawler and Gerard Carroll

26. Cllr Suzanne Doyle

27. Ciara Loughman

28. Cllr Mark Stafford

29. Caroline Kelly

30. James Conway

31. Martin Phelan