



An  
Bord  
Pleanála

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

## **Inspector's Report ABP-305905-19**

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### **Strategic Housing Development**

305 no. residential dwellings (112 no. houses, 193 no. apartments), childcare facility and associated site works.

### **Location**

Capdoo and Abbeylands, Dublin Road, Clane, Co. Kildare

### **Planning Authority**

Kildare County Council

### **Applicant**

Westar Investments Limited

### **Prescribed Bodies**

Inland Fisheries Ireland  
Transport Infrastructure Ireland  
Irish Water

National Transport Authority

**Observers**

See Appendix I

**Date of Site Inspection**

5<sup>th</sup> February 2020

**Inspector**

Sarah Moran

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The development site is located on the eastern edge of Clane on the banks of the River Liffey, c. 0.5 km from the centre of the town. It is accessed via the R403 Celbridge - Prosperous Road but does not have a road frontage as it immediately adjoins the Brooklands, Abbey Park and Alexandra Walk housing estates, which are accessed from the R403. The site has a stated area of 10.36 ha and is irregularly shaped, comprising several agricultural fields and field boundaries. It is bound to the east by the River Liffey with a substantial amounts of mature trees and other vegetation along the river bank. There is some ground disturbance at the south east corner of the site, possible associated with adjacent construction works, and an area of scrub at the River Liffey in the north eastern part of the site has been cleared. The western and southern site boundaries abut the above housing estates. There are further agricultural lands to the north of the site. It is generally level with adjoining lands.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development involves 305 no. residential units as follows:

| UNIT TYPE                | NO. OF UNITS | %    |
|--------------------------|--------------|------|
| <b>Houses</b>            |              |      |
| 2 bed house              | 20           | 6%   |
| 3 bed house              | 48           | 16%  |
| 4 bed house              | 44           | 14%  |
| Total houses             | 112          |      |
| <b>Apartments</b>        |              |      |
| 1 bed apartment          | 1            | < 1% |
| 2 bed apartment          | 103          | 34%  |
| 3 bed apartment          | 1            | < 1% |
| Total apartments         | 105          |      |
| <b>Maisonette Units</b>  |              |      |
| 1 bed maisonette         | 12           | 4%   |
| 2 bed maisonette         | 8            | 3%   |
| Total maisonette units   | 20           |      |
| <b>Duplex Apartments</b> |              |      |
| 2 bed duplex             | 34           | 11%  |
| 3 bed duplex             | 34           | 11%  |
| Total duplex apartments  | 68           |      |
| <b>Total Units</b>       | <b>305</b>   |      |

The development has a stated net residential density of 37.62 units / ha, based on a net site area of 8.10 ha (the residentially zoned lands at the site). The apartments are located in four no. 3 – 4 storey blocks.

3.2. The application also includes:

- Childcare facility (340 sq.m.) located on the ground floor of apartment Block D with capacity for up to 50 children
- Total of 3.25 ha public open space including a 1.89 ha linear park along the River Liffey

- Three vehicular accesses, two from the Brooklands housing estate and one from Alexandra Walk, also a pedestrian access from the Brooklands housing estate
- Total of 553 no. car parking spaces including 224 no. spaces for the houses, 256 no. spaces for the apartments / maisonette units / duplex units, 55 no. visitor spaces and 18 no. spaces serving the creche.
- Total of 508 no. cycle parking spaces including 500 no. spaces for the apartments / maisonette units / duplex units and 8 no. spaces for the creche.
- All associated site, landscaping and infrastructural works including foul and surface water drainage, lighting, attenuation areas, bin storage, open space areas, boundary walls and fences, internal roads and cycle paths / footpaths.
- Part V proposals comprising transfer of 30 no. residential units on site.

3.3. An EIAR is submitted with the application.

## 4.0 Planning History

### 4.1. Development Site Reg. Ref. 06/2674 and PL09.231741

- 4.1.1. Relating to the western part of the development site including lands along the River Liffey. Permission granted on 21<sup>st</sup> October 2008 for a nursing and convalescing centre, retirement complex and associated site works. A third party appeal was withdrawn. The permission was extended under **Reg. Ref. 13/705** until 19<sup>th</sup> July 2019.

### 4.2. ABP-304632-19 Lands at Capdoo North West of Development Site

- 4.2.1. Relating to an infill site on the R407 Celbridge / Kilcock Road, c. 600m north west of the development site. Permission granted by ABP on 26<sup>th</sup> September 2019 to Ardstone Homes Limited for 366 no. residential units (184 no. houses, 182 no. apartments), creche and associated site works. The development had a stated net residential density of 37.82 units / ha and included a new Link Road connecting the R407 to Capdoo Park and the R403 beyond, incorporating cycle tracks and footpaths on both sides of the carriageway, together with a new roundabout on the R407.

## 5.0 Section 5 Pre- Application Consultation

### 5.1. Pre-Application Consultation ABP-304410-19

5.1.1. The pre-application consultation related to a proposal to construct 300 dwellings (142 houses, 158 apartments), creche and associated site works at the development site. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 18<sup>th</sup> June 2019. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP 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. The issues raised were as follows:

#### 1. Car Parking

Further consideration/amendment of the documents as they relate to the provision and design of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school.

The documentation should also take proper account of the advice concerning car parking and cycle parking design provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018 and the design and layout of car parking outlined in the Design Manual for Urban Roads and Streets. Visitor car parking and car parking associated with apartments requires particular attention to ensure residential amenity is not compromised. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

#### 2. Open Space

Further consideration/amendment of the documents as they relate to the provision of high quality, safe and usable public open space. Particular attention is drawn to; the configuration and location of open spaces (public and semi-private), especially in

relation to proposed apartments and duplex apartments; amalgamation and interconnectivity of open spaces and rationale for same; the potential for passive supervision and usability of open spaces and play areas; the design of the streets, associated on-street parking, turning heads and the creation of building edges/street frontages that reflect a clearly defined street hierarchy within the scheme; the location and design of bin and bicycle storage also requires greater consideration. The application of the principles of the Design Manual for Urban Roads and Streets and the advice provided by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') is strongly advised. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

### 3. Infrastructural Constraints

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

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

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 21 May 2019 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment relating to groundwater and pluvial flood risk, in addition appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these



issues may require an amendment to the documents and/or design proposals submitted.

## 5.2. Applicant's Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.

### 5.2.2. Car and Cycle Parking Applicant Response

- A rationale for the proposed car and cycle parking provision is provided in the Statement of Consistency.
- The application includes a Traffic Impact Assessment (TIA) and a Mobility Management Plan.

### 5.2.3. Open Space Applicant Response

- Apartment and duplex apartment blocks have been repositioned from the northern site boundary to a location adjacent to the River Liffey linear park. Other duplex and apartment blocks within the scheme are proximate to the large, central public open space areas. This provides direct access to public open space areas and provides an increased level of passive surveillance of the public open space areas.
- The application includes a Green Infrastructure Strategy /Landscape Design Rationale, which ensures that high quality, safe and usable public open spaces are provided on site.
- The parking areas associated with apartment and duplex apartment blocks have been reconsidered such that they are confined to the side or rear of the blocks to allow the provision of larger communal open space areas. Landscaping has been added to the car parking areas.
- The roads layout has been improved to create a clear street hierarchy, create building edges/ street frontages and reduce the number of turning heads. The revised layout also provides additional connections to zoned lands to the north of the development. The revised layout adopts the principles of the DMURS and the Guidelines for Planning Authorities on Sustainable Residential Development in

urban Areas (including the associated Urban Design Manual). The application includes a Statement of Consistency with DMURS.

#### 5.2.4. Infrastructural Constraints Applicant Response

- The applicant refers to correspondence on file from Irish Water, which states that 230 no. units can be connected to existing wastewater infrastructure, prior to the projected completion of the Upper Liffey Valley Sewerage Scheme (Contract 2B) and associated upgrades in Clane in 2022, also that the remaining 75 no. units can be connected to the completed Upper Liffey Valley Sewerage Scheme. The first three phases of the proposed development comprise a total of 221 no. units, which is consistent with the Irish Water Statement of Feasibility. The fourth phase of 84 no. units is anticipated to be completed post 2023.

#### 5.2.5. Surface Water Management and Flood Risk Assessment Applicant Response

- A Site Specific Flood Risk Assessment (SSFRA) is submitted with the application. The development has regard to the findings of the SSFRA and the requirements of Kildare County Council Drainage Division as per their report dated 21<sup>st</sup> May 2019. The proposed surface water management scheme responds to the issues raised.

## 6.0 **Relevant Planning Policy**

### 6.1. **Section 28 Ministerial Guidelines**

6.1.1. The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual.
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management including the associated Technical Appendices
- Childcare Facilities Guidelines for Planning Authorities

- Urban Development and Building Heights Guidelines for Planning Authorities

## 6.2. Kildare County Development Plan 2017-2023

6.2.1. The development plan Core Strategy identifies Clane as a 'Small Town' in the settlement hierarchy. The role of a Small Town is to develop as a key local centre for services, with levels of growth to cater for local need at an appropriate scale, and to support local enterprise to cater for local demand. The Core Strategy allocates 2.4% of Kildare's housing growth to Clane over the period 2017-2023. Housing unit allocation for Clane provides for 780 additional units over the period 2016-2023.

6.2.2. Landscape planning policies of particular importance to the River Liffey LCA, Special Water Corridors (Rivers and Canals, Areas of High Amenity) include:

*WC 1: To seek to locate new development in the water corridor landscape character areas towards existing structures and mature vegetation.*

*WC 2: To facilitate appropriate development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of the visual absorption opportunities provided by existing topography and vegetation.*

*WC 3: To control development that will adversely affect the visual integrity of distinctive linear sections of water corridors and river valleys and open floodplains.*

*WC 5: To promote the amenity, ecological and educational value of the canals and rivers within the county while at the same time ensuring the conservation of their fauna and flora, and protection of the quantity and quality of the water supply.*

*WC 8: To contribute towards the protection of waterbodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, from inappropriate development. This will include buffers of free development in riverine and wetland areas, as appropriate.*

Landscape planning policies of particular importance to Scenic Routes and Protected Views include:

*SR 1: To protect views from designated scenic routes by avoiding any development that could disrupt the vistas or disproportionately impact on the landscape character of the area thereby affecting the scenic and amenity value of the views.*

6.2.3. Draft Variation No. 1 of the Kildare County Development Plan 2017-2023

Draft Variation No. 1, published on 9<sup>th</sup> January 2020, proposes amendments to the development plan in accordance with Project Ireland 2040, the National Planning Framework and the Eastern and Midlands RSES. The proposed amendments include a revised settlement hierarchy whereby Clane is designated as a ‘Small Town’, at a lower level in the hierarchy than Key Towns, Self-Sustaining Growth Towns and Self-Sustaining Towns. The ‘Preferred Development Strategy’ set out in section 2.7 of Variation No. 1 is to achieve critical mass in the MASP area and measured growth in the Self-sustaining Growth Towns and Self-Sustaining Towns, also to establish a hierarchy of smaller rural settlements to develop rural centres capable of providing a range of services and employment to their local populations. Section 2.11.5 of Variation no. 1 states:

*Sallins, Kilcullen, Kill and Clane have received the Small Town designation. They contain local service and employment functions such as convenience retail, proximate to larger urban centres. The Council will seek to supply new local employment opportunities.*

The revised settlement hierarchy set out in Table 3.3 of Variation No.1 indicates a target of 145 no. dwellings for the remainder of the plan period to 2023. Section 3.6 of Variation no. 1 deals with development capacity. It notes that some Towns, Villages and Settlements have surplus zoned land relative to the Core Strategy allocation. These will be reviewed through the relevant land use plans.

6.3. **Clane Local Area Plan 2017-2023**

- 6.3.1. Three separate zoning objectives apply to the development site. The majority of the site is zoned ‘Objective C – New Residential Infill’:

*To provide for new residential development.*

The eastern portion of the site adjoining the River Liffey is zoned ‘Objective F2 – Strategic Open Space’:

*To preserve, provide for and improve recreational amenity, open space and green infrastructure networks.*

A small section of the western part of the site is zoned ‘Objective B – Existing Residential’:

*To protect and enhance the amenity of established residential communities and promote sustainable intensification.*

6.3.2. The development site makes up a significant portion of 'KDA1 New Residential / Open Space & Amenity Lands at Capdoo Commons, south-east of Dublin Road', one of five Key Development Areas (KDAs) that are to accommodate growth in Clane during the plan period. The remainder of the lands within KDA1 are zoned 'SR Strategic Reserve'. LAP section 4.1 indicates that KDA1 has an estimated residential capacity of 161 no. units, to be developed at a density of 26 units/ha. The LAP states the following vision for KDA1:

*The extension of the urban area of Clane through new residential development and open space and amenity, with a high quality permeable urban form, which protects natural heritage and delivers important connectivity to the River Liffey and to the future town park.*

LAP section 12.2.1 sets out the following guidance for development within KDA1:

*Connectivity/Movement:*

*Achieve vehicular, pedestrian and cyclist permeability throughout the development area, with access from existing residential developments to the south, and providing for future access in conjunction with future development of Strategic Reserve lands. Provide strong pedestrian and cycle links at desire lines to the future town park and River Liffey, extending existing riverside routes and considering pedestrian river crossings. Design all roads and streets in accordance with the Design Manual for Urban Roads and Streets.*

*Built Form:*

*Provide passive surveillance of roads, cycleways, footpaths and open spaces. Address existing unsupervised edges, predominantly through the use of the perimeter block in built form. Create legible development with sense of place. Have regard to residential amenity of existing dwellings at the southern edge. Buildings 2 – 3 storey height with transition in scale from existing residential development. This KDA is likely to accommodate lower to medium density residential development in the order of 25-30 units per hectare.*

*Landscape and Spaces:*

*Provide min. 15% of New Residential lands as public open space. Retain natural heritage and Green Infrastructure features, including area of woodland, through incorporation into areas of open space. Incorporate natural heritage and Green Infrastructure features in addressing flood risk and preparation of SUDs strategy.*

6.3.3. The LAP provides for an additional 780 no. housing units in Clane for the Plan period, to meet development plan Core Strategy requirements, with a total of 49.1 ha of undeveloped residentially zoned land. The housing capacity of these lands is estimated to be c. 1,026 no. residential units (Table 4.1 refers), i.e. the Core Strategy allocation of 780 no. units and additional capacity for 246 no. units. LAP Section 13.2.1 provides the following phasing strategy for KDA1:

- Road Upgrade of Celbridge Road / Brooklands junction to be completed prior to commencement of development.
- Extend riverside footpath from Alexandra Walk into the Strategic Open Space lands along the River Liffey (along extent of new residential zoning). To be completed prior to the commencement of dwelling no. 101 in KDA1.
- Pro-rata childcare provision at a rate of 0.13 childcare spaces per dwelling. Pro-rata provision for dwellings 1-100 to be completed prior to the commencement of dwelling no. 101 in KDA1. Pro-rata provision for remainder to be completed prior to the completion of development on zoned lands in KDA1. Note 1 states that the planning authority will consider proposals for on-site or off-site childcare provision to satisfy the requirement for pro-rata childcare spaces.

6.3.4. The following roads and transportation projects in the vicinity of the site are noted, as per LAP table 8.1:

- Capdoo Lane Upgrade Local street upgrade (Improved pedestrian / residential environment) Capdoo Lane (Celbridge Road to Capdoo Park)
- Upgrade at Capdoo link road and Brooklands junction on Celbridge Road including: pedestrian crossing points and refuges; manage speed of turning movements.

6.3.5. The following relevant LAP policies and objectives are also noted:

- CSO1.2 To focus new residential development into the Key Development Areas identified in the Core Strategy map and new enterprise development into areas

identified for light industry and warehousing and business and technology development.

- HCO1.2 To promote and facilitate the phased development of identified Key Development Areas in accordance with the guidance set out in Section 12.
- HCO1.3 To secure the provision of social infrastructure and community and recreational facilities in tandem with residential development, in accordance with the implementation strategy in Section 13 of the LAP.
- HCO3.2 To require the provision of a minimum of 0.13 childcare spaces per dwelling on a pro-rata basis in the Key Development Areas, in accordance with the phasing requirements set out in Section 13 Implementation.
- HCO4.2 To investigate feasibility of vehicular access to the north-west bank of the River Liffey, immediately upstream of and adjacent to Alexandra Bridge (as shown on Map 8.1), or at alternative locations, to facilitate leisure activities and emergency services, subject to appropriate environmental assessments.
- MTO1.1 To secure the implementation of walking and cycling projects identified in Table 8.1 and on Map 8.1.
- MTO1.2 To maximise connectivity for pedestrians and cyclists in Key Development Areas and identify strategic links in existing areas in order to maximise access to local shops, schools, public transport services and other amenities.
- MTO1.3 To maximise direct cycle and pedestrian access to local shops and services, health facilities, schools, supermarkets, sports grounds and leisure facilities and places of work in all new developments.
- MTO1.4 To require new housing developments to deliver filtered permeability to adjoining development in so far as is possible and, in the case of adjoining greenfield sites, to ensure the potential for such provision is addressed.
- MTO5.1 To investigate the feasibility of providing a cross-Liffey route to the south-east of the town, with the aim of providing an alternative route which relieves pressure on Alexandra Bridge, and to preserve the emerging route free from development.

- IO3.1 To ensure development proposals within the areas outlined on Map 9.1 are the subject of Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed.
- HO3.2 To preserve the amenity of the River Liffey Valley including its landscape and biodiversity value. In this regard, planning applications must identify all ecological habitats and corridors present in a proposed development site and demonstrate that any habitat or corridor affected by the proposal is not of local importance, or that its loss will be offset, should the application be granted.
- GIO1.1 To reduce fragmentation of the Green Infrastructure network and strengthen ecological links within Clane and to the wider regional network.
- GIO1.2 To integrate Green Infrastructure as an essential component of all new developments and restrict development that would fragment or prejudice the Green Infrastructure Network.
- GIO1.3 To seek to protect and enhance the biodiversity value and ecological function of the Green Infrastructure network.
- GIO1.4 To ensure key trees, woodlands and hedgerows identified, and the linkages they provide to larger areas of green infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments.
- GIO1.5 To promote a network of paths and cycle tracks to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes responds to the ecological protection needs of each site.
- GIO1.6 To maintain a biodiversity protection zone of 80 metres from the top bank of the River Liffey and of not less than 10 metres from the top bank of smaller watercourses in Clane, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.
- OSO1.1 To secure the provision of a hierarchy of open spaces able to cater for a range of functions, to meet the needs of the population of Clane.



- OSO1.2 To protect lands zoned Amenity and Open Space and Strategic Open Space on Map 13.1 for a variety of passive and active uses.
- OSO1.3 To secure the development of a Liffey walkway on lands to the north and south of the river and to ensure protection of the river corridor environment.
- OSO1.4 To secure the provision of a public park (> 16 ha) on the eastern boundary of Clane on lands that are located between the River Liffey and the Dublin Road.
- OSO1.5 To secure the delivery of a neighbourhood park in conjunction with development at KDA1, including a multi-use games area.
- OSO1.6 To provide a range of opportunities for active and passive recreation within public open spaces.
- OSO1.7 To ensure that the provision of open space for all new developments seeks to incorporate and enhance any existing landscape features such as hedgerows and trees within the receiving environment.

#### 6.4. **Statement of Consistency**

6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023. The following points are noted.

#### 6.4.2. Local and National Planning Policies

- The proposed building height is in accordance with SPPR 1 of the Urban Development and Building Heights Guidelines in relation to increased building height in locations with good public transport accessibility.
- The development is designed to be consistent with the Sustainable Residential Development in Urban Areas Guidelines and the Urban Design Manual, including the 12 Criteria.
- The housing mix is in accordance with SPPR 1 of the Apartment Guidelines. The proposed apartments are generally compliant with the requirements of the Apartment Guidelines with regard to minimum floor areas, dual aspect ratios,

floor to ceiling height, lift and stair cores, internal storage, private open space, security considerations, cycle parking and communal facilities.

- The application includes a Statement of Compliance with DMURS
- A SSFRA is submitted in accordance with the Planning System and Flood Risk Management Guidelines. The development has been designed to avoid Flood Zones A and B at the River Liffey to the east of the site.

#### 6.4.3. Consistency with Clane LAP 2017-2013 and KDA1

The following points are noted in relation to consistency with the LAP:

- The development is acceptable in principle with regard to the relevant LAP zoning objectives.
- The application includes a SSFRA as required for KDA1.
- The development integrates with adjoining residential developments to the south of the site and provides for links to potential future development to the north. Pedestrian and cycle links are provided throughout the site and along the River Liffey park. All roads and streets have been designed in accordance with DMURS.
- All buildings within the development have been designed to maximise passive surveillance of public areas. The development provides a legible environment and a unique sense of place in close proximity to the River Liffey. The proposed density of 37.62 units / ha is appropriate in the context of the subject site.
- The development provides a minimum of 30.44% of the entire red line area as public open space (3.15 ha), including a new public amenity park of 1.88 ha along the River Liffey with associated walkways/cycle routes and recreational features.
- The development includes a creche for up to 50 children in accordance with LAP objective HCO3.2.
- The proposed phasing of development is in line with that outlined for KDA1.
- The LAP Green Infrastructure Map indicates several Higher and Moderate Value Hedgerows at the development site. Particular attention has been paid to the existing hedgerows on site with portions proposed to be retained and

incorporated within the public open space of the new development, where possible.

- Based on demographic data, it is estimated that the development will accommodate 62 no. pre-school and 105 no. primary school aged children. The proposed childcare facility. is considered appropriate for the development site.

## 7.0 Third Party Submissions

7.1. There are 21 no. submissions by local residents and elected representatives (see Appendix I). The main points raised may be summarised as follows:

- The development, in addition to that already granted on KDA2 under ABP-304632-19, would exceed the target for Clane of 780 no. residential units as the Core Strategy of the Kildare County Development Plan 2017-2023. The proposed development plan Variation No. 1 provides for reduced population growth of Clane, in line with national and regional planning policy. Reference to High Court judgement *Heather Hill Management Company v An Bord Pleanála* (2019 IEHC 450).
- The development would contravene LAP provisions for 161 no. units at KDA1. The proposed density exceeds the density of 26 units/ha provided for under KDA1 in the LAP. The apartment blocks exceed the 2-3 storey limit set out in the LAP. The development should not contravene the Clane LAP, which involved significant time, consultation and expense and provides for balanced, evidence based residential densities.
- Clane has been subject to significant population growth since the 1990s. The current population of Clane at 8,142 as per Census 2016 greatly exceeds the Small Town classification of the County Development Plan, i.e. 1,500 – 5,000 residents. The development would put significant pressure on public services and social and physical infrastructure in Clane. Existing infrastructure is already at capacity, in particular schools, public transport, roads infrastructure and medical services. Submission by the Kildare Educational Welfare Officer refers to serious deficiencies in existing school infrastructure. The development should be phased in line with essential social infrastructure.

- The applicant should have been required to provide an independent report regarding school places, as was required for KDA2.
- The proposed crèche is inadequate as it will only cater for 50 children.
- The development will generate a significant amount of vehicular traffic. Public transport services in the area are limited and inadequate. There is no train service and the public bus service is at capacity. The town is highly car dependent. The additional traffic generated by the development will compound the traffic impact of the 366 units permitted at KDA2 under ABP-304632-19. Only one part of the Clane ring road has been completed. The second phase, permitted under ABP-304632-19, is to be completed before the commencement of house no. 101 of KDA2. It is submitted that no development should commence in KDA1 until the Clane link road is complete.
- The majority of Clane's population commute. There are few job opportunities and Clane has a job ratio of 0.15. The development will compound Clane as a commuter town.
- There are significant flaws in the submitted Mobility Management Plan, which does not provide an accurate picture of pedestrian and cycle connectivity in the area or of serious deficiencies in public transport.
- The proposed vehicular accesses from Alexandra Walk and Brooklands are undesirable for reasons relating to road safety, additional traffic volumes, child safety, general nuisance and environmental issues. The TIA indicates that 43% of traffic generated by the development will divert through these estates, i.e. 476 cars per day. The proposed route through Alexandra Walk is convoluted, indirect and of insufficient width to accommodate additional traffic. It already serves a crèche as well as existing housing. Alexandra Walk would be considered a 'local street' under DMURS. Access to the development should be provided from the Dublin road.
- The Road Safety Audit is inadequate as it does not consider Alexandra Walk. There are no traffic management measures in place for pedestrians and cyclists. On-street parking and traffic volumes are already problematic and the development would exacerbate this situation. The provision of a new vehicular connection at Alexandra Walk is against best practice principles set out in the

NTA Permeability Best Practice Guide 2015. Pedestrian and cyclist permeability only is preferable.

- The TIA underestimates traffic likely to be generated by the development and does not consider impacts on Alexandra Bridge, Clane Main Street and other local roads and does not take into consideration impacts associated with the N7 widening and the completion of the Sallins Bypass.
- Car parking provision does not comply with development plan standards or the Apartment Guidelines. There is insufficient parking for the terraced units.
- Construction traffic will have adverse impacts on residents of Brooklands and Alexandra Walk.
- The proposed apartment blocks are out of keeping with the character of the area.
- The applicant has not submitted a Daylight, Sunlight and Overshadowing Analysis, as required by the Apartment Guidelines.
- The location of bin storage areas to the rear of nos. 138 and 139 Brooklands is of concern, due to potential nuisance created by odour, vermin, noise levels and health and safety issues.
- An Energy Statement / Sustainability Report has not been submitted showing compliance with Part L NZEB.
- The developer owns Abbeylands House, which has been neglected.
- The area is prone to flooding. Homes in Alexandra Walk cannot get home insurance for this reason. An independent flood risk assessment is required.
- The development will lead to a significant loss in biodiversity, greater than is stated in the application and without appropriate mitigation. Contravention of LAP objective HO 3.2.
- The EIAR does not document the 1.65 ha of woodland that was felled at the site between August 2018 and March 2019. The Wildlife Act restricts removal during the nesting / breeding season.
- There are concerns regarding the methodology used during the Bat Survey. A 'slow walk' over two days is not considered to be a sufficient survey. August may not be the most appropriate time for a bat survey. Canopy over the wooded area

would have been full which would limit visual inspection. Contextual information regarding weather, tree species, etc. is not included. There are discrepancies between the Bat Assessment Report and the Outdoor Lighting Report regarding 3-lux level lighting and its location.

- A 100m buffer along the River Liffey would be preferable due to its status as an Area of High Amenity and an important ecological corridor. The Chief Executive's Report on the draft Clane LAP recommended a 100m buffer, however this was not adopted in the final LAP. The development site is a significant proportion of the area between the River Liffey and its tributary Golleymockey. The historic flooding patterns of the lands required deep drainage ditches which have supported wildlife corridors. Such ditches remain evident between the Abbey Park and Brooklands estates. Any development allowed at the site should be required to include a substantial area of public parkland to serve the growing town of Clane.
- Queries whether the Irish Water foul network is adequate to cater for the development. IW are continuously maintaining pumps at Alexandra Walk.

7.2. I have considered all of the documentation included with the above third party submissions.

## **8.0 Planning Authority Submission**

8.1. Kildare County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Clane Maynooth Municipal District at their meeting on 6<sup>th</sup> December 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. The following points are noted from the Chief Executive Report dated 19<sup>th</sup> December 2019:

- The planning authority has particular concerns in relation to the proposed residential density and its compliance with the Core Strategy of the Kildare

County Development Plan 2017-2023 and the provisions of Section 12.2.1 (KDA1) of the Clane Local Area Plan 2017-2023.

- Taken in conjunction with the permission granted for 366 no. units on KDA2 and the potential capacity of remaining residential zoned lands in Clane, it is considered that the proposed development would distort the development plan Core and Settlement Strategy figures and would be contrary to the planned housing provision for Clane as set out in the plan. The development would alone exceed potential housing target limits for Clane as envisaged in Draft Variation No. 1. Permitted developments in the town already exceed the target figure.
- The proposed density and number of residential units would contravene the projected residential capacity and density outlined for KDA1 in the LAP.
- Subject to appropriate conditions in relation to reducing building heights to three storeys, landscaping, construction management and implementation of mitigation measures to prevent pollution, it is considered that the development would not have a negative impact on the River Liffey.
- The design and layout of the development are generally considered acceptable subject to some minor amendments / conditions. It is noted that the Design Brief in the LAP includes the retention of an area of woodland into the scheme, which now appears to have been felled. It is proposed to remove an internal hedgerow that runs north-south through the site and to replant the line with trees, all located to the rear of two rows of houses. There is concern regarding the practical implementation of this and how the area would be managed.

8.2.1. The planning authority recommends refusal for the following reasons:

1. Having regard to the status of Clane as a Small Town in the Settlement Hierarchy of the Kildare County Development Plan 2017-2023, the new dwellings target of 780 units identified for Clane in the Kildare County Development Plan during the plan period and the density indicated within the Clane Local Area Plan 2017-2023 for the application site (Key Development Area 1), the proposed development would distort the Core and Settlement Strategy figures set out in the Kildare County Development Plan 2017-2023, would be contrary to the planned housing

provision for Clane as set out in the Plan and would contravene the development strategy for Clane. Having regard to the foregoing it is considered the proposed development would be contrary to the proper planning and sustainable development of the area as provided for in the Kildare County Development Plan 2017-2023.

2. Table 4.1 of the Clane Local Area Plan 2017-2023 estimates a residential capacity of 161 units on KDA1, to be achieved at a residential density of 26 unit per hectare and therefore the density and number of residential units proposed would contravene the projected residential capacity and density outlined for this Key Development Area as set out in the Clane Local Area Plan 2017–2023.
3. Draft Variation No. 1 of the Kildare County Development Plan 2017-2023 was published by Kildare County Council on 9<sup>th</sup> January 2020 having regard to statutory obligations to respond to recent changes in national and regional planning policy, namely Project Ireland 2040: National Planning Framework (NPF), The Implementation Roadmap for the National Planning Framework and the Eastern and Midland Regional Assembly (EMRA) Regional Spatial and Economic Strategy (RSES). It is proposed in the Draft Variation to reduce the dwelling target for Clane from 780 units to 145 units for the period 2017-2023. The proposed development, by virtue of the number of units proposed would alone exceed potential housing target limits for Clane, as envisaged in Draft Variation No. 1 of the CDP. The proposed development would therefore be contrary to the proper planning and sustainable development of the area, as envisaged by National and Regional planning policy.

The planning authority also recommends conditions in the event that the Board decides to grant permission.

- 8.2.2. Kildare County Council Roads, Transportation and Public Safety Dept. report dated 10<sup>th</sup> January 2020. Recommends permission subject to conditions including the submission of a detailed design for a 4 arm junction on the R403 / Brooklands / Capdoo Link Road junction.
- 8.2.3. Kildare County Council Conservation Officer, comment dated 19<sup>th</sup> December 2019. No conservation input required.



- 8.2.4. Kildare County Council Parks Section report dated 19<sup>th</sup> December 2019. Recommends conditions.
- 8.2.5. Kildare County Council Housing Section report dated 18<sup>th</sup> December 2019. The proposed mix, type of units and pepper potting of Part V units are generally acceptable subject to stated requirements.
- 8.2.6. Kildare County Council Environment Section report dated 17<sup>th</sup> December 2019. Request further information on mitigation measures as stated in the EIAR in relation to water (hydrology), noise mitigation, construction and operational waste management plans.
- 8.2.7. Kildare County Council Water Services report dated 17<sup>th</sup> December 2019. No objection subject to conditions and requirements.

## 9.0 Prescribed Bodies

### 9.1. Transport Infrastructure Ireland (TII)

- 9.1.1. States no observations.

### 9.2. National Transport Agency

- 9.2.1. The following points are noted:

- The application is broadly in line with transport policy and the principles of sustainable development.
- It is recommended that the path through the park on the eastern side of the site is designed as a cycle trail which is suitable as a shared space for cyclists and pedestrians. This will act as a cycle friendly route from the development to the town with access to Alexandra Walk.
- Bicycle parking should be secure, covered and convenient. It appears that bicycle parking is not covered. All bicycle parking for residents should be located in a secure, covered facility such as a shed or lock-up room. Additional visitor parking may be provided near the entrance to the apartment blocks. Similarly, bicycle parking for creche staff should be covered, with additional parking provided for parent drop offs.

- All proposed 'pedestrian access points' to adjacent lands should be shared pedestrian and cycle access points.

### 9.3. **Health Service Executive**

9.3.1. The following points are noted:

- Greater consideration should be given to the 'greening' of proposed pedestrian walkways through the development.
- Play areas should be provided to cater for all age ranges, in consultation with children and young people.
- The site should be designed to allow for future bus routes to service the scheme.
- Specific measures recommended in relation to cycle paths.
- The development should incorporate the principles outlined in the 'Design Out Crime' document.
- To ensure age friendly urban environments, the applicant should provide ample public seating along with good street lighting and level footpaths and crossings.
- There does not appear to be any private open space allocated to the crèche, also no dining or sleeping facilities. It is the experience of the HSE that children who spend long hours in full day care require separate facilities for rest and dining.

### 9.4. **Inland Fisheries Ireland**

9.4.1. The following points are noted:

- The development is in the catchment of the Gollymochy River and adjacent to the River Liffey. The Gollymochy has a resident population of brown trout, lamprey species and freshwater crayfish (listed under Annex II of the EU Habitats Directive). The Gollymochy is also an important spawning tributary of the Liffey. The River Liffey itself is exceptional among most rivers in the area in supporting Atlantic salmon (listed under Annex II and V of the EU Habitats Directive) and sea trout, resident brown trout and several other fish species.
- Comprehensive surface water management measures (GSDS study recommendations) must be implemented at the construction and operation

stages to prevent any pollution of local surface waters. Precautions must be taken to ensure that there is no entry of solids during the connection of pipework.

- It is essential that the receiving foul and storm water infrastructure have adequate capacity to accepted predicted volumes from the development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. A condition is recommended requiring an annual maintenance contract in respect of the efficient operation of the petrol / oil interceptor, grease and silt traps.
- Additional conditions are recommended in relation to construction mitigation measures.

## 9.5. Irish Water

- 9.5.1. Based upon the details provided and the Confirmation of Feasibility already issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

## 10.0 Assessment

10.1. The following are the principal issues to be considered in this case:

- Principle, Quantum and Density of Development
- Design and Layout of Residential Development
- Impacts on Visual and Residential Amenities
- Roads and Traffic / Transport Impacts
- Drainage, Flood Risk and Site Services
- Childcare and School Provision
- Part V

These matters may be considered separately as follows.

## 10.2. Principle, Quantum, Density and Phasing of Development.

### 10.2.1. Density and Quantum of Development

The proposed development involves a total of 305 new residential units with a stated net density of 37.62 units/ha within the 8.1 ha of residentially zoned lands at the development site.

The development is within the boundary of the Clane Local Area Plan 2017-2023. The LAP provides for an additional 780 no. residential units in Clane for the plan period in line with the Core Strategy housing allocation under the Kildare County Development Plan 2017-2023. The development site forms most of Key Development Area 1 (KDA1), one of five Key Development Areas in Clane. The remainder of the lands within KDA1 are zoned SR 'strategic reserve'. LAP section 4.1 states that KDA1 has an estimated residential capacity of 161 no. units, to be developed at a density of 26 units/ ha. I note that the Board recently permitted 366 no. units on a site north west of the development site at Capdoo, Clane, in KDA2 under ABP-304632-19, which exceeded the LAP allocation of 227 no. units for KDA2, to be developed at a density of 26 units/ha.

Draft Variation No. 1 of the Kildare County Development Plan 2017-2023, published on 9<sup>th</sup> January 2020, currently proposes a revised Core Strategy and Settlement Strategy to bring the development plan in line with national and regional planning policy as per the National Planning Framework and the Eastern and Midlands RSES. Clane is to be designated as a 'Small Town' in the revised settlement hierarchy, at a lower level than Key Towns, Self-Sustaining Growth Towns and Self-Sustaining Towns. The 'Preferred Development Strategy' set out in section 2.7 of Variation No. 1 is achieve critical mass in the MASP area and measured growth in the Self-sustaining Growth Towns and Self-Sustaining Towns. In this context, Table 3.3. of Variation no. 1 states that Clane had a total of 2,741 no. dwellings in 2016 and has a revised growth allocation of 145 no. new units for the plan period 2017 to 2023.

The planning authority considers that the development does not comply with the development plan Core Strategy. It states that the development, taken in conjunction with that permitted under ABP-304632-19, would distort the development plan Core and Settlement Strategy figures and would be contrary to the housing provision for Clane as set out in the development plan. It would also greatly exceed the total

housing allocation for Clane provided for under proposed Variation No. 1. The planning authority also states that the development would contravene the projected residential density and housing capacity of KDA1 under the LAP. It recommends refusal for three reasons relating to (1) contravention of the development plan Settlement Strategy and Core Strategy; (2) contravention of projected residential capacity and density outlined for KDA1 under the Clane LAP and (3) the development would exceed the housing unit allocation for Clane as set out in draft Variation No. 1 of the County Development Plan.

While I note the issues raised in relation to draft Variation No. 1, the revised designation of Clane as a 'Small Town' in the Co. Kildare Settlement Hierarchy and the revised housing unit allocation for Clane have no legal status until such time as Variation No. 1 is adopted. As noted in the observations received, Clane's population would appear to already exceed that of a small town. These matters and related amendments to the zoning under the LAP remain to be considered. Therefore, the proposed development may be more appropriately assessed with regard to current development plan and LAP policy and to the existing housing allocation for Clane under the development plan Core Strategy, i.e. 780 no. units.

I note section 12.2.11 of the Inspector's Report of ABP-304632-19 (dated 10<sup>th</sup> September 2019), which states:

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

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

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

I am not aware of any substantial subsequent permissions for residential development in Clane. Therefore, taking the above figures into account, it would appear that a total of c. 456 no. residential units have been permitted in Clane since the adoption of the LAP, leaving a remaining total of 324 no. units within the allocation of 780 no. units for the plan period. The proposed development of 305 no. units would be within this capacity. However, it would exceed the allocation for KDA1 as set out in LAP Table 4.1, i.e. an estimated residential capacity of 161 no. units, developed at a density of 26 units/ha, subject to the following caveat:

*“Figures stated represent an estimate only. The density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities.”*

Using the above approach, the application of the density of 26 units/ha to the stated quantum of residentially zoned lands at the development site (8.1 ha) yields a total of c. 211 no. residential units. The proposed development of 305 no. residential units would significantly exceed this and would be almost double the 161 unit LAP allocation for KDA1. It would also consume most of the remaining allocation of residential units for Clane, noting that there are three other KDAs within the LAP boundary. I therefore consider that this increase in the total number of units materially contravenes the LAP.

The Board has recourse to the provisions of section 37(2)(b) of the Planning and Development Act 2000 when considering developments that materially contravene the development plan. However, section 8(1)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 requires SHD applicants to publish a newspaper notice that states that the application contains a statement:

*“where the proposed development materially contravenes the said plan other than in relation to the zoning of land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000”*

The applicant has not submitted a Material Contravention Statement or stated as such in the newspaper notice. I consider that the Board is therefore precluded from granting permission for the development of this scale in this instance, although it may be open to the Board to consider a lesser number of units such as would ensure broad compliance with the KDA1 objective regarding the number of units to be accommodated on these lands and objective HC01 which provides for some flexibility in respect of the density, and where the delivery of other objectives in respect of open space and childcare facilities would be achieved. The Board may also consider that the development does not constitute a material contravention.

The Clane LAP specifies a 2-3 storey building height for KDA1. Proposed apartment Blocks C, F and L are four storey. The planning authority recommends that the height of the development be reduced to three storey by condition in the event of permission being granted. I consider that the proposed four storey height would be compatible with the existing residential environment at this location, subject to sensitive design and layout. I note SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities, which requires that planning authorities must secure a greater mix of building heights and typologies in green field developments at edge of city/ town locations, particularly for developments larger than 100 units. I consider that the four storey height is acceptable in principle at this location on this basis.

#### 10.2.2. Phasing of Development

The Clane LAP provides for the following phasing at KDA1:

- Road upgrade at Celbridge Road / Brooklands junction to be completed prior to commencement of development.
- Strategic open space along the River Liffey with pedestrian access from Alexandra Walk to be completed prior to the commencement of dwelling no. 101 in KDA1.

- Pro-rata childcare provision at a rate to 0.13 childcare spaces per dwelling to be completed prior to the completion of development on zoned lands in KDA1 (the planning authority will consider proposals for on-site or off-site childcare provision to satisfy the requirement for pro-rata childcare spaces).

The proposed development is to be phased as follows:

- Phase A Access from Brooklands, Block D containing the creche, total of 49 no. residential units, River Liffey linear park.
- Phase B Access from Alexandra Walk. Total of 104 no. residential units including apartment Block F and duplex blocks.
- Phase C 68 no. units in the north-western part of the site including duplex blocks A and B.
- Phase D 84 no. units in the north-eastern part of the site including apartment block L and duplex blocks I, J and K.

I am satisfied that the proposed phasing is generally in accordance with the LAP provisions for KDA1. The upgrade of the R403 / Brooklands / Capdoo Park junction has been permitted under ABP-304632-19. I also note the Irish Water response to the applicant's pre-connection enquiry, dated 7<sup>th</sup> October 2019, which states that it is feasible for 230 units within the development to connect to the Irish Water foul network prior to the Upper Liffey Valley Sewerage Scheme (Contract 2B) and associated upgrades in Clane being completed in 2022. The remaining 75 no. units can be accommodated upon completion of the scheme. A condition in relation to phasing may be imposed if the Board is minded to grant development.

### 10.3. Design and Layout of Residential Development

- 10.3.1. The development is laid out around three separate accesses to the adjoining residential developments. There is a new vehicular access from Brooklands estate at the western side of the site. This junction has a spine road (6m wide carriageway) with cycle lanes and footpaths on both sides, which leads to the SR (strategic reserve) zoned lands to the north of the site, also within KDA1. The four storey apartment Block C and three storey duplex blocks A, B and E are clustered in this part of the development. The area to the east of the Brooklands access comprises terraced and two storey houses laid out along local roads (5m wide carriageway)



with several smaller areas of public open space. Three storey apartment Block D, containing a ground floor crèche, is located to the east of the main access from Brooklands with a separate vehicular access to serve the crèche and a surface car park. The third vehicular access is from Alexandra Walk at the south eastern corner of the site, adjacent to the River Liffey linear park. This leads to a row of 3-4 storey apartment and duplex blocks that form the eastern edge of the development, facing the River Liffey and the linear park. A future access to the SR zoned lands to the north is also indicated in this area. There are pedestrian connections to the River Liffey linear park at Alexandra Walk and at the eastern end of Brooklands estate.

10.3.2. I have several concerns about the design and layout of the development in the context of national and local planning policy, which may be detailed as follows.

#### 10.3.3. Housing Design and Layout

Although the main access from Brooklands estate is marked by the four storey apartment block C and three storey block D, the possibility of creating a strong sense of enclosure and arrival is diminished by the presence of large areas of surface car parking and marginal open space. The layout is roads dominated overall with surface car parking in front of every house and around all of the apartment blocks, reducing visual and pedestrian connections between residential units and the public realm. The local roads serving the housing areas are not designed as 'shared spaces' with an integrated approach to vehicular, pedestrian and cycle access, landscaping and SUDS features. The public realm is therefore significantly weakened and lacks a distinctive sense of place. The overall layout lacks coherence and misses several opportunities to create new relationships with adjacent areas within Brooklands, e.g. (i) the continuation of the cluster of duplex blocks within Brooklands to the immediate west of the site (see enclosed photo no. 3) and (ii) the possibility of creating a new area overlooking the adjacent public open space within Brooklands to the immediate south of the site, to the rear of houses nos. 48 – 54. There are also several locations within the scheme where rear garden walls front onto public open spaces, e.g. houses nos. 63, 101, 102, 103 and 153 and duplex block E and areas where car parking and turning areas encroach on open spaces, e.g. POS 15 and POS 9. In addition, there are extended areas of open space to the rear of units nos. 94-101 and nos. 138-153, which are to be planted with trees to replace hedgerows that will be removed. I have concerns about the long term viability of tree planting at this

location and consider that the resultant areas could be problematic in terms of anti-social behaviour.

The development includes a mix of three and four story apartment blocks, three storey duplex blocks, two storey maisonette units and 10 no. 2, 3 and 4 bed terraced and semi-detached house types. The design of the apartment blocks is generic and does not create a high quality finish or a distinctive sense of place. I have concerns regarding the extensive use of render on the apartment blocks in terms of long term sustainability and maintenance. The duplex blocks do not have a 'dual fronted' design and therefore present rear facades and boundary walls to the public realm at several locations, i.e. POS 9 and the rear of blocks I, J and K. In addition, the gable ends of most of the duplex blocks face public roads and open spaces. Having regard to the detailed design of the house types, I note that they all have a similar materiality and appearance and do not create variety or interest throughout the scheme.

The development is said to contain four 'character areas' but there is no evidence of the use of an integrated approach to house design, street design and layout, materials, landscaping, etc., to create a genuine sense of place and distinctive zones throughout the scheme. I therefore consider that the development lacks clear, identifiable and distinguishable character areas. I note section 28 ministerial guidelines in particular the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and the associated Urban Design Manual and Criteria no. 4 Variety, No. 6, Distinctiveness, No. 7, Layout and No. 8, Public Realm in this regard and I consider that the proposed development has not adequately satisfied these criteria.

#### 10.3.4. Open Space and Green Infrastructure

The Clane LAP specifies a requirement for 15% of site area as public open space within KDA1. The development provides c. 1.27 ha of public open space within the residentially zoned lands in addition to the River Liffey linear park, which amounts to 15.68% of the residentially zoned lands. This quantum is satisfactory, and I also note that the development achieves LAP objectives to provide pedestrian connections and parkland along the River Liffey. However, many of the public open spaces within the development are marginal, poorly overlooked and bound by public roads and

therefore add little to its public realm or amenities. The communal open spaces serving the apartment and duplex blocks are not clearly differentiated from the general public realm and are dominated by car parking. Therefore, they have limited amenity value. The proposed layout and landscaping scheme do not indicate a clear hierarchy of public open spaces that serve specific functions, e.g. kickabout area, passive open spaces. The submitted Landscape Design Rationale indicates a 'natural play area' within the River Liffey parkland and 'nature based play spaces' in the communal areas serving duplex Blocks A and B. The areas adjoining the blocks are marginal and dominated by car parking and I do not consider that they could function as play areas serving the overall development. The landscaping scheme also indicates that fitness equipment is to be provided at the pedestrian route within the River Liffey linear park. However, I note that the development does not achieve LAP objective OSO1.5, which seeks to secure the delivery of a neighbourhood park in conjunction with development at KDA1, including a multi-use games area. The development presents the only opportunity to achieve this objective within the lifetime of the LAP given that the remainder of lands within KDA1 are zoned SR 'strategic reserve' but fails to do so. I also note that the access road from Alexandra Walk is within the 80m buffer to the River Liffey specified in LAP policy and traverses an area zoned as 'Objective F2 – Strategic Open Space' under the LAP and that there is drainage infrastructure in this area comprising an underground attenuation system, however they are outside flood zones associated with the River Liffey as per CFRAMS mapping.

The Clane LAP includes several Green Infrastructure objectives, as set out in section 6.3.5 above. The development site comprises four agricultural fields with corresponding field boundaries /hedgerows / treelines. The Clane LAP Green Infrastructure Map indicates a 'high value hedgerow' at the south eastern corner of the site with the remainder of the hedgerows at the site being designated as of 'moderate' value. The submitted Arboricultural Report describes the site as "*a broadly lapsed agricultural context with few tree or shrub specimens of note in respect of rarity or quality*". The development involves the removal of three category B 'fair' quality trees and three category C 'poor' quality trees. The Arboricultural Report states that all of the hedgerows at the site are category C 'poor' quality and that the 'high value' hedgerow at the south eastern corner of the site will not be

affected. I have serious concerns about the overall extent of hedgerow removal. I accept that the development does not involve the removal of a significant amount of mature or specimen trees and does not impact on the 'high value hedgerow' but it essentially involves retaining hedgerows along the periphery of the site and removing almost all of the existing field boundaries within the residentially zoned lands (hedgerows nos. 4, 5 and 6 and a large part of hedge no. 8). The retained hedgerows are fragmented and surrounded by roads and development, to the detriment of their biodiversity and amenity value. The applicant submits that the tree and hedgerow loss will be mitigated by additional planting comprising 855 no. trees and 1,865m of hedgerows. However, a substantial amount of the proposed new tree planting is located in open spaces to the rear of houses nos. 76-93, in place of an existing hedgerows at this location. I have concerns about the viability and long term management of such planting, noting the proposed boundary treatments in the relevant area as per drawing no. 304D, and the resultant potential for unmanaged areas to the rear of houses. I also have concerns about the long term viability of retaining some of the hedgerows at site boundaries, e.g. hedgerow no. 8 to the rear of houses nos. 44-62 and hedgerow no. 15 to the rear of houses nos. 167-172, noting in particular the cross sections 'A' and 'B' indicated in landscape drawing no. 05. I note that the Planning Authority shares some of these concerns. I acknowledge that there can be a conflict between providing higher density residential development on zoned lands and retaining natural features such as hedgerows and that the loss of trees and hedgerows will be mitigated to some degree by landscaping. However, the retention and enhancement of the existing hedgerows is an opportunity to significantly add to the amenity and biodiversity value of the development and I consider that no substantial attempt has been made to incorporate them into the proposed layout or landscaping scheme. I refer to Criteria no. 7 layout and 8 Public Realm in this regard and I consider that the development has not adequately satisfied these criteria. I consider that the development mitigates against the LAP objective to retain natural heritage and green infrastructure features within KDA1. I also note that EIAR Chapter 11, which states that the field divisions at the site appear on historic OSI maps from 1888-1913 and so are of significant age. The boundary to the east appears as a townland boundary and so may be ancient (8<sup>th</sup> century). The following mitigation measure is recommended in the EIAR:

*Markers should be established at those locations where the townland boundaries are truncated by the proposed vehicular and pedestrian routes. The markers should include the names of the townlands and be erected on stone markers or plaques inserted into the footpaths.*

A condition requiring same should be imposed if the Board is minded to grant permission.

#### 10.3.5. Roads Layout and DMURS

I am satisfied that the development achieves a good degree of pedestrian connectivity to Brooklands estate and Alexandra Walk given that the desire lines will be to the R403 and to the centre of Clane to the north west. Cycle facilities are limited and the recommendations of the National Transport Agency are noted. Overall, I have several concerns in relation to the proposed internal roads layout. It is dominated by long, unbroken stretches of roads, which facilitate higher vehicular speeds, to the detriment of pedestrian and cyclist safety and in contravention of the 'self-regulating' principles of DMURS. The layout lacks an appropriate street hierarchy as the roads have a uniform carriageway width of c. 5m with no provision for local roads <4.8m as per DMURS. The presence of boundary walls and marginal areas of public open space along roads mitigates against the achievement of active street edges, adequate passive surveillance or any sense of enclosure and results in poorly defined streetscapes. This contravenes the LAP objective for KDA1 to provide passive surveillance of roads, cycleways, footpaths and open spaces.

This situation is exacerbated by the provision of surface car parking within the curtilages of individual houses, ref. DMURS section 4.2.3 which states:

*“The inclusion of in-curtilage parking within front gardens (i.e. to the front of the building line) may result in large building setbacks that substantially reduce the sense of enclosure ... designers should avoid a scenario where parking dominates the interface between the building and the footway.”*

A layout whereby communal parking is provided perpendicular to the street would achieve a greater sense of enclosure, would allow for a better quality public realm and result in more efficient use of parking spaces. Due to these various design deficiencies, the individual streets within the scheme do not function as true 'shared spaces' that emerge from an integrated approach to vehicular, pedestrian and cycle

access, road surfaces, SUDS measures and landscaping. In addition, the design of the local streets does not indicate cycle paths or adequate shared spaces that would facilitate cycle connectivity. I note that the provision of pedestrian and cycle links along desire lines through the development and to the River Liffey linear park is a key objective for KDA1 under the Clane LAP.

In conclusion, it is evident that the development fails to deliver a layout that satisfactorily responds to the requirements of DMURS and it is considered contrary to the fundamental principles contained therein to promote a high quality street layout that prioritises people movement rather than vehicular movement. I also refer to Criterion no. 7 Layout in this regard.

#### 10.3.6. Design and Layout Conclusion

To conclude, with regard to the above assessment, I am not convinced that the development achieves a satisfactory standard of design and layout and I consider that the development does not comply with the criteria set out in the Urban Design Manual – A Best Practice Guide 2009, in particular criteria nos. 4 Variety, 6 Distinctiveness, 7 Layout and 8 Public Realm. In addition, the development is not compatible with the principles of DMURS as it does not promote a high quality street layout that prioritises people movement rather than vehicular movement. I consider that the development does not achieve the objectives set out in the Clane LAP for KDA1, in particular those relating to the retention of natural heritage and green infrastructure features and to the provision of passive surveillance of roads, cycleways, footpaths and open spaces. I also note that the public road connecting the southern end of the development at Alexandra Walk traverses an area zoned as ‘Objective F2 – Strategic Open Space’ and results in further fragmentation of hedgerows and there is drainage infrastructure in this area comprising an underground attenuation system. I do not consider it appropriate to address these issues by condition as it would result in fundamental alterations to the overall layout of the development.

### 10.4. **Quality of Residential Accommodation**

#### 10.4.1. Housing Mix

The proposed development comprises a mix of 1, 2 and 3 bed apartments, maisonette units, duplex units and 2, 3 and 4 bedroom houses, as set out in section

3.1 above. The housing mix is considered satisfactory with regard to development plan housing policy and SPPRs 1 and 2 of the Apartment Guidelines.

#### 10.4.2. Houses

There are no section 28 guidelines that provide minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings. The submitted Housing Quality Assessment contains some discrepancies regarding unit numbers and house types. However, having regard to the detailed design of each of the house types, I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1. The rear gardens associated with dwellings vary in shape and area but provide a satisfactory amount of private amenity space and achieve adequate separation distances to adjacent dwellings.

#### 10.4.3. Apartments and Duplex Units

The apartments are designed to meet or exceed the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, including the minimum floor areas for apartment units and the quantitative floor area requirements set out in Appendix 1 of the Guidelines. The majority of the apartment units will be at least 10% greater than the minimum size required, exceeding the requirements of SPPR 3 and section 3.8 of the Apartment Guidelines. The floor plans of the apartment blocks indicate that there are between 4 and 11 no. units per lift and stair core, i.e. less than the maximum of 12 units per core specified in SPPR 6. All ground floor units have a floor to ceiling height in excess of the minimum 2.7m specified in SPPR 5. The development provides 149 no. dual or triple aspect apartments (77% of the total no. of units), in excess of the minimum 50% requirement for suburban or intermediate locations as stated in SPPR 4 of the Apartment Guidelines. There are no single aspect units facing directly north. The apartments have private open space in the form of balconies / terraces. I note that the balcony areas for some of the 3 bed units are deficient with regard to the standards provided in Appendix I of the Apartment Guidelines. A condition requiring a revised private open space provision such that all units comply with the

quantitative standards should be imposed if permission is granted. The private open space provision for the duplex units is in accordance with the requirements of the Apartment Guidelines and is acceptable on this basis.

The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

#### 10.4.4. Quality of Residential Accommodation Conclusion

To conclude, I consider that the standard of residential accommodation is in accordance with national planning policy and that the development will provide a satisfactory standard of accommodation for future residents subject to conditions.

### 10.5. **Impacts on Visual and Residential Amenities**

10.5.1. Clane is within the River Liffey Landscape Character Area (LCA) as per development plan Map 14.1. This LCA is classified as 'Class 4 Special' in the Landscape Character Assessment, i.e.:

*"Areas with low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors."*

Development Plan Table 14.3 provides a matrix of likely compatibility between land uses and LCAs such that 'urban expansion' is likely to have a 'low' impact on the River Liffey LCA. Table 14.4 provides a matrix of 'likely compatibility between a range of land-uses and proximity to Principal Landscape Sensitivity Factors' such that 'urban expansion' has a rating of '2 – Compatible only in certain circumstances' within 300m of Major Rivers and Water Bodies. There is one Scenic Viewpoint in the vicinity of the site, 'RL 5 – Alexandra Bridge, Abbeyland, the view from the Bridge to the Liffey'. LAP Map 13.1 indicates a biodiversity protection zone of Strategic Open Space along the River Liffey, where it is envisaged that walkways and cycleways will be accommodated and would therefore be protected from development. Having regard to the site inspection, to the submitted photomontages and to the Landscape and Visual Impact Assessments incorporated into the EIAR, I consider that the



development is generally in accordance with development plan landscape policies and that the development will not be visible from the Scenic Viewpoint.

- 10.5.2. The Landscape Impact Assessment states that the development will have a 'medium' impact on the landscape, i.e. there will be a partial loss or alteration to the key elements / features / characteristics of the existing landscape and the introduction of elements which may be prominent but not necessarily substantially uncharacteristic when set within the attributes of the receiving view. The overall impact on the landscape is assessed as 'moderate / major', i.e. there will be alteration to elements / features of the existing conditions, it does affect an area of recognised regional landscape quality and there will be alterations to the character, scale or pattern of the landscape.
- 10.5.3. The Visual Impact Assessment considers views from five locations in the vicinity, i.e. two locations along the R403 and three locations on the opposite side of the River Liffey. The VIA is supplemented by additional photomontages in a separate document, which shows potential views from eight locations including within Brooklands and Alexandra Walk. Having inspected the site and viewed it from various vantage points, I am satisfied that this provides a reasonably representative assessment of potential visual impacts in the area. The visibility of the existing site and the proposed development are significantly reduced due to the flat nature of the topography and to the presence of dense vegetation along the River Liffey as well as trees and hedgerows at the site. Visibility from the R403 is also reduced due to the distance of the site from the road frontage. I note that, notwithstanding my concerns about the removal of hedgerows at the site as discussed above, the development does involve the retention of existing hedgerows at site boundaries and along the River Liffey. The VIA assesses the significance of views from the five viewpoints as 'no change' or 'slight' and I accept this conclusion. Potential visual impacts are to be mitigated by the proposed landscaping scheme and residual impacts are assessed as 'minor'. While I consider that the landscaping scheme has various shortcomings, I also consider that potential visual impacts will, in any event, be limited and that the development, where visible, will read as a continuation of the existing built up environment of Clane. I consider that the higher elements of the development will not have any significant adverse impact in this context.

- 10.5.4. The development site immediately adjoins existing residential properties to the west and south, i.e. within Brooklands estate, Abbey Park and Alexandra Walk. The development is laid out such that there are two storey houses adjacent to similar properties within the adjoining estates. There is an area of public open space and landscaping between properties at the eastern end of Brooklands and the four storey Block F. Satisfactory intervening distances are achieved. As discussed above, I have some concerns about the viability of retaining existing hedgerows along shared boundaries, however I do not consider that there will be any significant adverse impact on existing residential amenities by way of overlooking, overshadowing or visual obtrusion. Having regard to the orientation and siting of the four storey Block C, three storey Block D and three storey duplex units at the western side of the site, I am generally satisfied that there will not be any significant visual or overshadowing impacts from these elements of the scheme, however this assessment is limited due to the lack of any daylight or sunlight analysis in the documents submitted. The development will change the outlook from existing properties and will introduce new through traffic at the Brooklands and Abbey Park Green / Alexandra Walk estates. The concerns stated by third parties in relation to this issue are noted. Potential traffic impacts are considered separately below. However, permeability and connections to existing residential developments are key principles of DMURS and of the Sustainable Residential Development Guidelines for Planning Authorities. In addition, the provision of three separate vehicular accesses will distribute traffic to several locations rather than concentrating it at a particular access point. In addition, the development will provide a planning gain in the form of new pedestrian connections to the River Liffey linear park. I am satisfied overall on this basis that the development will not have any significant adverse impact on residential amenities.
- 10.5.5. I note that third party submissions have stated particular concern about the location of bin storage for apartment Block D to the rear of houses within Brooklands. This element of the development could be relocated by condition if the Board is minded to grant permission.
- 10.5.6. To conclude, while third party concerns are noted, I am satisfied that the development will not have any significant adverse impact on visual or residential amenities.

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

- 10.6.1. EIAR section 4.7 considers community infrastructure and social facilities. It states that there are a number of recreational and social facilities in proximity to the site including GAA, football and boxing clubs, a community centre and a library, also national schools and secondary schools. I note that a number of observers have raised concerns in relation to the capacity of existing facilities in the area (including schools and childcare facilities) to accommodate the proposed development, also in relation to access to other social infrastructure such as medical facilities. The Board is referred to section 12.5 of the Inspector's report of ABP-304632-19, which provides a detailed assessment of schools provision in the area, based on a School Capacity Assessment Report submitted with that application. It concludes that the existing school provision in the area is sufficient to cater for the needs of the current and future population of Clane.
- 10.6.2. The Childcare Guidelines (2001) recommend a minimum provision of 20 childcare places per 75 no. dwellings, while the Apartment Guidelines state that the threshold for the provision in apartment schemes should be established having regard to the scale and unit mix of the scheme, the geographical distribution of childcare facilities and the emerging demographic profile of the area. In addition, objective HCO3.2 of the Clane LAP requires the provision of a minimum of 0.13 childcare spaces per dwelling on a pro-rata basis in the KDAs. The proposed creche is to accommodate 50 children with 11 no. staff. The development includes a total of 305 no. residential units, or 292 no. units excluding one bed apartments and maisonettes. This entails a requirement for c. 78 no. childcare places as per the Childcare Guidelines or 38 no. spaces based on the LAP requirement. Section 7.0 of the submitted Statement of Consistency and Planning Report states that, based on demographic data, the development will have a population of c. 800 persons including c. 402 no. children in total and 62 no. pre-school aged children. It is submitted that the proposed childcare facility is adequate on this basis and this rationale is accepted.

## 10.7. **Drainage, Flood Risk and Site Services**

- 10.7.1. Lands within the site rise from the River Liffey and then fall towards Brooklands estate to an open drain that ultimately discharges to the River Liffey downstream. The proposed surface water drainage system is to collect surface water with an

attenuated outflow via underground 'stormtech' systems with hydrocarbon interceptors before discharging to the open drain at a controlled rate. The system is designed to comply with GSDS standards and incorporates SUDS features including permeable paving and self-draining areas. Detailed drainage calculations are provided including a 10% climate change allowance. I consider that the development incorporates limited SUDS features and misses several opportunities to increase interception volumes, e.g. green roofs. However, I note that Kildare County Council Water Services states no objection subject to conditions.

10.7.2. A Site Specific Flood Risk Assessment is submitted. This states that the primary flood risk to the development is an extreme fluvial flood event in the River Liffey. No area of the site is at significant risk from pluvial or groundwater flooding. There are no historic instances of flooding recorded within or adjacent to the development site on OPW national flood hazard mapping. CFRAMS mapping illustrates the predicted 10% AEP (1 in 10 year), 1% AEP (1 in 100 year) and 0.1% AEP (1 in 1000 year) flood extents at the development site. Part of the site in the 'Objective F2 – Strategic Open Space' zoned lands along the River Liffey falls within the 1% AEP and 0.1% AEP fluvial flood extents. The SSFRA considers predicted flood volumes and flood depths with regard to data available from the Eastern CFRAM study. It is based on a topographical survey and contour mapping of the development site, which were used to develop a Digital Terrain Model of the site to model projected flood zones. No development works are proposed within a delineated flood zone. Detailed layouts and cross sections are provided to illustrate this assessment. The residential part of the development is therefore entirely located within Flood Zone C as per the Planning System and Flood Risk Management Guidelines and is not subject to the requirements of the Justification Test. The proposed surface water drainage system is designed to accommodate a 1 in 100 year flood event with overland flood routes incorporated into the design of the scheme. In addition, the development is to be designed with finished ground levels to a minimum of 0.15m above the maximum predicted 0.1% AEP flood level and finished floor levels to a minimum of 0.3m above the maximum predicted 0.1% AEP flood level. The SSFRA concludes on this basis that the development would not result in an adverse impact on the existing hydrological regime of the area or result in increased flood risk elsewhere. These conclusions are accepted.

10.7.3. The proposed foul drainage system is to connect to two separate catchments. The western side of the development is to connect to the Abbey Park pumping station via Brooklands (Catchment 1). The Abbey Park pumping station is in the control of the applicant. The eastern part of the site is to connect to the Alexandra Walk pumping station (Catchment 2), which is taken in charge by Irish Water. The development is to connect to an existing watermain at Brooklands estate. I note the correspondence on file from Irish Water, dated 10<sup>th</sup> December 2019, which states that these connections can be facilitated and the comments in relation to phasing in the Irish Water response to the applicant's pre-connection enquiry, as discussed in section 10.2.2 above.

10.7.4. The proposed foul drainage and water supply arrangements are acceptable subject to conditions. I am also satisfied that the development is not at any significant risk of flooding and will not add to flood risk in the area.

#### **10.8. Traffic/Transport Impacts and Parking**

10.8.1. The development is located on the western side of Clane. Part of the Clane Inner Relief Road runs from a roundabout on the R403 north west of the development site to the R407 Clane – Sallins road to the south. Additional road connections were recently permitted north west of the development site under ABP-304632-19 and that development includes an upgrade of the R403 / Brooklands / Capdoo Park junction. The R403 is served by Bus Eireann routes nos. 120, 121 and 126, which connect to Dublin City Centre and UCD. The 120 connects to Dublin city centre and UCD Belfield with c. 20 daily services and the 123 travels between Dublin and Newbridge via Clane with c. 25 daily services. There is also an hourly private bus service between Naas and Clane via Sallins, which stops in the centre of Clane. The nearest railway stations are at Maynooth (13km) and Sallins (6km), which are served by the Kildare and Maynooth commuter rail and intercity services.

10.8.2. The development is to connect to Brooklands estate, which is accessed from the R403 / Brooklands / Capdoo Park junction. The secondary vehicular access is to Alexandra Walk, which is accessed via a roundabout on the Clane Inner Relief road to the south west of the development site. The submitted Traffic Impact Assessment (TIA) analyses projected traffic flows and associated impacts on the local road network and junctions, in particular the R403 / Brooklands / Capdoo Park junction

and the R403 / Alexandra Walk / The Avenue roundabout. It is based on traffic counts carried out over 12 hours on 5<sup>th</sup> to 8<sup>th</sup> March 2019. The projected traffic flows at local junctions account for cumulative impacts associated with the development permitted under ABP-304632-19. Both junctions are currently operating within capacity. The R403 / Brooklands / Capdoo Park junction will have a maximum RFC of 0.99 in the AM peak in the design year of 2037, taking into account cumulative impacts, and will therefore operate above capacity. The TIA includes a capacity assessment of a signalised junction at the R403 / Brooklands / Capdoo Park junction, which finds that the maximum DoS of 90% would be exceeded on the R403 with queues during the AM and PM peak hours for all scenarios, i.e. with or without the proposed development. The TIA indicates the R403 / Alexandra Walk / The Avenue roundabout will operate within capacity with small queues and delays for the design years of 2022 and 2037. I note the concerns stated by third parties and I accept that traffic flows may exceed the projected figures at certain times within peak hours. However, I generally accept the findings of the TIA and I do not consider that the development would generate a significant amount of additional traffic in the area such as would warrant a refusal of permission.

10.8.3. I note the concerns stated by third parties in relation to the capacity of existing roads within Brooklands and Alexandra Walk to cater for traffic generated by the development. The dimensions and layouts of the proposed new accesses are generally acceptable with regard to the submitted Road Safety Audit. The creation of new vehicular accesses at these locations is acceptable in principle given the zoning of the development site for new residential development and having regard to the principles of DMURS and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. Both roads are currently a cul-de-sac with a 6m wide carriageway. TIA section 4.2 indicates that projected traffic flows to/ from the development would be distributed between the accesses with 57% of the traffic flow at the Brooklands accesses and 43% of traffic flow at Alexandra Walk, i.e. there would be a relatively even distribution between both estates accesses. I note the projected traffic movements at both estates for the design year 2037 as per TIA section 4.3.3, i.e. a total of 88 movements at Brooklands and 65 movements at Alexandra Walk during the AM peak and 89 movements at Brooklands and 67 movements at Alexandra Walk during the PM peak. As above, I do not consider that

the development would generate excessive additional traffic such as would warrant a refusal of permission.

10.8.4. The development includes the following car parking provision (I note that there are discrepancies in the submitted TIA, these figures are derived from the Planning Statement and are in accordance with the published Notices), which may be considered with regard to development plan standards as follows:

|   | <b>Units / GFA</b>      | <b>Proposed Car Parking Spaces</b> | <b>Development Plan Standard</b>                               |
|---|-------------------------|------------------------------------|--|
| <b>Houses</b>                           | 112                     | 224                                | 2 spaces per unit = 224 spaces                                 |
| <b>Apartments / Duplex / Maisonette</b> | 193                     | 256<br>55 visitor spaces           | 1.5 spaces per unit + 1 visitor space / 4 apts = c. 338 spaces |
| <b>Creche</b>                           | 50 children<br>11 staff | 18                                 | 0.5 per staff member + 1 space per 4 children = 18 spaces      |
| <b>Total</b>                            |                         | <b>553</b>                         | <b>588</b>   |

The proposed car parking provision is therefore in accordance with development plan standards for the houses and the crèche but falls short of these standards for the apartment units. Section 4.22 of the Apartment Guidelines recommends the following car parking provision for ‘peripheral and/or less accessible urban locations’:

*“... one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments”*

This would entail a maximum provision of c. 257 no. spaces for 193 apartments including a visitor parking provision of 64 no. spaces. The proposed car parking provision is acceptable on this basis.

10.8.5. The proposed cycle parking provision may be considered with regard to development plan standards as follows:

|  | <b>Units</b>                | <b>Cycle Spaces</b>              | <b>Development Plan Standard</b>                                 |
|--|-----------------------------|----------------------------------|--|
| <b>Houses</b>                                  | 112                         | 0                                | No requirement   |
| <b>Apartments/<br/>Duplex /<br/>Maisonette</b> | 193                         | 500<br>including visitor parking | 1 space per unit + 1 visitor space per<br>2 units = 289.5 spaces |
| <b>Creche</b>                                  | 50 children<br><br>11 staff | 8                                | 1 space per 5 staff + 1 space per 10<br>children = 7.2 spaces    |
| <b>Total</b>                                   |                             | <b>508</b>                       | <b>296.7 spaces</b>  |

The cycle parking provision for the crèche is in accordance with development plan standards. Section 4.17 of the Apartment Guidelines requires a general minimum cycle parking provision of one cycle parking space per bedroom and a visitor parking provision of one space per two units. This entails a requirement of c. 437 spaces for the apartment, duplex and maisonette units. The proposed cycle parking provision is acceptable on this basis.

- 10.8.7. The submitted Preliminary Construction Management Plan indicates that construction traffic will access the development via the R403 and Brooklands estate. EIAR section 10.2.2 states that the maximum no. of HGV movements at the site will be 40 trucks moving to and from the site per day, however this is only expected to occur during two weeks of each phase of the development. The total number of HGV movements is expected to reduce outside this period to 15-20 HGVs per day on busy days and 5-10 HGVs daily on quiet days. Construction staff movements are expected to generate 10-15 two way vehicle trips during AM and PM peaks. A traffic management plan is to be implemented. This is considered acceptable subject to the agreement of a final construction traffic management plan with the planning authority.
- 10.8.8. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition.



## 10.9. Part V

10.9.1. The applicant proposes to transfer 30 no. units on site to Kildare County Council in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). The units to be transferred comprise:

| Unit Type              | No. of Units |
|------------------------|--------------|
| 1 bed apartment        | 1            |
| 1 bed maisonette       | 12           |
| 2 bed apartment        | 2            |
| 2 bed duplex apartment | 3            |
| 2 bed maisonette       | 8            |
| 3 bed duplex apartment | 3            |
| 3 bed house            | 1            |
| <b>Total units</b>     | <b>30</b>    |

A site layout plan indicating the units to be transferred is submitted, along with costings. The units to be transferred comprise all of the maisonette units with the remainder of the duplex, apartment and house type E dispersed throughout the development. I note the report on file by Kildare County Council Housing Section, dated 17<sup>th</sup> December 2019, which states that the mix, unit types and distribution of the Part V units are generally acceptable. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

## 10.10. Planning Assessment Conclusion

10.10.1. To conclude, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned and serviced site within an established area where a wide range of services and facilities exist. An appropriate development on this site has the potential to contribute to the provision of high-quality housing within the area. However, I consider that the proposed development materially contravenes the provisions of the Clane LAP in relation to the proposed quantum of development and residential density with regard to the provisions for KDA1, which specify a total of 161 no. units, to be developed at a density of 26 units/ ha. The application does not meet the requirements of section

8(1)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 with regard to the published newspaper notice and the lack of a Material Contravention Statement. The Board therefore cannot consider the development under the provisions of section 37(2)(b) of the Planning and Development Act 2000 (as amended). In addition, I have serious reservations in relation to the development in terms of quality of the layout and design. The layout and design are considered to be of poor quality and if permitted would not meet the standard of provision required under the various section 28 guidelines including the Urban Design Manual – A Best Practice Guide 2009 and the 12 criteria therein, in particular criteria nos. 4 Variety, 6 Distinctiveness, 7 Layout and 8 Public Realm. I also consider that the development is not compatible with the principles of DMURS as it does not promote a high quality street layout that prioritises people movement rather than vehicular movement and that the development does not achieve the objectives set out in the Clane LAP for KDA1, in particular those relating to the retention of natural heritage and green infrastructure features and to the provision of passive surveillance of roads, cycleways, footpaths and open spaces. The development would, therefore, seriously injure the residential amenities of future occupants and would be contrary to these aforementioned Ministerial Guidelines.

10.10.2. I therefore recommend that the Board refuse permission in this instance.

## **11.0 Environmental Impact Assessment**

### **11.1. Introduction**

11.1.1. This application was submitted to the Board after 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

11.1.2. The application is accompanied by an Environmental Impact Assessment Report (EIAR). Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provide that an

EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The development proposes 305 no. residential units and the overall site has a stated area of 10.36 ha (8.1 ha of residentially zoned lands). Section 1.4 of the EIAR states:

*“The subject development is not of a type or size that would require mandatory EIA under Annex I. With respect to Annex II, the subject proposal would not constitute an “infrastructure project” under Class 10 given the no. of units proposed and the size of the subject site. However, it was considered beneficial to prepare an EIAR to assist An Bord Pleanála with their determination of this application.”*

11.1.3. Article 299A of the Planning and Development Regulations 2001 (as amended) provides that, where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

11.1.4. The EIAR contains three volumes:

- Volume 1: Non-Technical Summary
- Volume 2: EIAR
- Volume 3: Appendices

Chapters 1 - 3 inclusive set out an introduction to the development, background to proposed development, description of the proposed development including the construction stage, alternatives considered, and methodology used. The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy. The likely significant direct and indirect effects of the development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Health
- Biodiversity

- Land, Soils, Geology and Hydrogeology
- Water (Hydrology)
- Noise and Vibration
- Air Quality and Climate
- Material Assets
- Archaeology, Architectural and Cultural Heritage
- Landscape and Visual Amenity
- Interactions Between Environmental Factors
- EIA Mitigation and Monitoring Measures

11.1.5. EIA Table 1.1 sets out the relevant experts involved in the preparation of each chapter of the EIA. No specific difficulties are stated to have been encountered in compiling the required information or in carrying out the assessment. I am satisfied that the information contained in the EIA 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.

11.1.6. EIA section 1.8 states that the assessment considers potential cumulative impacts associated with the 366 no. residential units permitted under ABP-304632-19 on a site c. 600m north west of the development site.

11.1.7. I have carried out an examination of the information presented by the applicant, including the EIA, and the submissions made during the course of the application. A summary of the results of the submissions made by the Planning Authority and prescribed bodies, has been set out at Sections 8.0 and 9.0 of this report. This EIA has had regard to the application documentation, including the EIA, the observations received, and to the planning assessment completed in section 10 above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## 11.2. Alternatives

Article 5(1)(d) of the 2014 EIA Directive requires 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. EIAR section 2.4 deals with alternatives. It considers alternative locations, alternative designs and layouts and alternative processes. Potential alternative locations and land uses are not considered on the basis that the site is zoned for development under the Clane LAP. Potential alternative site layouts and designs are considered in the submitted Architectural Design Statement, with regard to the constraints present at the development site. The issue of alternative processes is not considered relevant to the proposed residential and employment development. I consider that the matter of the examination of alternatives has been satisfactorily addressed.

## 11.3. Likely Significant Direct and Indirect Effects

### 11.3.1. Population & Human Health

The assessment provides information on population and employment in the area, based on data from various sources including the CSO census and Labour Force Survey. It also examines existing social infrastructure in the area, i.e. recreational and educational facilities. The construction phase of the development will have a positive impact on local employment and economic activity. The development will accommodate up to 1,526 people. It will deliver a Key Development Area in Clane on zoned and serviced lands with 305 no. residential units, a crèche and 3.15 ha of public open space including the linear park along the River Liffey. It is stated that the development will contribute to community and social infrastructure.

The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. EIAR section 4.9 considers this issue. The attention of the Board is drawn to section 10.7 above, which considers potential flood impacts, the submitted SSFRA and proposed flood mitigation measures. The EIAR concludes on this basis that the development will not increase the risk of major accidents or disasters.

There are potential impacts on human health during the construction phase, associated with construction traffic and surface contaminants, dust, exhaust emissions, noise and waste generation. Related impacts are considered in other relevant chapters of the EIAR. Health and safety matters are addressed with regard to relevant legislation. Mitigation measures are considered, as set out in the relevant chapters. They include a Construction and Environmental Management Plan (CEMP). No significant residual or cumulative impacts are envisaged.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise

#### 11.3.2. Biodiversity

EIAR Chapter 5 evaluates impacts on flora, fauna and habitats based on site surveys carried out on the 2<sup>nd</sup> August 2018 and the 21<sup>st</sup> March 2019. There are no areas designated for nature conservation within 2km of the development site. It is within the catchment of the River Liffey, which ultimately drains to Dublin Bay, which has a number of designations.

The habitats present at the site comprise improved agricultural grassland, dry meadow, scrub made ground, field boundaries and treelines and drainage ditches. The field divisions appear on historic OSI maps from 1888-1913 and so are of significant age. The eastern site boundary appears as a townland boundary and so may be ancient (8<sup>th</sup> century). All boundaries are evaluated as 'higher significance' due to their age and species diversity. The drainage ditches are wet on occasion and drain towards the River Liffey. The River Liffey at this point is a lowland, depositing river, which is lined with trees. No plant species were found that are listed as alien invasive under Schedule 3 of S.I. 477 of 2011. No rare or threatened plant species were recorded. There are no habitats which are examples of those listed in Annex I of the Habitats Directive and there is no evidence that species listed in Annex II of that Directive are present. The River Liffey is evaluated as of county value and the treelines/ hedgerows are high local value. The remaining habitats at the site are evaluated as low or negligible value.

The site survey found no direct evidence of mammal activity, however various species of mammals are likely to be present. No setts were found and there is no evidence that Badgers are using the lands. A dedicated bat survey was carried out on August 15<sup>th</sup> and 16<sup>th</sup> 2018, as detailed in a separate Bat Report. It found no evidence of bats roosting on the site and none of the trees at the site were considered to offer high bat roost potential. Five species were recorded foraging or commuting: Common and Soprano Pipistrelle, Nathusius' Pipistrelle, Leisler's Bat and Daubenton's Bat. While there are no records of Otter from the Liffey in Clane, and no direct evidence of their presence was found during the surveys, the habitat here is ideal for the species and their presence must be assumed. The March site survey, carried out during the bird breeding season, noted bird species listed by BirdWatch Ireland as being of 'low conservation concern'. The River Liffey has salmonid status.

A total of 75% of the field boundaries are to be retained. The existing immature woodland along the River Liffey and river habitat will be unaffected. Potential impacts on biodiversity relate to habitat removal; direct disturbance of species during construction activity and disturbance related to human activity at the completed development; disruption of ecological corridors; impacts on bat roosts; surface water run-off and pollution of water courses through ingress of silt, oils and other toxic substances; pollution related to foul wastewater discharge from the development; damage to retained habitats, e.g. soil and tree roots, loss of bat foraging routes. Proposed mitigation measures include construction management measures, tree protection measures, habitat replacement by landscaping and the creation of a 'woodland regeneration area'. Bat mitigation measures as outlined in the separate submitted Bat Report are to be implemented including bat boxes, dark zones and lighting design. No significant residual or cumulative impacts are expected.

I have considered all of the written submissions made in relation to biodiversity. I am generally satisfied with regards the information before me in relation to biodiversity. Notwithstanding this, I refer the Bord to my assessment in section 10.3.5 above in relation to the removal of hedgerows at the development site and the proposed landscaping scheme. I am not satisfied that this issue been appropriately addressed in terms of the application and the information submitted by the applicant and I am

not satisfied that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

### 11.3.3. Land, Soils, Geology and Hydrogeology

According to the GSI database, the majority of the site is underlain by limestone and shallow mineral soils with some alluvial soils along the River Liffey. There are no geological heritage sites listed within or in the immediate vicinity of the development site. The site is underlain by the Naas Groundwater Body, a regionally important karstified aquifer dominated by diffuse flow. The part of the bedrock aquifer underlying the development site is described as locally important (Lk) – karstified. The groundwater vulnerability is described as high, however there are no gravel aquifers listed as underlying the site. According to GSI mapping, there are no recorded details for wells present on the site and no groundwater/drinking water protection area in the vicinity. The risk status of the Naas GWB under the Water Framework Directive (WFD) has not been assigned and is currently described as ‘under review’. The status during the 2010- 2015 iteration of the WFD was described as good. Site infiltration tests carried out at 7 test pits at the site indicate that the sub-soils present are mainly brown sandy clays with occasional gravels. Sandy silt and/or silty gravel was encountered in the test pits closest to the River Liffey. The results therefore generally indicate that the soil conditions present are not as permeable as the GSI more broad-based mapping for the area indicates.

Site development works will involve topsoil stripping equating to approx. 11,257 m<sup>3</sup> over the entire development site. It is anticipated that all of this material will be stored for re-use in landscaped areas. It is envisaged that cut and fill will be balanced. Approx. 13,327 m<sup>3</sup> of sub-soil will be moved within the entire site. It is likely that dewatering will be required during the construction phase. Up to 11,211 m<sup>3</sup> of aggregates will be imported into the development. This material will mainly be natural stone sourced from local quarries, greenfield inert material imported under the water permitting regime or materials that have been approved as by-products (soil and stones) by the EPA under Article 27 of the European Communities Waste Directive Regulations, 2011. Other potential impacts during construction relate to soil or water contamination by fuel and chemicals and soil compaction by construction traffic. Proposed mitigation measures are to be applied in a Construction



Environmental Management Plan. No significant residual or cumulative impacts are identified.

Potential impacts associated with land take are assessed as negligible and insignificant.

There are no significant potential impacts on soils, subsoils or hydrogeology during the operational phase. No significant cumulative impacts are identified.

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

#### 11.3.4. Water and Hydrology

Aside from the River Liffey, the other water features at the site comprise several drainage channels. A drainage channel discharges from the vicinity of Alexandra Walk/Abbey Park Orchard to the south via the development site to the River Liffey. A second drainage channel lies to the northeast of the site boundary and also eventually discharges to the River Liffey via the Gollymochy River. The WFD status of the River Liffey adjacent to the development site has improved from Moderate in 2007 – 2009 to Good in 2010–2015. The river in proximity to the site is classed as nutrient sensitive and is within a nutrient sensitive area (downstream of Osberstown Wastewater Treatment Plant to Leixlip Reservoir) under the Urban Waste-Water Treatment Regulations, 2001–2010. Irish Water has recently completed upgrades to the Osberstown WWTP in compliance with regulatory requirements under the UWWT Regulations. The latest results of EPA water quality monitoring upstream and downstream of the site indicate Good water quality.

The proposed surface water attenuation system, SUDS measures, foul network and water supply are discussed in section 10.7 above, also the SSFRA and issues associated with flood risk at the development site. The SSFRA has determined that the majority of the area of the development site is not at significant risk of flooding and therefore falls within Flood Zone 'C'.

There is potential for contaminated surface water run-off during construction, this is to be mitigated by construction management measures including control of surface water run-off. The development is to be located c. 85m back from the river. The development of the linear park will involve minimal excavation and movement of soils. The proposed surface water management system and SUDS measures for the completed development are detailed above. No significant residual or cumulative impacts are identified. The development is to connect to the public water supply and foul sewer. No significant associated impacts are identified.

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

#### 11.3.5. Noise and Vibration

The development site is on the outskirts of Clane and is considered to be in a quiet suburban/rural area. The nearest Noise Sensitive Locations (NSLs) to the development site are dwellings in the adjoining Brooklands and Abbey Park Estates. Baseline noise monitoring was carried out at three Noise Monitoring Points at the western and southern site boundaries on the 15<sup>th</sup>, 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup> July 2019 during day, evening and night-time periods. The average  $L_{Aeq,15min}$  and  $L_{A,90,15 min}$  values recorded over the entire time period were 39 dB and 34 dB respectively.

Potential noise impacts during construction activity at the development site are to be subject to a daytime noise limit of 65 dB  $L_{Aeq}$ , which has been established based on the above noise surveys. The standard BS 5228:-1:2009+A 2014 *Code of practice for noise and vibration control on construction and open sites – Noise* provides the following limits for daytime noise levels outside the nearest window of the occupied room closest to the site boundary:

- 70  $L_{Aeq, 1hr}$  Monday to Friday
- 60  $L_{Aeq, 1 hr}$  Saturdays and Bank Holidays

Predicted construction noise levels are based on the plant items to be used at the site, along with construction traffic. It is likely that site development and construction noise will, at times, result in elevated noise levels above accepted criteria and above existing background levels within the gardens and at the facades of the nearest NSLs. Taking account of existing ambient sound levels, the effect is likely to be brief to temporary significant adverse. Proposed mitigation measures comprise construction noise control measures as recommended in BS 5228 (2009 +A1 2014) including selection of quiet plant, noise control at source, screening, public liaison, monitoring and construction phasing.

Construction vibration levels at nearby buildings are expected to be below a level which would cause disturbance to occupants of nearby buildings and vibration impacts during construction are assessed as neutral and imperceptible.

Potential noise impacts associated with the completed development relate to increased traffic noise and are assessed with reference to projected traffic levels. The predicted impact is imperceptible and long term. There are no significant cumulative noise impacts associated with the completed development.

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

#### 11.3.6. Air Quality and Climate

The site is in a location classified as Zone D as defined by monitoring data in the EPA 'Air Quality in Ireland' reports 2015-2017. The nearest available existing climate data is from records at Casement Aerodrome. Potential air quality impacts during construction primarily relate to fugitive dust emissions. Construction management measures to minimise dust emissions are to be implemented, including monitoring. Residual impacts are assessed as not significant. Potential air quality impacts from the constructed development relate to traffic-related air emissions. No significant long term air quality impacts or cumulative are identified.

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

#### 11.3.7. Material Assets

EIAR Chapter 10 considers impacts on roads and traffic, electricity, telecommunications, gas, water supply infrastructure and sewerage (built infrastructure). The findings of the TIA are summarised, including potential cumulative impacts associated with the development permitted under ABP-304632-19. The Board is referred to section 10.8 above in respect of traffic and transportation, which concludes that the development would not have such a significant adverse impact on traffic and transport in the area such as would warrant a refusal of permission.

The remainder of EIAR Chapter 10 provides details of existing/ proposed electricity, gas and telecommunications infrastructure in the area. Existing overhead power lines within the site (MV 10kV / 20 kV) will be relocated in advance of commencement of site works. No significant residual or cumulative impacts are anticipated.

I have considered all of the written submissions made in relation to material assets including traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets including traffic and transport.

#### 11.3.8. Archaeological, Architectural and Cultural Heritage

Field surveys were undertaken at the site in June and August 2019. The site is outside the Zone of Archaeological Potential identified for Clane (SMR No: KD014-026). There are no previously identified monuments/areas of archaeological interest within, or in the immediate environs of, the development site. The nearest recorded monument is 'St. Brigid's' Well, c. 310m east of the site. Licenced archaeological

testing was carried out at the site from 12<sup>th</sup> to 14<sup>th</sup> August 2019. A total of 30 no. trenches were excavated. No subsurface features of archaeological interest/potential were uncovered, and no artefacts of interest were recovered. It is therefore considered that the development site is of very low/ negligible archaeological potential.

There are no protected structures within or in the immediate vicinity of the development site. A number of the existing field boundaries within, and along the extent of, the subject proposed development lands act as townland boundaries, however they have no intrinsic elements which mark them out as such. The Board is referred to section 10.3.5 above in relation to the removal of hedgerows at the development site and the proposed landscaping scheme. The following mitigation measure is recommended in the EIAR:

*Markers should be established at those locations where the townland boundaries are truncated by the proposed vehicular and pedestrian routes. The markers should include the names of the townlands and be erected on stone markers or plaques inserted into the footpaths.*

No significant residual impacts on archaeology or cultural heritage are identified for the construction or operational stages. Archaeological monitoring is recommended.

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

#### 11.3.9. Landscape and Visual Amenity

The Board is referred to section 10.5 above in respect of landscape and visual impacts as assessed in EIAR Chapter 12. The above discussion concludes that the development would not have significant adverse visual or landscape impacts.

I have considered all of the written submissions made in relation to landscape and visual amenity. I am satisfied that the 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 am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on landscape and visual amenity.

#### **11.4. Significant Interactions**

11.4.1. EIAR Chapter 13 provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

#### **11.5. Reasoned Conclusion on the Significant Effects**

11.5.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR including Chapter 14 EIAR Mitigation and Monitoring Measures, to supplementary information provided by the developer, and the submissions from the planning authority and prescribed bodies 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:

- Biodiversity impacts, which will be mitigated by landscaping and compensatory planting; tree protection measures; survey of trees that are potential bat roosts; Construction Management Plan; surface water management measures during construction and for the completed development; additional bat mitigation measures as outlined in the Bat Report on file.
- Land and soil impacts, which will be mitigated by a CEMP.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.
- Traffic and transportation impacts, which will be mitigated by construction traffic management; a Mobility Management Plan and by the provision of pedestrian and cycle facilities.

- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.

11.5.2. The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). Although the assessments provided in many of the individual EIAR chapters are satisfactory, I am not satisfied with the information provided in relation to biodiversity, to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

## 12.0 **Appropriate Assessment**

### 12.1. AA Screening

- 12.1.1. An AA Screening Report is submitted. There are no habitats present at the site which are examples of those listed in Annex I of the Habitats Directive and there is no evidence that species listed in Annex II of that directive are present. The subject lands are zoned for residential development under the Clane Local Area Plan 2017-2023. This plan was subject to AA Screening by the planning authority and this concluded that its implementation would not result in negative effects to Natura 2000 areas.
- 12.1.2. The development site is not in or immediately adjacent to any Natura 2000 site. The development would not, therefore, have the potential to have likely significant direct effects on any such site.
- 12.1.3. No significant effects are envisaged in relation to the construction phase of the development.
- 12.1.4. This part of Kildare is characterised by urban land uses, being close to the town of Clane, although there are also areas of agricultural and other open space. The site itself lies directly adjacent to residential estates and public roads. The River Liffey flows along the eastern site boundary. The River Liffey is subject to no Natura designations, however there are a number of such areas where it discharges to the Irish Sea at Dublin Bay including the South Dublin Bay and River Tolka Estuary SPA

(site code: 4024), the South Dublin Bay SAC (0210), the North Dublin Bay SAC (0206) and the North Bull Island SPA (4006). The distance to the boundary of these SACs/SPAs is over 4.3km as the crow flies. The development will connect to a mains supply which originates from reservoirs at Ballymore Eustace, along the River Liffey. The reservoirs at Poulaphouca are designated as the Poulaphouca Reservoir SPA (site code: 4063). These are considered to be the only Natura 2000 areas within the zone of influence of the development as pathways do not exist to other areas. The AA Screening Report considers the features and interest and conservation objectives for the South Dublin Bay and Tolka Estuary SPA, the South Dublin Bay SAC, the North Bull Island SPA and the North Dublin Bay SAC.

12.1.5. There is a pathway from the site via surface and wastewater water flows to Dublin Bay via the Osberstown WWTP and the River Liffey. As surface water from the site does not flow to the River Tolka there is no pathway between the site and the Tolka Estuary. The Osberstown WWTP is licenced to discharge treated effluent to the River Liffey by the EPA and has a capacity to treat wastewater for a population equivalent (P.E.) of 130,000. The Annual Environmental Report (AER) for 2017 shows that the average loading was well within this capacity and the standard of effluent was fully compliant with emission limit values set under the Urban Wastewater Treatment Directive. Monitoring of the receiving water (i.e. the River Liffey) takes place at points upstream and downstream of the discharge point. The AER states that “the discharge from the wastewater treatment plant may have an impact on the Water Framework Directive status. However, the upstream BOD is close to the EQS threshold and improvements in the sewer network are expected to lead to further improvements in the receiving water quality”. Upgrade works to address non-compliant surface water overflows are to be undertaken by 2021. Water quality in Dublin Bay meanwhile is ‘good’. The additional loading from the development to the Osberstown plant will not contribute to capacity issues at that plant as ample capacity exists. No negative effects to Natura areas are likely to occur from this source. The installation of surface water attenuation measures will prevent any changes to water quality or quantity arising from the change in land use from agricultural to residential. These are standard measures in all development projects and are not included here to avoid or reduce an effect to any Natura 2000 area. Therefore, they are not considered to be mitigation in an AA context. No



significant effects are envisaged in relation to the construction phase of the development.

12.1.6. The site is over 30km from the boundary of the South Dublin Bay and River Tolka estuary SPA/SAC as the crow flies but following the flow of the River Liffey this distance is significantly greater. Because of this distance separating the two areas there is no pathway for loss or disturbance of species listed as Features of Interest for the SPAs or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites. The site is too far from bird roosting areas to result in effects from noise or other forms of human disturbance and the development is not likely to affect amenity use at Natura 2000 sites due to the location of the development.

12.1.7. As the development does not have the potential to have any significant direct or indirect effects on any Natura 2000 site, it could not have any such effects in combination with any other plan or project. Therefore, having regard to the location and nature of the proposed development, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 12.2. AA Screening Conclusion

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

## 13.0 **Conclusion**

13.1. I recommend that the Board refuse permission with regard to the planning assessment conclusion set out in section 10.10 above.

## 14.0 Recommendation

14.1. Section 9(4) of the Act provides that the Board may decide to:

(a) grant permission for the proposed development.

(b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,

(c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or

(d) refuse to grant permission for the proposed development,

and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

14.2. Having regard to the documentation on file, the submissions and observations, the site inspection and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be REFUSED for the reasons and considerations set out below.

## 15.0 Recommended Board Order

### Planning and Development Acts 2000 to 2019

#### Planning Authority: Kildare County Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14<sup>th</sup> November 2019 by Hughes Planning & Development Consultants on behalf of Westar Investments Ltd.

#### Proposed Development:

Permission for a strategic housing development at Capdoo and Abbeylands, Dublin Road, Clane, Co. Kildare.

The development will consist of 1) 305 no. residential dwellings (112 no. houses, 193 no. apartments); 2) childcare facility (340 sq.m.); 3) a total of 3.25 ha public open space including a 1.88 ha linear park adjacent to the River Liffey; 4) a total of 553 no. car parking spaces and 508 no. bicycle parking spaces; 5) new vehicular accesses from Brooklands and Alexandra Walk and associated site works. An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

#### Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

#### Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. It is considered that the proposed quantum of residential development would materially contravene the provisions of the Clane Local Area Plan 2017-2023 in relation to KDA1. The applicant has not complied with the requirements of section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Board is therefore precluded from granting permission in this instance.
2. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development is dominated by roads and surface car parking and results in a poor design concept for the site that is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense of place; and would result in a substandard form of development that lacks in variety and distinctiveness and includes a poor quality of architectural design, all of which would be injurious to the residential amenities of future occupants and contrary to the provisions of the Urban Design Manual – a Best Practice Guide and to the development standards of the Meath County Development Plan 2013-2019, in particular criteria nos. 4 Variety, 6 Distinctiveness, 7 Layout and 8 Public Realm. In addition, the development fails to respond satisfactorily to the requirements of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government as it does not promote a high quality street layout that priorities people rather than vehicular movement. It is also considered that the development would mitigate against LAP objectives GIO1.1, GIO 1.2 and GIO1.3 in relation to the retention and protection of green infrastructure, its biodiversity value and ecological function. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

3. The Environmental Impact Assessment Report, together with the other documentation submitted with the application, does not provide sufficient information regarding the proposed removal of existing hedgerows at the development site and related impacts on Biodiversity. The information before the Board is not sufficient, therefore, to complete an environmental impact assessment of the proposed development with regard to the factor of Biodiversity, and accordingly it is considered that the Board cannot be satisfied that the proposed development would not have significant adverse effects on the environment

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Sarah Moran

Senior Planning Inspector

26<sup>th</sup> February 2020

## **Appendix I Third Party Submissions**

Bernard Durkan, T.D.

Clane Community Council

Jimmy and Clare Byrne

Brigid Glynn

Philip Donnelly (two submissions)

John Brennan

Liam Reilly

Ibar Murphy

Orla Madden

Michael Waters

Tara Byrne-Finn and Alan Finn

Robert and Deirdre Johnson

Rod Carr

Emmett Stagg

John Paul Cooney

Cyril Creaven

Thomas Byrne

Louise Fenney

Adrian and Deirdre O'Loughlin

Annette Lee and Cathal O Leidhin

Finbarr Darcy