



An
Bord
Pleanála

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

Inspector's Report ABP-306309-19

Strategic Housing Development

575 no. residential units (388 no. houses, 187 no. apartments), creche and associated site works

Location

Newtownmoyaghy, Kilcock, Co. Meath

Planning Authority

Meath County Council

Applicant

McGarrell Reilly Homes

Prescribed Bodies

IFI
DAU
Irish Water
TII

Observers

19 submissions received (As per
Appendix 1)

Date of Site Inspection

18th March 2020

Inspector

Rónán O'Connor

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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

- 2.1.1. The subject site has an area of 24 ha and is located to the east of Kilcock in the townland of Newtownmoyaghy. The residential lands are divided into two separate pockets (north and south) divided by a zone of open space aligned in an east west direction. A further linear area of land zoned for open space is located to the south of the subject lands. To the south of this, is the Royal Canal Greenway. The northern site has a slightly raised topography, whilst the southern portion is relatively flat. The lands are currently undeveloped and have no notable tree stands. Hedgerows define field boundaries within the site.
- 2.1.2. To the south and west of the site, there is housing development both permitted and under construction. It is intended that the proposed development will act as an extension to the Millerstown Housing Estate which is currently under construction.
- 2.1.3. To the east, are lands proposed for the development of GAA grounds and further agricultural lands. To the west of the site, adjacent to the R125, there is a site reserved for the development of a school. There is dispersed ribbon housing along the R125 which links to Kilcock Town Centre. The Moyglare Road to the north-east of the site, although there is no connection to this existing road from the subject site. The land is serviced by an under construction distributor road which currently links the R125 and R148 to the south of the site.
- 2.1.4. Kilcock is located approximately 30km from Dublin City and to the north of the M4 Motorway. It has a population of 6,093 persons (2016 census). The town is served by the Dublin-Galway/Sligo railway line. The train station is located approximately 1km from the subject site. It is noted that Kilcock Town centre is located in the administrative area of Kildare Co. Council. However, the subject site is located on the Meath side of the town and is within the administrative area of Meath Co. Council.

3.0 Proposed Strategic Housing Development

3.1. The proposed development will consist of:

The construction of 575 No. residential units, all with private amenity space, with a cumulative Gross Floor Area of 60,326.9 square meters comprising:

- 43 No. 2-bedroom, 2-storey houses
- 270 No. 3-bedroom, 2-storey houses
- 45 No. 4-bedroom, 2-storey houses
- 30 No. 4-bedroom, 3-storey houses

3 No. apartment blocks ranging in height from 3-5 storeys providing for;

- 20 No. 1-bedroom apartment units
- 46 No. 2-bedroom apartment units

121 No. duplex and corner block units 3-storeys in height providing for;

- 15 No. 1-bedroom duplex units
- 21 No. 2-bedroom duplex units
- 6 No. 3-bedroom duplex units
- 29 No. 1-bedroom corner block units
- 42 No. 2-bedroom corner block; and,
- 8 No. 3-bedroom corner block units

The provision of 1,019 car parking spaces and 314 No. bicycle parking spaces.

The construction of a creche with a gross floor area of 623 square metres, an associated external play area and 14 No. car parking spaces;

New boundary walls and fences, open space, internal site roads, pavements, public lighting, tree planting, bin storage, ESB substations and all ancillary works;

Provision of new GAA changing room facilities with a Gross Floor Area of 97 square meters, associated entrance road and 40 No. car parking spaces;

The erection of 2 No. 13m lattice masts in the southern section of the site together with the relocation underground of 2 No. 10kV and 2 No. 38kV overhead lines;

Infrastructure works including:

Surface Water – Surface water from the northern site will be discharged into 1 No. detention basin to the south of the proposed development site. Surface water from the southern site will be discharged into 1 No. detention basin to the southeast of the development site.

SUDS measures such as permeable paving, swales, filter trenches etc. will be provided to intercept and provide treatment to surface-water run-off at source.

Key Figures

Site Area	24.4 Ha
No. of units	575
Density	39.8 units/ha
Height	Houses – 2 to 3 storeys Apartments – 3 to 5 storeys
Public Open Space	9.79 Ha
Part V	57 units
Vehicular Access	Via R148 and R125
Car Parking	1,019 spaces
Bicycle Parking	314 spaces
Creche	623 sq. m (119 childcare spaces)

4.0 Planning History

Planning Authority Reference DA/130857/Appeal Reference PL17.242996

- 4.1.1. 10 year permission refused in January 2001 for a development comprising 665 new residential dwellings, a neighbourhood centre, GAA pitch and MUGA, 1,496 car parking spaces, infrastructural works including partial realignment of the Rye Water River and re-profiling existing river banks as part of flood protection measures and provision of a single arch bridge for the distributor roads crossing the Rye Water

River. Reasons for refusal related to the proposal being premature pending the preparation of a LAP for Kilcock, contrary to the objectives of the Development Plan, deficiency in site services, design and layout and traffic impact.

Planning Authority Reference DA/30481/Appeal Reference PL17.207046

- 4.1.2. Permission refused by the Board in August 2004 for a development comprising infrastructural services including a distributor road of 0.57 km, realignment of the R148 (Maynooth Road) and a roundabout junction to facilitate proposed development, localised realignment and culverting of the Rye Water River to facilitate junction, provision of underground utilities, flood protection works comprising of raising existing ground level by 0.6m over a distance of 0.85km and all associated works.
- 4.1.3. The reason for refusal related to concerns regarding the location of the development on the natural flood plain of the Rye Water River. The Board were not satisfied on the basis of the documentation submitted, that the development would not exacerbate the risk of flooding.

Planning Authority DA/50310

- 4.1.4. Permission refused by Meath County Council in May 2006 for a development comprising 357 dwellings and a site for a crèche. The development also provided for the localised diversion and remodelling of the Rye Water River Channel and construction of a 9.7m span low profile arch bridge, roundabout junction with the R148 and proposed distributor road to the north and all associated landscaping, car parking, development and works.

Planning Authority Reference DA/60558/Appeal Reference PL09.223495

- 4.1.5. Permission refused by the Board in October 2008 for the development of 336 metres of new roadway comprising 7.3m carriageway, 2 no. 1.5m cycleways, 2 no. 2m footpaths, public lighting; 336m foul gravity sewer; 336m of watermain including hydrants, sluice valves and air valves and all associated site works. It was detailed that the new road would form a priority junction with the R125 and tie into a separate road proposal to the east of the application site to be lodged under a separate application with Meath and Kildare Co. Co.

4.1.6. The reason for refusal related to concerns regarding the location of the development on the natural flood plain of the Rye Water River. The Board were not satisfied on the basis of the documentation submitted, that the development would not exacerbate the risk of flooding.

Planning Authority Reference DA/100614/An Bord Pleanála Reference PL17.238370

4.1.7. 10 year permission granted by the Board in January 2013 for development of infrastructural works consisting of the provision and completion of a roundabout junction with the R148, the alignment of which is substantially within the administrative area of Kildare County Council and is the subject of a concurrent application; provision of a 7.3m wide distributor road alignment with integrated cycle track, 2m wide pedestrian paths and associated works.

Planning Authority Reference DA/100697/Appeal Reference PL17.239375

4.1.8. Permission granted by the Board in January 2013 for a 10 year permission for infrastructural works to include:

- A proposed distributor road (390m x 7.3m) with accompanying cycleways, footpaths and landscaping, a new signal controlled junction with the R125 and all ancillary site development works, and
- Associated flood mitigation works, i.e. the realignment and re-profiling of the existing drainage channel, the “Upper Ditch”, the provision of a new engineered flood storage channel and flood storage area and the partial re-profiling of lands with excavated fill.

Planning Authority Reference DA10/1044/Appeal Reference PL17.239211

4.1.9. 10 year permission granted by the Board in January 2013 for infrastructural works as part of a comprehensive overall co-ordinated design for the delivery of a distributor road, services and flood mitigation works which are included as objectives in the Kilcock Environs Local Area Plan 2009-2015 in the townland of Balfeghan, Kilcock, County Meath.

Planning Authority Reference DA/10/0834/Appeal Reference PL17.239523

4.1.10. A 10 year planning permission granted by the Board in January 2013 for development on lands (4.4 hectares) bounded by the R125 to the north-east and south/south-east, the Rye Water River to the south-west and adjoining lands to the

north/north-east in the townland of Newtownmoyaghy, Kilcock, County Meath. The development will consist of a distributor road (part of) and services infrastructure including flood mitigation works as part of the co-ordinated delivery of a distributor road of 2.7 kilometres from the R148 Maynooth Road at Branganstown to the R158 Summerhill Road at Dolanstown and flood mitigation works associated with the Rye Water River within Kilcock Environs.

Planning Authority Reference DA/11/1346/Appeal Reference PL17.239772

- 4.1.11. A 10 year planning permission granted by the Board in January 2013 for infrastructural works. The infrastructural works are part of a comprehensive overall co-ordinated design for the delivery of a distributor road, services and flood mitigation works which are included as objectives in the Kilcock Environs Local Area Plan 2009-2015. The overall distributor road will link the R148 (Maynooth-Kilcock Regional Road) to the south-east with the existing roundabout on the R158 (Summerhill Road) to the north-west.

Planning Authority Reference KCC10/571/Appeal Reference PL09.238818

- 4.1.12. Permission granted by the Board in January 2013 for a 10 year permission for development of infrastructural works in the townland of Branganstown, Kilcock. The development consisted of a partial realignment of the R148 over a length of 0.2km to provide for a roundabout junction facilitating access to zoned lands north of the site within the administrative area of Meath Co. Co. These works include associated drainage infrastructure including sewer connection to the approved Kildare Co. Co. Lower Liffey Sewerage Scheme and provision of a watermain to connect to the existing public main at Shaw Bridge and associated works.

Planning Authority Reference D11/0457/Appeal Reference PL17.240405

- 4.1.13. 10 permission granted by the Board in January 2013 for infrastructure works comprising the proposed section of distributor road which comprises a 7.3m wide carriageway with integrated cycleways, footpaths and landscaping together with all ancillary site development works.

Planning Authority Reference RA/150188/Appeal Reference PL17.246143

- 4.1.14. 10 year Permission refused by the Board in July 2016 for a development comprising 200 residential units, public open space, including riverside linear park along the Rye

Water River and a crèche. The development was to be facilitated by the permitted infrastructure permitted under ABP PL17.238370 and ABP PL17.239375. The reasons for refusal related to the fact that it was considered by the Board that the proposed scale of the development on the site and on the adjacent site would together bring the Kilcock housing allocation towards substantial completion as set out in the core strategy. Having regard to the scale proposed on both sites, it was considered that, in the absence of a school site adjacent to the neighbourhood centre, the proposed development would fail to set out a coherent strategy for a co-ordinated, integrated and sustainable development of the lands.

**Planning Authority Reference RA/150205/Appeal Reference PL17.246141
(Adjacent site)**

- 4.1.15. 10 year permission granted by the Board in June 2016 for a development comprising 152 new residential dwellings and public open space, including a linear park along the Rye Water River and a childcare facility. The development was to be facilitated by the permitted infrastructure permitted under ABP PL17.238370 and ABP PL17.239375. Note permission granted for 150 dwellings. Condition 3 stated:

“The proposed development shall not be occupied until:

(a) the entire flood protection measures set out in appeal reference numbers PL 09.238818, PL 17.238370, PL 17.239211, PL 17.239375, PL 17.239523, PL 17.239772 and PL 17.240405 have been completed to the written satisfaction of the planning authorities, and

(b) a detailed programme for the implementation of the entire distributor road and all piped services (including surface water and foul sewers and water mains) has been submitted to and agreed in writing with the planning authority.

Reason: To facilitate the orderly development of the Kilcock Environs area, to ensure that the flood management measures are completed in their entirety in a timely manner, and to ensure that the lands are properly serviced in the interest of public health.”

Planning Authority Reference RA/161443

- 4.1.16. 10 year permission granted by Meath Co. Co. in October 2017 for a development comprising 187 no. residential dwellings and public open space, including a linear

park along the Rye Water River and a childcare facility. The development was to be facilitated by the permitted infrastructure permitted under ABP PL17.238370 and ABP PL17.239375. Note: permission granted for 130 units. Condition 2 stated:

“Prior to the commencement of any development on the lands the subject of this application, the applicant shall submit for the written agreement of the Planning Authority a revised site layout plan with all residential development and the crèche located outside flood zones A and B as identified on the CFRAMS map published by the OPW dated the 21st November 2017. A total of 130 residential units and a revised crèche shall be provided within the agreed revised site layout plan areas. Any shortfall in public open space shall be provided for within flood zones A and B.

Reason: Based on information contained on the CFRAMS Map published by the OPW referred to in the above condition the proposed development is partially located in an area which is at risk of flooding.”

Planning Authority Reference RA/170429 and RA/181517

- 4.1.17. Amendments to the approved development RA/151205/ABP PL177.246141 permitted in June 2017 and February 2019 respectively.

It is noted that a number of other applications for residential development have been granted in the Kilcock area in recent years. A consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 was made in respect of 332 units and a crèche at lands adjoining Brayton Park, Kilcock under An Bord Pleanála Reference PL09.302746.

Other Relevant SHD Applications

306826 - Current SHD Application - 345 no. residential units (69 no. duplex units, 182 no. houses and 94 no. apartments). Townlands of Commons West, Boycetown and Kilcock (adjacent to the existing Brayton Park estate), Kilcock, Co. Kildare.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 20th June 2019 in respect of a proposed development of 589 no. residential units (403 no. houses, 44 no. duplex units, 142

no. apartments) and associated site works. The main topics raised for discussion at the tripartite meeting were as follows:

1. Principle of Development: compliance with the phasing requirements of the Meath County Development Plan and planning history of adjacent lands including RA/150205/Appeal Reference PL17.246141.
2. Development Strategy: with particular regard to overall site layout and architectural approach, proposed housing mix, house typologies, finishes and materials, distribution and layout of open space, road hierarchy and compliance with DMURS, creation of character areas, connections and permeability.
3. Traffic and Transport: with particular regard to road layout, access strategy, measures to address wider pedestrian, cyclist and public transport connectivity, interface with School and GAA site, car and bicycle parking.
4. Residential Amenity
5. Drainage and Flooding
6. Archaeology
7. Crèche
8. Any Other Business

Copies of the record of the meeting and the inspector's report are on this file.

- 5.1.1. In the Notice of Pre-Application Consultation Opinion dated 9th July 2019 (ABP Ref. ABP-304422-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

Principle of Development

- 5.1.2. Further consideration of documents as they relate to the Principle of the Development including a detailed report setting out inter alia the full rationale for the development of these phase 2 lands, the appropriates of the subject lands for the scale of development proposed having regard to the position of Kilcock in the settlement hierarchy; demonstration that the subject lands are sequentially

appropriate for development; full details of the extent of infrastructure delivered to date to serve the subject area and compliance details.

Development Strategy

- 5.1.3. Further consideration of documents as they relate to the development strategy for the site, in particular the architectural approach and overall layout of the proposed development.

Traffic and Access

- 5.1.4. Further consideration of documents as they relate to *inter alia* the design and layout of the internal road layout including measures to omit parallel roads to the distributor road, access and parking arrangements to serve crèche and GAA lands and pedestrian and cyclist connectivity to the wider area.

Surface water management and Risk of Flooding

- 5.1.5. Further consideration of documents as they relate to surface and storm water management for the development lands. This further consideration should have regard to the requirements of the Local Authority in respect of surface water treatment, attenuation and disposal and SUDS measures proposed for the scheme.
- 5.1.6. Relevant specific information was also requested, as detailed in the Board's Opinion.

5.2. **Applicant's Statement**

- 5.2.1. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1 – Principle of Development

- A report entitled Principle of Development sets out a rationale for the proposed development of these Phase II lands that outlines their appropriateness for development and seeks to demonstrate that the lands are sequentially appropriate for development.
- Substantial infrastructure has been delivered to date to serve the proposed development including 7.3m wide link road (approximately 0.57km in length) with footpaths and cycle tracks on both sides. The remainder of the link road tying into the R125 Moyglare Road is currently under construction under ABP Reg. Ref.

PL17.239375 (preceding MCC Reg. Ref. DA/106697). It is anticipated that these works will be completed in early 2020.

- The upgrade to the signalised junction at the R125 / link road to the west of the subject site was substantially completed in Q3 2018.
- Upgrade works from this signalised junction towards Meath Bridge to the south are to commence in Q1 2020 under ABP Reg. Ref. PL09.238818.
- A strategic 375/450mm diameter foul sewer and a 280/315mm diameter watermain was constructed as part of the above planning approvals to serve the proposed development. The strategic foul sewer discharges to the existing Irish Water (IW) 600mm diameter foul sewer located to the south of the subject site. This, in turn, discharges to the Kilcock Foul Pump Station located to the east of the site. The connection to the existing foul sewer was made in Q3 2017 and was approved by Kildare County Council (KCC) and Irish Water (IW).
- The strategic watermain connects to the existing IW watermain in the Kilcock Town Centre at the junction of the R148 and the New Road. This watermain connection was completed in Q4 2017 and was approved by IW. The remainder of the foul sewer and watermain networks in the link road are currently under construction and it is anticipated that these works will be completed in early 2020.
- In addition, a DMURS roundabout and partial road realignment of the R148 Maynooth Road works were completed in Q3 2017 (located within the administrative area of Kildare County Council under Reg. Ref. 10/571 and ABP Reg. Ref. PL09.238818). These works were undertaken for access to the road which once completed will provide a link between the R148 and R125 Regional Roads. As part of these works a 2m wide footpath and associated public lighting were provided along the northern boundary of the R148 from the roundabout towards Kilcock Town Centre to the west providing a pedestrian link to the town. These works were Kilcock Waste Water Treatment Plant completed in Q4 2017 and were approved and taken in charge by KCC.
- There is an existing greenway alongside the Royal Canal on the southern boundary of the R148 providing excellent pedestrian and bicycle linkages to the town.

- In relation to flood works the applicants confirm that the entirety of the flood protection measures set out in appeal reference numbers PL09.238818, PL17.238370, PL17.239211, PL17.239375, PL17.239523, PL17.239772 and PL17.240405 are fully completed and have been approved by MCC.

Development Strategy

- The overall design approach has been amended significantly to address the matters raised in the Opinion issued by An Bord Pleanála.
- Design now includes 20 No. house-types/mix of 1-bed, 2-bed and 3-bed dwellings in a wider range of multi-unit buildings comprising maisonettes, simplex apartments, duplex apartments and apartments.
- A clear hierarchy has been developed from the most public outer park edges leading into minor streets within, which in turn branch off into intimate local streets, in full compliance with DMURS.
- The proposed scheme now allows for numerous local connections to the surrounding residential area, school and town.
- A high-quality landscape strategy has been provided, with sensitive integration of buildings with parks in response to the natural topography of the site. The landscape strategy also integrates the proposed development with the adjacent construction and consented residential developments.

Traffic and Access

- The design and layout of the internal road layout has been amended to ensure parallel roads to the distributor road have been omitted.
- Access and parking arrangements to serve the creche and GAA club have been agreed with MCC Transportation Section.
- As requested, a raised 2m wide footpath and 2m wide cycle track has been provided on both sides of the access road that services the southern residential area and the GAA club.
- 14 No. car-parking spaces and 40 No. bicycle spaces have been provided for the creche. 40 No. car-parking spaces and 32 No. Bicycle spaces have been provided for the GAA Club.

Surface Water Management and Risk of Flooding

- An Infrastructure Design Report that is submitted with this application. This report details the storm water strategy for the development lands.
- Proposed SUDS measures, surface water treatment and attenuation measures proposed for the scheme will be similar to that employed in the neighbouring Millerstown Development (retention basins, permeable paving in driveways, swales in landscape areas where possible) as agreed with MCC Water Services Section.
- Attenuation calculations are included in the Infrastructure Design Report and have been issued to MCC Water Services Section. The Infrastructure Design Report references engineering drawings submitted with the application under separate cover where relevant.
- Site Specific Flood Risk Assessment (SSFRA) submitted with this application under separate cover. The SSFRA is in accordance with the requirements of the 'Planning System and Flood Risk Management Guidelines'.

Specific Matters

Detailed Archaeological Impact Assessment

- A detailed Archaeological Impact Assessment is submitted with this application.

Materials and Finishes

- Details of all materials and finishes are provided in the Architect & Urban Designers' Report and the Landscape Design Statement

Schedule of accommodation

- Housing Quality Assessment prepared by CCK Architects and submitted with this application under separate cover. Table 2 shows the exceedance of the minimum required total floor areas for each building type, which ranges between 10.6% and 20.5%. The Housing Quality Assessment contains the detailed residential schedule of accommodation tables for all building types. These tables clearly show that all units meet or exceed the areas in the Sustainable Urban Housing: Design Standards for New Apartments' 2018.

- All houses, duplex units and corner block units are dual or triple aspect. Of the 66 No. apartments; 3 are triple aspect (4.5%); 40 are dual aspect (60.6%) and 23 are single aspect (34.8%). All single aspect units are either east, west, southwest, or southeast facing.
- Both the minimum storage and private open space areas are met or exceeded for all unit types.

Traffic and Transport Assessment

- Traffic and Transport Assessment concludes that the impact on the surrounding road network will be minimal. The assessment was based on the anticipated levels of traffic generated by the proposed development, the existing and future road infrastructure and the information and analysis provided throughout the report.
- A Road Safety Audit and Quality Audit are also provided.

DMURS

- DMURS Design Statement submitted.

Childcare Demand

- Childcare Assessment Report submitted. This report assesses the existing childcare provision and capacity in close proximity to the subject site and provides an opinion on the need for a childcare facility to be integrated into the proposed design.
- The report considers that both the existing and proposed childcare services in Kilcock will be more than capable of meeting any future demand generated as a result of the proposed development.
- Landscaping - Landscape Design Statement submitted.
- Building Lifecycle Report – submitted.

Demand for School Places

- School Demand Report submitted. Concludes that the existing primary and post-primary schools, along with the proposed school developments as outlined, have

the capacity to accommodate the demand likely to be generated by the proposed development.

- Notwithstanding this, the Meath County Development Plan contains an objective for Kilcock for the provision of a primary school adjacent to the subject site. McGarrell Reilly have reserved a 1.6Ha site for the provision of a primary school and have received correspondence from the Department of Education and Skills confirming that the school will likely have sufficient capacity for 16 – 24 No. classrooms.

Construction and demolition waste management plan

- Submitted

Phasing Plan/Part V Details

- Submitted

Appropriate Assessment Screening Report

- Appropriate Assessment Screening Report and a Natura Impact Statement (NIS) have been submitted.

Works to be undertaken to the R125 in terms of pedestrian and cycle facilities, public lighting and any road upgrade works.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. National Planning Framework

Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

Section 28 Ministerial Guidelines

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009).
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019).
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009).
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

6.1.3. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

Kilcock lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

6.2. Local Policy

Meath County Development Plan 2013-2019

The subject site is located in the administrative area of Meath County Council and the operative Development Plan is the Meath County Development Plan 2013-2019. Under the settlement strategy, Kilcock is identified as a Moderate Sustainable Growth Town.

It is detailed that the function of such towns is to serve the rural hinterland as market towns. It is also stated that they should develop in a self-sufficient manner and levels of growth should be balanced to ensure that any increase in population will be in tandem with employment opportunities, capacity in physical and social infrastructure and will not be based on long distance commuting. Economic development and service provision in these towns will be an important factor in determining the appropriateness of new housing. These towns need to provide a full range of services adequate to meet local needs, both within the town and in the surrounding rural catchment area, but not generate long distance travel patterns.

Objective SSOBJ11 states:

“To ensure that Moderate Sustainable Growth Towns develop in a self-sufficient manner with population growth occurring in tandem with physical and social

infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.”

The majority of the site (14.6ha) contained in two different land parcels is zoned A2 (Phase II – Post 2019): To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy. A portion of the site is zoned F1: To provide for and improve open spaces for active and passive recreational amenities.

Under the Core Strategy, Kilcock is designated a household allocation of 398 units at an average net density of 35 units per hectare. The quantity of residential zoned land required is stated as being 11.4 hectares. CS OBJ5 seeks to ensure that the review of Town Plans and Local Area Plans to achieve consistency with the core strategy of Meath County Council Development Plan 2013-2019 will only identify for release during the lifetime of the Meath County Development Plan the quantity of land required to meet the household projections. The overall goal is to achieve a model of sustainable urban development through the promotion of an appropriate range of uses and sensitive enhancement of the natural environment where healthy, vibrant and diverse communities can grow. Under Objective SP3 it is detailed that lands identified with A2 “new residential” land use zoning objective but qualify as residential Phase 2 (post 2019) are not available for residential development within the life of the plan.

Variation Number 2 has introduced land use zoning objectives and an Order of Priority in to the Meath County Development Plan 2013-2019, which will manage the release of residential and employment lands for 34 no. centres/groups of centres across the county.

Kildare County Development Plan 2017-2023

Although located within the administrative area of Meath County Council, the following objectives of the Kildare County Plan and Kilcock LAP are noted. Under the Kildare County Plan, Kilcock is identified as a moderate sustainable growth town. It is stated that:

These towns in the Metropolitan area will continue to have a strong role as commuter locations within the fabric of continued consolidation of the Metropolitan

area. Future growth is related to the capacity of high quality public transport connections and the capacity of social and physical infrastructure. Connectivity to adjoining suburbs / towns and employment locations within the Metropolitan area is also a key requirement particularly focused on local bus / cycle/ pedestrian routes.”

It is detailed in the plan that by 2023, the new dwelling target will be 1,300 units. From 2023, the dwellings forecast is 3,514 units. Table 3.4 of the plan details the development capacity of identified housing lands in the county. While sufficient land is zoned to cater for the housing demands of the county up to 2023 and beyond some Towns, Villages and Settlements have surplus capacity relative to the Core Strategy allocation and some have a shortfall. It is identified that Kilcock has a slight oversupply of zoned lands (equating to approximately 277 units).

Kilcock Local Area Plan 2015-2021

Under Policy CSO 1 it is stated:

“To monitor the scale, rate and location of newly permitted developments to ensure compliance with the core strategy with regard to population targets in order to achieve the delivery of strategic plan led and coordinated balanced development within the town.”

7.0 Applicant’s Statement of Consistency

- 7.1.1. The applicant has submitted a Planning Report and 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 and the City Development Plan and I have had regard to same. The following points are noted:

National and Regional Policy

National Planning Framework

- Complies with the relevant policy objectives in the NPF.
- The proposed development will create a high-quality residential development that will be successfully integrated with the existing established residential community. The development aims to achieve a balance between density and open space.

- This proposal offers a broad range of accommodation choice (1, 2, 3 and 4-bedroom dwellings) in terms of both unit size and configuration. This variety will be attractive to a range of people and capable of accommodating households with different needs.
- The proposed design is flexible and provides for adaptable arrangement and use of space in the future.
- A net density of 39.8 units per hectare will be achieved.
- The proposed development will facilitate the construction of 575 No. residential dwellings and will considerably increase the population of Kilcock.
- The proposed development has been appropriately designed, including the provision of public open space amenity which will integrate with public open amenity space provided in the adjacent developments.
- The proposed development will provide links to the surrounding area, e.g. pedestrian and cycle links.
- The development of this site will also support existing businesses and services in Kilcock.
- Public open space provided.
- Compliant with DMURS and the National Cycle Manual
- Creche is being provided/119 child spaces
- 1.6ha site has been reserved for the future development of a primary school.
- Will contribute to the target of 550,000 new households by 2040.
- Well served by a variety of transport options.
- Considerable infrastructure works have been provided to serve the development.
- The proposed scheme addresses all of the criteria associated with increased density and will accommodate 39.8 no. dwellings per hectare without compromising residential amenity.
- The lands proposed for residential development fulfils the Tier 1 criteria as outlined in the NPF.

Regional Spatial and Economic Strategy – Eastern and Midland Regional Assembly

- Settlement Strategy – RPO 4.2 Sufficient existing and planned infrastructure within Kilcock, coupled with the supporting infrastructure proposed as part of this planning application to ensure there is sufficient capacity to service the proposed residential development.
- Flooding –RPO 7.12 - The application is accompanied by a Site-Specific Flood Risk Assessment and demonstrates that the proposed development is acceptable in flood risk terms and the design also incorporates the implementation of SuDS methodologies.
- Integration of Transport and Land Use Planning - RPO 8.3 - At a density of 39.8 dwellings per hectare, the development as proposed is an efficient use of the site.
- Housing –RPO 9.4 - The proposed apartments adhere to national apartment standards, as well as being designed to accommodate a mixed demographic profile. Specific details are provided in the Housing Quality Assessment prepared by CCK Architecture and Urbanism.
- Compact Urban Development – RPO 3.2 - The proposed development is located within the wider Dublin Metropolitan Area and Kilcock is identified as a Key Service Centre and Metro settlement in the RSE and SEA respectively.
- Water Supply – RPO10.1 - The proposed development includes the necessary water supply and wastewater infrastructure to support the proposed development and the supply and treatment capacity are available within existing infrastructure.

Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)

- Pillar 2: Accelerate Social Housing - The proposed development will provide 57 No. social housing units in line with legislative requirements. The development will therefore contribute towards the delivery of social housing units as set out within Pillar 2 of the Action Plan.
- Pillar 3: Build More Homes - The proposed development will provide 575 No. residential units and will therefore contribute to this target.

Sustainable Urban Housing – Design Standards for New Apartments: Guidelines for Planning Authorities

- Site falls into the 'Intermediate Urban Location' Category.
- The apartments offer an alternative and appropriate type of accommodation within the Kilcock housing market that will meet the housing demand and needs identified within the area.
- Nearest bus stop is approximately 800m and the rail station is approximately 1,200m from the subject site respectively.
- Meet/exceeds standards in relation to floor area, dual aspect, floor to ceiling height, internal storage, private amenity space, refuse storage, access, communal amenity space, child play areas, car parking.

Urban Development and Building Height – Guidelines for Planning Authorities (December 2018)

- The proposed apartments will range in height from three to four storeys. Given Kilcock's status as a Moderate Sustainable Growth Town, proximity to public transport infrastructure, that the duplex, corner blocks, and apartments will be landscaped, are located fronting the open amenity space, and the Rye Water river the proposed height is considered acceptable.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

- Outer Suburban / Greenfield Sites states that the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally.
- A density of 39.8 units per hectare will be achieved on site. This is considered appropriate as it contributes to the natural expansion of the Kilcock urban area.
- The proposal will provide for a total of 575 No. dwellings, a creche and GAA changing rooms.
- This is considered to be the most effective use of the site and is consistent with the development of the lands adjacent to the subject site.
- The proposal has been centrally planned to provide for a range of appropriately scaled landscaped open spaces around which new homes have been designed.

- The proposed pedestrian and cycle access will enable easy access through the site and to the existing services / facilities within the surrounding area in line with sustainable development policies.
- A density of 39.8 units per hectare will be provided. This is within the 35-50 dwellings per hectare identified for Moderate Sustainable Growth Towns.
- Proposed development meets the 12 criteria contained within the Urban Design Manual (2009)

Design Manual for Urban Roads and Streets

- Meets the criteria set out in DMURS

Childcare Facilities Guidelines for Planning Authorities

- The proposed creche will be 623 sq.m and will provide for a total of 119 No. childcare spaces and is considered an acceptable amount for this area.

Meath County Development Plan

Zoning

- Meath County Development Plan shows that the residential development sites, with a combined total of 14.45ha, are zoned as A2 (Phase II – Post 2019). The total area within the application site is 24.24 hectares and includes lands outside the zoned areas that will be public open amenity space. Therefore, the principle of providing residential development on this site has been assessed and accepted by the Planning Authority as part of the Meath CDP consultation and adoption process.

The following infrastructure works to facilitate and support the proposed residential development have taken place and have been undertaken by the applicant. These works include:

- A new roundabout on the Maynooth Road (R148) along with a pedestrian walkway provided on the Railway Station in Kilcock along the route of R148 and the Royal Canal;
- A new junction constructed on the R125 linking back to Kilcock Town centre;

- Distributor road (linking between the R148 and R125) is being completed in stages, mostly completed with final section to the new R125 due to be completed by Q1 2020; and
- Foul and potable water connections and flood alleviation works have been completed to enable the development of these lands for residential uses.
- Additional infrastructural works will also be required as part of the proposed development. These works are outlined in greater detail in the Infrastructure Design Report prepared by DBFL Consulting Engineers and submitted with the application documents.

Generally accords with the principles, objectives and policies contained within the Development Plan (save for the Phasing of Development which it materially contravenes) including *inter alia*

- Located within 1km of Kilcock Town Centre
- Well served by Public Transport
- Zoned for residential development
- The proposed development will provide 575 no. residential units which exceeds the 15% identified by MCC. However, given that Kilcock is located within the Metropolitan Area identified in the RSES and national policy will apply.
- Immediately adjacent to the Millerstown housing estate granted permission by Meath County Council.
- create a natural extension to the development of Kilcock/compact form of development
- Proposal provides a mix of units.
- Consistent with DMURS
- Compatible with housing character, principally those dwellings at Millerstown
- Play area provided/variety of open spaces provided.
- proposed to transfer those lands identified as Public Open Space to Meath County Council should planning permission be granted
- each house meets or exceeds the minimum area of private open space required.

- there is sufficient distance between the dwellings ensuring that sufficient amenity is achieved and privacy maintained.
- Proposed car parking spaces are predominantly in accordance with the CDP car parking standards and cycle parking standards (Table 11.9 of CDP). The proposed development provides for 1,019 No. car parking spaces as required.
- In accordance with policy TRAN POL 33, an appropriate balance of cycle parking spaces against car parking spaces has been proposed with 314 no cycle parking spaces.
- Variety of housing units provided.
- The application is not considered premature as the proposed development is due to take place on lands zoned for residential development and all necessary infrastructure is in place.

Material Contravention

- 7.1.2. The applicants state that granting permission for the proposed development within the lifetime of the current Meath County Development Plan 2013-2019 would be a material contravention of the adopted Plan. Justification for the Material Contravention is set out in Section 5.0 of the Planning Report and Statement of Consistency. Further justification for the principle of the development is set out in a number of documents including 'Principle of Development', 'Planning Report and Statement of Consistency; and Response to An Bord Pleanala Pre-Application Consultation Opinion.
- 7.1.3. Section 5.0 of the Planning Report and Statement of Consistency outlines a justification for the Material Contravention. This refers to the criteria outlined in 37(2)(b) of the Planning and Development Act 2000.
- 7.1.4. It is stated that the site is suitable for development for a number of reasons including the existing infrastructure works in place, there is sufficient potable water and foul waste capacity, a link road is under construction which will provide pedestrian, bicycle and vehicular access and the site is well connected.
- 7.1.5. This contends that the Meath County Development Plan includes conflicting objectives in relation to the zoning of these lands as Phase II (Post 2019) lands and

based on evidence submitted with the application it should be granted having regard to guidelines under Section 28 and Policy Directives under Section 29.

8.0 Third Party Submissions

8.1.1. 19 no. submissions on the application have been received from the parties as detailed in Appendix 1 of this report. The issues raised are summarised below.

General

- Draft plans states that the subject lands are not to be developed until after 2026/last ditch effort to secure planning permission.
- Significant other lands which are zoned and have approved permissions – these should be developed first.
- Application is premature
- Infrastructure works uncompleted
- Highest density is furthest from the town.
- Inclusion of a GAA pitch cannot be considered an amenity for future residents
- Insufficient green space provision
- Insufficient social infrastructure including schools and community facilities/doctors
- Impact on property prices.
- Impact on the Moyglare Stud
- No discussions have been had/No agreement has been reached with the local GAA club (Blackhall Gaels)
- No consideration of electricity supply/impact on utilities

Residential Amenity

- Overlooking
- Want restrictions on working hours
- Noise and dust pollution
- Significant negative visual impact as a result of the development.

- Impact of lights on the GAA pitch/negative impact on living conditions.
- Noise Impacts
- Visual impact - No proper assessment of property 07A (Table 5-5)/Dwelling is located off L6219 River Road not Moyglare Road
- Impact on sunlight
- Noise and dust pollution

Flooding/Site Services

- Upper Ditch is misrepresented. It comes to a full stop at our land boundary with a 6-foot culvert. McGarrell/Reilly flood Drainage works stop at this location.
- Upper ditch then flows through our property to meet the Bride Stream on the L6219 river road, it then flows to meet the Rye River further upstream. It does not flow in front of the proposed GAA pitch as represented on all McGarrell/Reilly maps.
- Use of green space areas as flood plain and attenuation areas raises safety concerns.
- Additional surface water coming from the new development
- Will cause flooding issues downstream
- Works that have been put in place do not reduce volume of water but slow the water course on the river.
- Additional surface water coming into the Rye River from a housing development of 500 homes in Branganstown, Co. Kildare.
- Drone Footage shows the Rye River at maximum capacity in November 2017 prior to the development of 500 homes.
- River has not been dredged in over 60 years/widening and deepening would be required.
- Open greenspace provided at the existing development regularly floods after rain/poses a serious safety risk.

- Proposed GAA site is situated within this low-lying area/drone footage shows proposed GAA site flooded.
- Continuous use of pumps shows the site is still and will always be waterlogged.
- Existing housing should never have got planning permission.
- Nearby farmlands downstream have already been badly affected and winter crops impacted.
- Nearby farms have seen an increase in flooding in the last 12 months/attribute to the development at Millerstown.
- Rye River has had no maintenance downstream/inadequate to cater for any increase in water levels entering its catchment from this proposed development.
- Danger to human and animal life/planned development will aggravate the situation further.
- Open space regularly floods at Millerstown.
- No road improvements have been put in place since permission was granted for the first estate.
- In relation to the water and hydrology report, the upper ditch water flow is not consistent with the report.
- Existing water mains through the north of the development makes no provision for the water supply to our home and working stables/impact on existing water supply.
- Evidence in November 2019 of flooding which would render the area unfit for purpose as a GAA pitch.
- Premature pending a proper resolution and a proper plan for the development of these playing fields.
- Flooding along the L6219 beside the river and to lands adjoin the Newtown Rive has always been a major problem
- Has been worse since the commencement of development of Millerstown
- Scale of development/not in keeping with the agricultural environment

- Object to GAA pitches forming part of a flood alleviation measures/inherent risks associated with developing this pitch.

Transport

- Road safety issues
- Access to the Dunboyne Road via Moyglare does not take into consideration L-6219
- Traffic and Transportation Assessment does not take account of RSA Data/Meath County Council/Proposes a road through lands not owned by the applicant.
- L6219 Road is in a bad state of repair/ ABP do not mention health and safety issues in relation to this road.
- Link road will put children at risk/not suitable for agricultural vehicles.
- Increase in traffic volumes.
- Already gridlocked at peak times.
- Proposed ring road not yet constructed
- Existing road is not designed for volume of traffic currently experienced.
- No proper TRICS Analyses carried out
- CCTV footage provided.
- L6219 is mistakenly called the Moyglare Road in the application documents/Will increase traffic flow on the L6219/Increase in traffic will result on a danger to public safety/Number of serious accidents on this road/TRICS analysis was carried out when traffic diversions were in place/diverting traffic flows away from the L6219.
- L6219 is not fit for purpose due to road erosion into the Bride Stream, narrow width of road, serious accidents, deep drop into fast flowing river, large volume of traffic, Meath engineers have stated this road is a major concern/Roads are prone to floodingRSA have designated this area as a blackspot area
- L6219 will not sustain the traffic volumes associated with the development/This road is heavily trafficked by users who wish to avoid tolls

- Site is poorly served by public transport.
- Under provision of car parking spaces.

Design/Height

- The height sets a precedent for other development.
- Size and scale of development – 5 storey apartment block is located farthest away from town centre/tallest buildings in the Kilkock Environs/will drastically effect the visual amenity for the entire area.
- Height is not in keeping with the area

Ecology/Appropriate Assessment

- The Rye Water River is a Salmonoid River/important ecological area to be protected.
- Further downstream is a Special Area of Conservation at Carton/Maynooth.
- Impact on ecology/already an impact which is already under strain following flood protection works in the area.

Other

- Impact on existing septic tank sewage systems.

Submission from Kildare County Council

- Would appear that a section of the application site is within the functional area of Kildare County Council.
- Investigation required to establish the exact location of the county boundary in this area in respect of the subject site.
- Questionable if the application is valid.
- Kildare County Council should have been consulted at Stage 1, 2 and 3 of the process.
- ABP Inspector's report acknowledged many of the required services for the proposed development are within the administrative area of Kildare County Council.

- Considered the development is premature pending the review of the statutory development plan for the site in Meath's County Council's functional area, further it would prejudice the sustainable plan-led growth to date in the overall town (not just in the Meath County Council area) together with the availability of transport and social infrastructure).

Social Infrastructure

- Travel times to education facilities as detailed in the application are not realistic.
- Kilcock does not have the required capacity to cater for the proposed development together with other permitted and under construction residential development in the town.
- No assessment of the capacity of existing social facilities within the EIAR.
- Statutory plans for the town direct growth to areas where existing and planned social infrastructure can adequately meet the demand generated.
- Kildare County Council is currently seeking to address social infrastructure deficits.
- KCC have concerns in relation to the capacity of childcare, education and social infrastructure.

Flooding

- Approach to flooding is based on out of date flood levels and has ignored the impact of the development on Kildare.
- Concerns in regard to maintenance of drainage and completed flood mitigation works.
- KCC approval of flood mitigation works, compliance with conditions recommended by KCC on previous MCC planning applications to provide funding for flood mitigation works in Kilcock Town Centre.
- Concerns that the continuing development of this site would cause flooding to lands in Kildare.
- Proposed development should be refused as it increases the risk of flooding.

- Concerns are expressed regarding the incomplete Kilcock ring main and wastewater network constraints in the Lower Liffey Valley Regional Sewerage Scheme catchment.
- Impact of the proposed development on existing Irish Water and wastewater network capacity constraints and provision of future development and a water services masterplan for the area in conjunction with Kildare County Council, Meath County, Irish Water, OPW, landowners and developers.

Roads and Transport

- Serious concerns about the impact on traffic generated by the proposed development in the vicinity of the subject site and the capacity of the road network in Kilcock.
- Proposed development is premature prior to the completion of the full distributor road from the R125 to the R148 which is a road objective in the Kilcock Local Area Plan 2015-2021.
- Footpath and cycle facilities on the R125 from the development to Meath Bridge and the construction of a new pedestrian/cycle footbridge at the Meath Bridge where there is currently no footpath facilities should be completed prior to occupation.
- Roads, Transportation and Public Safety Department recommends refusal of the proposed development as it would endanger public safety by reason of a traffic hazard and obstruction of road users due to the movement of additional traffic, including vulnerable road users, where the existing transportation network is at or near capacity.
- KCC considers that the development of these lands, at a remove from Kilcock Town Centre that do not meet sequential analysis is premature pending the upgrade of local transport infrastructure, including pedestrian and cycle infrastructure and also pending the provision of additional social and community services within the town of Kilcock,

9.0 Planning Authority Submission

9.1.1. Meath 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). 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. The reports/comments of the various internal departments are included within the summary below.

General/Principle

- While residential development is permitted on A2 New Residential, the Planning Authority is currently precluded from the consideration of residential development on A2 New Residential/Residential Phase II (Post 2019) lands within the current Plan period.
- It is noted that the subject site will remain zoned as A2 New Residential/Residential Phase II as part of the Draft Plan and will not be available for development until post 2026.
- A flood zone applies to a portion of the wider lands as illustrated on Sheet No. 21(a) Land Use Zoning Map for Kilcock Environs of the Draft Meath County Development Plan 2020-2026.
- The Planning Authority does not seek to rebut the content of the Applicant's Statement of Consistency and Material Contravention Statement.
- It is suggested that the proposed SHD meets the provisions of 37(2)(b)(iii) and (iv) of the Planning and Development Act 2000 (as amended).
- While residential development is permitted on A2 New Residential lands, the Planning Authority is currently precluded from the consideration of residential development on the A2 New Residential/Residential Phase II (Post 2019) lands within the current Plan period.
- The Planning Authority is proposed to retain these lands as Phase II (Post 2026) as detailed in the Draft County Development Plan.

- The proposed density can be considered acceptable if the assessment of the merits of the scheme in terms of residential amenity, capacity in infrastructure, integration with the surrounding area etc is positive.

Design/Layout/Mix/Standards

- The Urban Design Statement is considered to be a reasonable response to the characteristics of the site and surrounding area.
- The applicant has justified the proposal in terms of the 12 criteria stipulated in the Urban Design Manual.
- Mix has been amended since the pre apps to include more variety from 9 house types to 20 house types.
- Details and location of the pedestrian link through the future school lands would require agreement with the Planning Authority.
- Is unclear if the existing dwelling which is within the applicant's ownership is being demolished/if dwelling is being retained it would be directly overlooked by first floor windows proposed on the rear elevations of dwelling no. 407.
- Broadly satisfied that the proposal meets the requisite apartment design standards.
- In relation to phasing, it is recommended that the roads infrastructure, crèche/childcare facility, open space and some Part V housing is delivered early in the life of the development/prior to occupation of certain phases of the development/crèche should be provided in phase 1
- Maintenance arrangements for open space should be agreed with the Planning Authority.

Transport

- Linkages between the site and GAA pitch/school require careful consideration.
- Condition to limit construction to 100 units prior to the completion of the full extent of the Distributor Road between the R125 and R148.

- Kildare County Council to confirm acceptability of traffic impact at R148 Harbour Street/Shaw Bridge/New Road junction (Junctions 1 and 2) as these junctions fall within Kildare County Boundary.
- Future pedestrian connections to the Moyglare Road should be reserved.
- Several locations where pedestrian desire lines are not catered for at junctions/applicant should provide a revised drawing introducing crossing points at each arm of all internal junctions.
- Appropriate speed management measures should be introduced
- Cobble lock pavements are not acceptable for mews streets
- Cycle and pedestrian linkages to be delivered prior to the opening of the Distributor Road between the R125 and the R148.
- Southern site - Opportunity to increase permeability of the site and improve road safety through the consideration of providing a link road connecting the Distributor Road roundabout, which provides access to the northern section of the southern site, with the Moyglare Road to the north east of the site.
- Moyglare Road is currently considered unsuitable to cater for high road volumes from a road safety point of view given its classification, corresponding characteristics and associated flooding issues.
- Provision of a connecting link between the Distributor Road and the Moyglare Road would direct traffic along roads of suitable hierarchy and capacity to safely cater for these volumes of traffic. This link road would also improve permeability for the southern site and manage access to the adjacent GAA Playing Pitches in a more appropriate way.
- Applicant has provided a indicative alignment of a future link road to the Moyglare Road.
- Proposed parking for the residential elements is acceptable/no evidence to justify under provision of car parking for the crèche/insufficient set down space provided.

Surface Water Management, Wastewater & Water Supply

Surface Water

- Development as proposed broadly meets the requirements in relation to the orderly connection, treatment and disposal of surface water.

Flooding

- Applicant has not submitted a definitive Flood Zone map for the proposed development site.
- Can be approximated that the development site is partially situated within Flood Zone A and Flood Zone B/Justification test is required.
- 2009 Flood Relief Scheme is designed to protected against the Q100 plus Climate Change Design Storm/Does not protect against the 1000 year flood event the extent of which are defined by Flood Zone B.
- Proposed to raise lands to Flood Zone B levels to accommodate houses, roads, landscaping, - must be proven that the proposed development will not increase flood risk elsewhere – this has not been demonstrated clearly in the application for this proposed development.
- Recommend conditions in relation to flooding.

Waste Management/Environmental Protection/Public Health

- Details of construction waste management required – significant excavation required.
- Conditions recommended.

Part V, Development Contributions, Taking in Charge

- Housing Section has issued an 'Agreement in Principle' letter to the applicant on 14/11/2019.

Social Infrastructure

- Recommend that crèche/childcare facility is conditioned to form part of Phase 1

Other

- ABP invited to consider applying a planning condition in relation to public art work.

Heritage/Conservation

- There are two recorded and registered national monuments on the site – both ring ditches and are funerary monuments dating from the Bronze Age/proposed development ignores both Monuments/nom mitigation measure in place/this is not an acceptable approach.
- Proposed scheme should be redesigned to create a ‘green/amenity’ zone around the monuments.
- PA acknowledges comments from the DAU/recommends conditions.

Natural/Cultural Heritage

- Condition that all mitigation measures detailed in the EIAR, NIS and CEMP are implemented.

Conclusion

The PA invites the Board to consider the contents of the Chief Executive’s Report.

I note that conditions are not expressly set out at the conclusion of the document but are contained within the document under the various headings. Conditions of note include:

Transport

- a) Applicant shall not construct any more than 100 no. units for occupation prior to the construction of the through road connecting the R125 to the R148.
- b) Provision of crossing points at junctions/additional speed management measures/swept path analysis
- c) Developer shall submit a design solution for the link road connecting the Distributor Road roundabout, which provides access to the northern section of the southern site, with the Moyglare Road to the north-east of the southern site.
- d) Details of a pedestrian links though the future school lands.
- e) Detailed designs for the following:
 - Provision of new traffic signals at Meath Bridge and associated road improvements.
 - The co-ordination by way of a MOVA system
 - Traffic related CCTV facilities.

f) Provision of future cycle/pedestrian links to Moyglare Road.

Flooding

- a) Submission of a detailed assessment to demonstrate to the written satisfaction of the Planning Authority that the proposed development shall not increase flood risk elsewhere/modelling of the proposed development and the flood relief scheme.
- b) Modelling of culvert blockages.
- c) Maintenance plan for the Flood Relief Scheme.
- d) Provision of a riparian strip.

Elected Members

9.1.2. A summary of the views of elected members as expressed at the Ratoath MD Meeting is included in Appendix 5 of the Chief Executive's Report. No date of the meeting is noted. Matter raises included:

- The need to build the crèche in the early stages of the development.
- The need to provide play areas.
- Welcome the fewer number of apartments relative to other developments.
- Condition be included to open the road onto the Newtown Junction to provide an additional exit.
- School capacity an issue.
- Adequate parking spaces should be provided/general concerns in relation to traffic.
- Part V provision.
- Need for additional community infrastructure.
- Need for rail line to be extended from Maynooth to Kilcock.

10.0 Prescribed Bodies

Inland Fisheries Ireland

- The River Ryewater is exceptional among most urban rivers in the area in supporting Atlantic salmon and Sea trout in addition to resident Brown trout populations.
- This catchment lies within the catchment of the River Liffey, a nationally important salmonid system.
- Surface waters from the development potentially drain directly to a tributary of the Liffey in this area/waters constraints will apply to any development in this area and should not be impacted negatively as a result of proposed development.
- The Royal Canal represent biologically valuable fisheries (and overall biodiversity) resources/supports significant populations of coarse fish (including Pike, Perch, Roach, Rudd, Bream and Tench)/range of other freshwater aquatic species/ all associated floral and faunal components in adjacent habitats.
- Ground preparation and associated construction works have significant potential to cause the release of sediments and pollutants into surrounding watercourses/Any top soil material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the surface water network/Drainage from topsoil storage area may need to be directed to a settlement area for treatment.
- Wheel wash facilities can be a source of surface water silt contamination and should receive regular inspection and maintenance/Mitigation measures should be put in place.
- The planned crossings of the onsite watercourse should be subject to agreed detailed drawings and method statements with IFI.
- All works will be completed in line with the Construction Management Plan (CMP)
- Monitoring of settlement ponds and surface water runoff during the construction stage, as outlined in chapter 5 of the CEMP should be made a condition of planning. A written log of this monitoring should be available for inspection onsite.
- receiving foul and storm water infrastructure should have adequate capacity

DAU

- Note the presence of two ring-ditch sites and an enclosure site within the footprint of the proposed development.
- Recommend conditions in relation to archaeology.

Irish Water

- Irish Water is actively pursuing a hierarchy of solutions to address network constraints in the Lower Liffey Valley catchment of which Kilcock is a part. The scope of the LLVRSS project will be informed by the outcome of the LLV Drainage Area Plan (DAP).
- The LLV DAP project is currently due for completion in Q4 2020 when high level intervention and improvement plans will be developed to address the LLVRSS project needs.
- In regard to the development proposal at Newtownmoyaghy, Irish Water confirms the applicant has engaged with Irish Water in respect of the requirements identified as part of the feasibility assessment to accommodate the proposed water & waste water connections at the development and Irish Water has issued a Statement of Design Acceptance for the development.
- The applicant will need to provide adequate fire storage capacity within the development.
- The applicant will be required to sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.

Transport Infrastructure Ireland

The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

11.0 Appropriate Assessment

- 11.1.1. An Appropriate Assessment Screening Report (dated December 2019) and an NIS (dated December 2019) were submitted with the application. I have had regard to the contents of same and I have made reference to both documents, where relevant, below.

11.1.2. In term of existing habitats on the site, the Screening Report notes that the southern area of the site comprises a combination of bare soil and arable crops and a short length of hedgerow. An open drainage ditch is on the southern boundary which has minimal vegetation. It is noted the southern site has been highly modified. The northern area has retained its agricultural character and is composed of fields of improved agricultural grasslands and hedgerows.

11.1.3. It is noted that the Rye Water flows south of the southern portion of the development lands which leads to the Rye Water Valley/Cartron SAC approximately 5km to the east. It is noted that there are no habitats which are examples of those listed on Annex 1 of the Habitats Directive or habitats suitable for species listed on Annex 1 or Annex II of the Birds Directive.

The Project and Its Characteristics

11.1.4. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected - Stage I Screening

11.1.5. The development site is not within or directly adjacent to any Natura 2000 site. This site is currently rural in nature but lies on the boundary of an urban area and at the time of my site visit there was construction activity, partly on, and adjacent to, the site.

11.1.6. The Rye Water River runs along the southern boundary of the site. The 'Upper Ditch', a tributary channel of the Rye Water, bisects the site. Rye Water in turn joins the River Liffey at Leixlip, approximately 11km to the east of the site. There are also significant flood defence works, both under construction and completed, either on or adjacent to the site.

11.1.7. I have had regard to the potential zone of influence as identified in the submitted Appropriate Assessment Screening Report which identifies the following 5 no. Natura 2000 sites as falling within the zone of influence of the proposed development site:

- Rye Water Valley/Cartron SAC (001398) –c5.3 km from site
- South Dublin Bay and River Tolka Estuary SPA (004024) – c28.7 km from site
- South Dublin Bay SAC – c30.2km from site

- North Dublin Bay SAC (001209) – c31.7 km from site
- North Bull Island SPA (004006) – c31.7km from site

11.1.8. In determining an appropriate zone of influence, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie). I concur that the sites as listed above are the only Natura 2000 sites that fall within the zone of influence of the project, due to the hydrological connection the site to the Rye Water Valley/Cartron SAC via the Rye Water River, which in turn has an indirect connection to Dublin Bay via the River Liffey. Surface water and wastewater pathways also ultimately lead to Dublin Bay, with potential impacts on these sites.

11.1.9. No other Natura 2000 sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 11.1 Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest
Rye Water Valley/Cartron SAC (001398)	c5.3km	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
South Dublin Bay and River Tolka Estuary SPA (004024)	c28.7km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130]

		<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC (000210)	c30.2km	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p>

		<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
<p>North Bull Island SPA (004006)</p>	<p>c31.7km</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p>

		<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	c31.7km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>

		Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]
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Potential Effects on Designated Sites

- 11.1.11. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.
- 11.1.12. In relation to the Rye Water Valley/Carton SAC (Site Code 001398), the Screening Report notes the SAC boundary stretches from east of Maynooth as far as Leixlip Village. It flows through the Carton demesne which is wooded with specimen native and non-native trees. The river is dammed in a number of places and this has created a series of small lakes. The SAC covers an area of nearly 73ha.
- 11.1.13. Information on the NPWS website states that this SAC is a river valley site which includes at its western end a large area of estate woodland and an artificial lake. The eastern section of the site includes a section of railway, canal and aqueduct; it continues as far as Leixlip town. The site is underlain by carboniferous limestone over which has been laid a layer of glacial drift. The importance of the site lies in the presence of a number of rare plant and animal species and a rare habitat, i.e. thermal, mineral, petrifying spring. The spring gives rise to a calcareous marsh, the habitat for *Vertigo angustior* and *Vertigo moulinsiana*.
- 11.1.14. The site synopsis states that *inter alia* the rare Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail occur in marsh vegetation near Louisa Bridge. Both are rare in Ireland and in Europe, and are listed on Annex II of the E.U. Habitats Directive.
- 11.1.15. To date specific conservation objectives have not been set. Generic conservation objectives as published by the NPWS are stated as :
- To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.*
- 11.1.16. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

11.1.17. Favourable conservation status of a habitat is achieved when:

- Its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

11.1.18. The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

11.1.19. The Screening Report notes that the habitats on the application site are not associated with either habitats or species listed in the qualifying interests for the Rye Water Valley/Carlton SAC and notes that there is no scientific evidence to suggest that the survival of the snail is affected by elevated sediment concentration in rivers. It is further noted that the snail has not been recorded at the Louisa Bridge site since 1997. It is noted, however, that the Vertigo Snails are very sensitive to changes in hydrology (e.g. frequency of flooding, water levels within their marsh habitats etc). It is stated that the construction phase is not likely to affect hydrology at the SAC. In this regard, I refer the Board to my consideration of Flooding Issues at Section 13.3 of this report and also considered further in this section of the report.

11.1.20. During the operational phase of the project, changes to water chemistry and in particular the nutrient characteristics which may arise from wastewater discharges cannot occur as the discharge point from the Leixlip wastewater treatment plant is downstream of the Rye Water Valley/Carlton SAC. The location of the qualifying features in the SAC are over 11km from the construction zone.

- 11.1.21. The Screening Report concludes that while there is no direct evidence that pollution which may arise from construction could affect qualifying interests of the Rye Water Valley/Carnton SAC, given a precautionary approach, it is prudent to conclude that significant effects cannot be ruled out to this SAC and a Stage II Appropriate Assessment is required. A NIS is submitted.
- 11.1.22. In screening for Appropriate Assessment I have had regard to the submitted Screening Report, the NPWS Website and other relevant information on file, including the documents submitted with the application and third party submissions.
- 11.1.23. In relation to the 4 no. Natura Sites associated with Dublin Bay, the site, at its closest point the site is over 28km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality, however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. Because of the distance separating the site and the SPAs/SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs/SACs. Furthermore, I am satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the Dublin Bay coastal sites listed above in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.
- 11.1.24. In relation to the Rye Water Valley/Carnton SAC, the Board should note that is no evidence on file, or from any other relevant source that increased sedimentation associated with soil-run off during construction stage would have a likely significant effect on the Rye Water Valley/Carnton SAC, having regard to its conservation objectives.
- 11.1.25. However, and as described in Section 9.6.2 of the submitted EIAR, potential construction phase impacts, in the absence of mitigation, include pollution in surface water runoff, accidental spills and leaks associated with storage of oils and fuels, and leaks from construction machinery and spillage during refuelling and maintenance contaminating the surrounding surface water and hydrogeological environments,. There is little discussion within the Screening Report of the likelihood or significance of the potential impacts as described above on the qualifying interests of the Rye Water Valley/Carnton SAC.

- 11.1.26. In relation to the construction phase, the method whereby the proposed housing and ancillary structures would be built on the applicant's landholding is set out in the submitted Construction and Environmental Management Plan (CEMP). The plan provides details of how the works would be carried out and, including *inter alia* the stripping of topsoil and excavation of subsoil, erosion and sediment control, accidental spillage and leaks and biodiversity, as well controls on vibration and noise.
- 11.1.27. The measures set out therein are not measures that are designed or intended specifically to mitigate a putative potential for an effect on a Natura 2000 site. However, given the specific characteristics of this site, with two distinct watercourses running through the site, providing a direct hydrological link to the Rye Water Valley/Carton SAC, and having regard to the scale of the project proposed, it could be argued that such measures could be perceived as mitigation measures in AA terms, and as such, I have not had regard to same in my screening assessment. As such likely significant effects, resulting from pollutants, on the Rye Water Valley/Carton SAC cannot be ruled out, having regard to the site's conservation objectives.
- 11.1.28. In relation to surface water run-off, and potential off site flooding, and elevated flood levels downstream, during the operational phase of the development, I am not satisfied that this issue has been resolved satisfactorily (see Section 13.3 'Flooding' below). Given that it is explicitly stated within the Screening Report that Vertigo Snails are very sensitive to changes in hydrology (frequency of flooding, water levels within the marsh habitat etc), likely significant effects on this qualifying interest of the Rye Water Valley/Carton SAC carton cannot be ruled out, having regard to potential downstream flooding.
- 11.1.29. In relation to the operational phase, foul water will be discharged to a local authority foul sewer and will be treated at the Leixlip Wastewater Treatment Plant (WWTP), and discharged to the River Liffey. This is downstream of the Rye Water Valley/Carton SAC and therefore effects on this site can be ruled out.

In Combination or Cumulative Effects

- 11.1.30. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Meath/Kildare area. This can act in a cumulative manner through increased volumes to the Leixlip WWTP.
- 11.1.31. The provision of housing and associated development in Meath and Kildare is catered for through land use planning by Meath County Council and Kildare County Council, through the relevant Development Plans and LAPS. These have been subject to AA by the relevant planning authority, who have concluded that their implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Similarly, I note the planning authority raised no Appropriate Assessment concerns in relation to the proposed development.
- 11.1.32. Taking into consideration the average effluent discharge from the proposed development as detailed in the Screening Report (additional loading is expected to be 1,553 P.E and the available loading is 41,752 P.E), the impacts arising from the cumulative effect of discharges to the Leixlip WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

Having regard to the potential for pollutants to enter the Upper Ditch/Rye Water watercourses, and subsequently the Rye Water Valley/Cartron SAC, and having regard to the potential for increased off-site flooding as a result of additional surface water run-off, likely significant effects on the Rye Water Valley/Cartron SAC cannot be ruled out, having regard to the site's conservation objectives, and a Stage 2 Appropriate Assessment is required.

Stage 2 – Appropriate Assessment

- 11.1.33. Section 3.2 'Impact Prediction' of the submitted NIS states that during construction there will be earth movement and the exposure of soils. Given the proximity of the Rye Water to the construction areas, the risk of pollution is high. This may include silt and sediment as well as toxic substances such as concrete, oils and fuels. Although there is no direct evidence that pollution which may arise from construction could

affect qualifying interests of the SAC, given a precautionary approach it is prudent to conclude that significant effects cannot be ruled out to the SAC.

11.1.34. The Conservation Objectives for the site are set out in Section 3.3 of the NIS (and these are as per the Screening Report). The NIS states that although the link between water pollution and the qualifying interests of the Rye Water Valley/Carlton SAC are not well established, a precautionary approach is being taken which assumed that pollution during the construction phase may result in effects to the integrity of the SAC.

11.1.35. It is further stated, however that, impacts on the integrity of the site, as determined by its structure, function and conservation objectives, are not anticipated as a result of the proposed development.

11.1.36. Mitigation Measures are set out in Section 3.4 of the NIS and these measures include:

- Erection of silt curtains to prevent ingress of silt into the Rye Water and drainage ditches which feed into the Rye Water.
- Appropriate Storage of oils, fuels etc.
- Site personnel training
- Maintenance of these measures.

11.1.37. Section 4 of the NIS concludes that with the implementation of these measures adverse effects to the integrity of the Rye Water Valley/Carlton SAC will not occur.

11.1.38. I have a number of concerns on relation to the submitted NIS. There is very little discussion of the proposed mitigation measures designed to prevent pollution and they do not necessary correspond with other pollution control measures as set out elsewhere in the application documents (such as the Construction and Environmental Management Plan and the EIAR). More detailed pollution control measures are set out in the applicants Environmental and Construction Management Plan (CEMP) and these relate to *inter alia* surface water runoff, erosion and sediment control, accidental spills and leaks, control of dust and protection of fisheries waters.

11.1.39. While in my view the NIS should have set out clear mitigation measures for each likely significant impact, including detail on how the measure will reduce the impact to a non-significant level or will avoid the impact altogether, I am satisfied that the mitigation measures as outlined in the Environmental and Construction Management Plan give sufficient comfort that impacts from potential pollutants will be avoided or reduced to a non-significant level. In the event that such measures could fail or not be 100% effective, I note that the boundary of the application site is c5km from the Rye Water Valley/Carton SAC, and the qualifying interests of the site are some 11km from the site, and it is unlikely that pollutants arising from the proposed development either during construction or operation could reach the Rye Water River/Carton SAC in sufficient concentrations to have an adverse impact on the integrity of the site, in view of its qualifying interests and conservation objectives. As such, having regard to the discussion above, adverse effects on the integrity of the Rye Water Valley/Carton SAC, resulting from pollutants can be ruled out.

11.1.40. The Screening Report indicates that there will be no changes to the downstream hydrology of the area. However, given my concerns in relation to surface water run off (as per Section 13.3 of this report) and the potential increased risk of downstream flooding, there is in my view, some potential for changes to the downstream hydrology.

11.1.41. Figure 5 of the Screening Report shows the location of the marsh area in which the vertigo snails are to be found, and its location relative to the Rye River. This is located some 11km from the site. It is therefore likely that any potential additional flood waters generated by this development would have flooded sites in closer proximity to the development site, and as such adverse effects on site's integrity, having regard to the impact of flooding on the vertigo snail, can be ruled out.

AA Determination – Conclusion

11.1.42. Having regard to the works proposed during construction and operational phases, and subject to the implementation of best practice construction methodologies, and the proposed mitigation measures as detailed in the NIS, I consider it reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans and projects would not adversely

affect the integrity of the European site Rye Water River/Carton SAC (site code 001398) or any other Natura 2000 sites.

12.0 Environmental Impact Assessment (EIA)

- 12.1.1. As required by Schedule 6 the EIAR submitted to the Board contains a non-technical summary, reference lists detailing the sources for the assessments within the EIAR, and a list of the experts who contributed to the preparation of the report. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d).
- 12.1.2. I have carried out an examination of the information presented by the applicant, including the EIAR. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.
- 12.1.3. The main issues raised specific to the EIA can be summarised as follows:
- Population and Human Health
 - Landscape and Visual Impact
 - Material Assets: Traffic and Transport
 - Material Assets: Built Services
 - Land and Soils
 - Water and Hydrology
 - Biodiversity
 - Noise and Vibration

- Air Quality and Climate
- Cultural Heritage – Archaeology

12.1.4. These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

The EIAR is laid out in three volumes - a non-technical summary (Volume 1), the EIAR (Volume II) and Appendices to Environmental Impact Assessment Report (Volume III).

12.1.5. Chapters 1 and 2 establish the legislative context, detailed description of the proposal, construction programme and phasing. Alternatives have been considered in Chapter 3. A do-nothing scenario and cumulative impacts are considered in each chapter. Impacts and interactions are considered in chapter 14. Mitigation measures are addressed within each section, with a summary of mitigation and monitoring measures presented in chapter 15.

12.1.6. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

12.1.7. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 13 of this report above.

Alternatives

12.1.8. Section 3 of the EIAR sets out the assessment of alternatives. Section 3.3 'Alternative Locations' does not consider alternative locations but notes that the subject site zoned for residential use and open space in the Meath County Development Plan 2013-2019, which was subject to SEA and AA. It is considered then that the application site is an appropriate location for the proposed development. Section 3.4 considers alternative designs. It is stated that alternative layouts and designs considered included variations in relation to provision of open space, permeability and connections, height and location of the proposed apartment blocks and transportation related issues. The Do Nothing Scenario erroneously

refers to the existing use of the site as a car park with ancillary buildings, which is rather unsatisfactory. However, the need for residential development is cited the major reason to progress the development.

12.1.9. Notwithstanding the error referred to above, which does not have a material impact on any conclusions drawn in relation to alternatives, overall I am satisfied that the issue of alternatives has been adequately assessed.

Assessment of the Likely Significant Direct and Indirect Effects

12.1.10. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

12.2. Population and Human Health

12.2.1. Population and human health is assessed in chapter 4 of the submitted EIAR. The methodology of the assessment is presented, noting that several site visits were undertaken to inform the assessment.

12.2.2. Section 4.4.3 sets out the demographic profile. It is noted that the overall population for the four relevant electoral districts has increased by 14.5% between 2011 and 2016 with the overall population trend expected to increase. Relevant employment statistics are set out and reference is made to the availability of existing social infrastructure. The proposal is considered to have a positive, short-term no significant impact on population and economic activity during the construction phase. It is concluded that there will with a negative brief and short-term, not significant impact on local amenities, as a result of the disruption to the local GAA Sports ground in advance of the constriction of the main access road to this facility.

- 12.2.3. During the operational phases the proposal will have a positive, permanent moderate impact on the population of Kilcock as a result of *inter alia* increased economic activity.
- 12.2.4. Mitigation measures are outlined in section 4.6 of the EIAR. Mitigation in relation to the construction phase is set out, and includes the implementation of a Construction and Environmental Management Plan.
- 12.2.5. Residual impacts as a result of the construction phase are considered to be negative, short-term and slight with a positive, permanent slight impact during the operational phase.
- 12.2.6. I am satisfied therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

12.3. **Landscape and Visual Impact**

- 12.3.1. The landscape and visual impact of the proposed development is assessed in Chapter 5 of the EIAR. The site is mostly in agricultural use divided by hedgerows and is divided into two distinct areas by a drainage ditch that feeds into the River Rye Water which runs to the south of the site. It is that two 38kv overhead electricity lines will be relocated underground and will require two lattice masts to be constructed in the south of the site. These lattice masts will be up to 13.0m in height.
- 12.3.2. It is noted that the proposed development will be suburban in character, visually similar to the existing adjacent residential development, Millerstown, in scale and typology. There is no protected views or prospects listed in the Meath County Development Plan that are relevant to this study area. The site is located within the Royal Canal Character Area, and the landscape is characterised as having a High Landscape value with an overall moderate landscape sensitivity. There are no tree preservation orders relating to the site.
- 12.3.3. In relation to views and prospects set out in the Kildare CDP 2017-2023 and the Kilcock Local Area Plan 2015 – 2021 there are two protected views that are of relevance: Chambers Bridge, Maws (view reference RC9) at Lock 15 and Shaw Bridge (view reference RC10).
- 12.3.4. The natural topography of the site falls gently towards the watercourse. In the northern section of the site there is a difference of 8m between the highest point of

the housing development (c70mOD) in the northwest of the site and the lowest point (stream at c62m). The southern section of the site is flatter, with a 3m level difference between the highest point and lowest. The topography has been altered due to the implementation of flood control measures.

- 12.3.5. The site is enclosed to the large extent by trees and hedgerows along the north, west and east boundaries. The most exposed views are along the R148 and the Royal Canal Pedestrian Route.
- 12.3.6. The proposed development is likely to visually impact on the existing environment and its surroundings. This will be due to the need for vegetation removal in places, the potential impacts from construction works and the operational use of the proposed development.
- 12.3.7. During the construction phase, the removal of existing hedgerows will result in a permanent negative impact, locally significant, but moderate in the wider regional landscape context. The impacts are considered in the absence of mitigation. Short-term very significant negative impacts will be experienced by a number of the adjacent residential receptors. During the operational phase, the completed development will have a substantial effect on the landscape character of the site. Potential very significant and significant negative visual effects from the R148 adjacent to the Royal Canal, a residential dwelling 'Rosdara', a dwelling off Moyglare Road (07), R125 at distributor road junction and open view north from Royal Canal Way in the absence of mitigation. Cumulatively the impact is considered to be slight to moderate for receptors along the western fringes of the proposed site.
- 12.3.8. Mitigation measures are set out in Section 5.6 and include design mitigation in terms of housing types, site hoarding during construction phase, landscaping and appropriate planting to offset operational phase impacts (as set out in the Landscape Design Statement).
- 12.3.9. Table 5.7 sets out the likely residual impacts. Of particular note is the residual visual impacts likely from the existing dwellings with direct views onto the site. In particular Receptor 05A (Rosdara) will experience significant residual impact as a result of the introduction of lattice masts, and receptor 07A as a housing will be constructed within 160m to the west of the dwelling. In overall terms, the operational phase visual impact will be a permanent, negative, moderate effect.

12.3.10. I have considered all of the written submissions made in relation to landscape and visual impact. I have also had regard to the Landscape Design Statement which details the landscape and open space strategy. A series of open spaces have been incorporated into the plan with a diverse range of tree and shrub planting proposed

12.3.11. I am satisfied that the many of the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. While I note that receptor 05A may experience negative visual impacts as a result of the lattice mast, the mast will be located some 130m from the boundary of this property and I do not consider the impact will be significant. I do not concur with the assessment set out in the EAIR in relation to the impact on receptor 07A, and I do not consider that the visual impact of a dwelling located 160m from this receptor would be significant.

12.3.12. In conclusion, I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the Landscape or on visual impact.

12.4. Traffic and Transport

12.4.1. Traffic and Transport is discussed in Chapter 6. I have also had regard to other relevant information as relation to Traffic and Transport, including the Traffic and Transport Assessment, submissions from Meath and Kildare County Council as well as Third Party submissions.

12.4.2. The EIAR sets out the existing network as well as the bus and rail network that serves in the site. In relation to the latter, Kilcock is serviced by Bus Eireann service (Route 115) 'Longford – Mullingar – Dublin). The nearest bus stop is located on Harbour Street which is located approximately 800m from the subject site. This has 33 services from Dublin City Centre, and 32 services from Kilcock every weekday.

12.4.3. In terms of rail services Kilcock is located on the 'Dublin – Sligo' rail line, with approximately 11 services per weekday.

12.4.4. An overview of the proposed development is set out in Section 6.2. In terms of site access, both the southern and northern development lands will be accessed off the emerging distributor road corridor. The southern development lands will be accessible via a new roundabout junction and priority controlled junction with the

emerging distributor road. The northern development lands will be accessible via 2 no. priority controlled junctions with the distributor road. The distributor road, once complete, will provide segregated pedestrian/cycle facilities on both sides of the road.

- 12.4.5. In terms of parking, the proposals include the provision of 1,019 dedicated car parking spaces on-site comprising 561 no. within the Northern Site and 458 no. within the Southern site (including 40 no. GAA changing room car parking spaces). 314 no. cycle parking spaces are proposed. While the parking provision is a shortfall of the Development Plan requirements, I consider the provision reasonable, given the location of the site relative to public transport infrastructure. The apartments should each be guaranteed a space, rather than the arrangement that is proposed by the applicant (as detailed in Section 4.3 of the Traffic and Transport Assessment), and should the Board be minded to grant I recommend a condition is imposed in relation to same,
- 12.4.6. In terms of phasing, the southern development site is proposed to be constructed first with the initial 100 housing units within the southern site assumed to be built and occupied by the end of the adopted 2021 opening year. The remaining units of the southern site and the full northern development site is assumed to be complete and occupied by the 2026 Future Design Year.
- 12.4.7. A baseline scenario was determined for 6 no. key junction in proximity to the development site, In terms of traffic impacts, the appraisal adopts an Opening Year of 2021, with Future Design Years of +5 and +15 years, in accordance with TII Guidance. A do nothing scenario considers the impact of surrounding permitted developments only (sites 1 and 2).
- 12.4.8. The distributor road running through the site will form approximately 32% of the overall distributor road identified in the Kilcock LAP (approximately 2.7km in length) and will stretch from the R148 Maynooth Road to the R125 Dunshaughlin Road. All other sections of this road have been granted approval by ABP. By the 2026 Future Design Year it is assumed that the entire Distributor Road between the R148 Maynooth Road and the R125 will be complete whilst the remaining sections of the Distributor Road will be complete by the 2036 Future Design Year. Upgrades at the

New Road/Harbour Street Junction are assumed to be in place before the 2021 opening year.

- 12.4.9. In the do nothing scenario, all junctions were seen to be operating within their capacity. During the construction phase the impact will be negative in the short-term in the absence of mitigation. During the operational phase, a material impact (>10%) is experienced at Junctions 1, 2 and 3 in the 2036 Future Design Year and these junctions are selected for detailed analysis. Junction 4, while the impact level is less than 10% is subject to detailed analysis due to its proximity to the subject development site.
- 12.4.10. With mitigation in place, residual impacts as a result of construction phase measures are considered to be short-term and negative. The impact as a result of the operational phase of the proposal, is considered to be negative, not significant and permanent.
- 12.4.11. Meath County Council seek the provision of a connecting link between the distributor road and the Moygare Road, which would result in traffic reductions on the existing Moyglare Road, which is in a poor state of repair and appears to be unfit for purpose. While this would be beneficial, in my view, given the concerns raised by the Planning Authority and third party submissions in relation to the existing Moyglare Road, the potential future road link (as detailed on the Overall Road Layout Drawing) appears be on land outside of the applicant's control and therefore it's delivery cannot be guaranteed. The Planning Authority have also suggested conditions in relation to phasing, additional linkages and parking. I consider all of these conditions are reasonable, save for the condition as relates to parking, and should the Board be minded to grant permission, they should be imposed.
- 12.4.12. When read in conjunction with the Traffic and Transport Assessment, 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 traffic and transport.

12.5. **Built Services**

12.5.1. The EIAR chapter on material assets: built services assesses the impact of the proposed development on surface water, foul drainage, water supply, power, gas, and telecommunications.

Surface

12.5.2. It is proposed to outfall attenuated surface water collected from the main residential development to the existing Rye Water River and Upper Ditch via a hydrobrake manhole and downstream defender unit which ultimately discharges to the River Liffey. Attenuation of surface water will be provided in two separate attenuation facilities before discharging to the Upper Ditch and Rye Water River via a hydrobrake manhole and a downstream defender unit.

12.5.3. It is also proposed to culvert approximately 20 m of the exiting Upper Ditch to the south of the northern section as part of internal road construction.

Foul

12.5.4. The proposed internal foul drainage network comprises of a network of 225mm diameter sewers designed based on the topography of the site. The foul drainage system will be completely separate from the surface water drainage system. The foul drainage network for the proposed development has been designed in accordance with the Building Regulations.

12.5.5. A daily foul discharge volume for the proposed development of 256.2m³ and a maximum total Biological Oxygen Demand (BOD) loading of 98 kg/day has been calculated as outlined in Irish Water's Code of Practice for Wastewater Infrastructure.

12.5.6. I note the submission from Irish Water who have stated that they have issued a Statement of Design Acceptance for the development (as relates to proposed water and waste water connections)

Water Supply

12.5.7. A watermain plan is shown on DBFL drawing 072116-3500-1 which is included in Appendix 7.4, showing the location of existing surface watermain services in the vicinity of the site. All connections, valves, hydrants, meters etc. have been designed and are to be installed in accordance with Irish Water's Code of Practice / Standard Details.

12.5.8. An average daily domestic demand for the proposed development of approximately 232.9m³ and an average day in peak week demand of 291.1m³ has been calculated as outlined in the Irish Water Code of Practice for Water Infrastructure.

Power/Gas/Telecommunications

12.5.9. Kilcock is connected to the national ESB grid network. The proposed development will result in existing overhead line (OHL) infrastructure being relocated underground or redirected along linear green space corridors. Two 38kV lattice mast structures will be erected in the south of the site to facilitate the transition from underground cable to overhead line infrastructure.

12.5.10. The proposed development site would be provided with connections from the existing gas network.

12.5.11. A range of voice and broadband fixed and wireless services are available in the area.

12.5.12. Potential construction phase impacts, in the absence of mitigation measures, include *inter alia* contamination of surface water runoff due to construction activities, diversion of existing ESB lines may lead to loss of connectivity to and / or interruption of supply from the electrical grid, loss of gas and telecommunication equipment,

12.5.13. Potential operational phase impacts on the water infrastructure are noted and included increased impermeable surface area will reduce local ground water recharge, accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network, increased maximum discharge to foul drainage network and contamination of surface water runoff from foul sewer leaks.

12.5.14. Without the consideration of mitigation measures the operational phase of the proposed development will likely have a neutral, permanent, slight impact.

12.5.15. The proposed management of surface water drainage involves dividing the subject site into three surface water catchments, with small sub-catchments with surface water storage for a 1% AEP or a 1 in 100-year storm event. For foul drainage a new system will also involve catchments. The foul flows from Catchment 1A will discharge by gravity to the existing 900mm diameter foul sewer adjacent to the railway line. Those from Catchment 1B will discharge to the proposed temporary foul pumping station.

12.5.16. In terms of water supply, it is proposed to access the existing 200mm diameter watermain on Colpe Road. Power supply is proposed as per ESB Networks, with two new substations proposed. The existing gas main traversing the site will remain in place with the existing wayleave maintained.

12.5.17. Potential impacts for each of the services are a possible contamination of existing water systems during construction and loss of connectivity / interruption of power supply. These impacts would be temporary and slight or short-term and moderate. During the operational phase, the potential impacts are predicted accidental spills into the groundwater, greater demand on the surface water drainage network, greater loading of the Leixlip WWTP, leakage from damaged foul sewers and greater demands on water supply, power & gas and telecommunications. Two detailed mitigation measures are proposed in section 11.7. For the construction phase, they are based on a detailed Construction Management Plan and standard / best practices. Cumulative impacts are assessed and found to be adverse, slight and temporary during the construction period but permanent during the operational phase.

12.5.18. 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.

12.6. **Land and Soils**

12.6.1. Chapter 8 of the EIAR assess the impact of the proposed development on land and soils.

12.6.2. Standard construction mitigation measures are proposed for the construction phase no impacts are predicated for the operational phase. The only residual impact is the removal of material unsuitable for reuse as fill material.

12.6.3. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design 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, indirect or cumulative effects on the lands and soils.

Water & Hydrology

- 12.6.4. Chapter 9 of the EIAR assesses the impact of the proposed development on water and hydrology. It is noted that the subject site is within the Rye Water River Catchment which is a tributary of the River Liffey. The Rye Water is located immediately to the south of the subject site and the River Liffey is located approximately 15km to the southeast of the subject site. The Rye Water River forms part of a Natura 2000 site approximately 5km downstream (Rye Water Valley/CartronSAC). It is proposed to outfall the attenuated surface water from the southern site to the Rye Water to the south of the site. The surface water network from the north fo the site outfalls to the Upper Ditch which acts as an overflow for the Rye Water.
- 12.6.5. In terms of Hydrogeology, the aquifer at the subject site is classed as 'Local Important – Bedrock which is moderately productive only in local zones. The site is over low vulnerability groundwater for the majority of the site, with a small portion of moderate to high vulnerability in the southern section of the subject site.
- 12.6.6. Flood Risk is discussed in Section 9.4.3 of the EIAR and I have considered this issue in Section 13.3 'Flooding' of this report, and my concerns in relation to same are set out therein.
- 12.6.7. Potential construction phase impacts include increase silt levels and pollution in surface water runoff, discharge of rainwater pumped from excavations containing increase levels of silt, oil, cement etc, accidental spills and leaks associated with storage of oils and fuels, leaks from construction machinery and spillage during refuelling and maintenance contaminating the surrounding surface water and hydrogeological environments, concrete runoff, particularly discharge of wash water from concrete trucks, discharge of vehicle wheel wash water containing high silt levels, oil and fuels, cement (potential impact on existing hydrology e.g. discharge to existing surface water drainage infrastructure), discharge of foul water drainage from contractor's compound (impact on existing hydrology e.g. cross-contamination of existing surface water drainage)
- 12.6.8. In the absence of mitigation, potential operational impacts include increased impermeable surface area which will reduce local groundwater recharge rate, increased impermeable surface area will potentially increase surface water runoff

rate (if not attenuated to greenfield run-off rate) and accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network (e.g. along roads and in driveway areas).

- 12.6.9. For the construction phase mitigation measures are set out in the Construction and Environmental Management Plan. The plan provides details of how the works would be carried out and, including *inter alia* the stripping of topsoil and excavation of subsoil, erosion and sediment control and accidental spillage and leaks. These are standard construction measures. In relation to the operational phase SuDs measures are proposed include permeable surfaces, attenuation up to 1:100 storm event with a 20% allowance for climate change, flow control devices limited surface water discharge from the site to greenfield run off rates at the outfalls to 'Upper Ditch; and Rye Water and the use of fuel/oil separators.
- 12.6.10. In relation to water and foul water proposals, I note that no objections have been raised by Meath County Council in relation to capacity constraints, although Kildare County Council have referred to water and wastewater constraints in the Lower Liffey Vally Regional Sewerage Scheme Catchment, While Irish Water have referred to network constraints in the Lower Liffey Valley Catchment, they have issued a Statement of Design Acceptance for this development (as relates to water and wastewater proposals). Correspondence from Irish Water, as detailed in Appendix C of the Infrastructure Design Report states that sufficient capacity is available. As such I am satisfied that the water and foul water proposals are acceptable.
- 12.6.11. I am satisfied that potential effects as related to water supply and foul water would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. However, having regard to my assessment of flooding in Section 13.3 of this report, I cannot conclude that the EIAR is complete nor have the full impacts on water been fully assessed.

12.7. **Biodiversity**

- 12.7.1. Chapter 10 of the EIAR deals with Biodiversity. It is noted that the site lies to the north of the Royal Canal pNHA (site code: 2104) and is 5km distant from the Rye Water Valley/Carton SAC (the characteristics of which are described in Section 11 'Appropriate Assessment' above).

- 12.7.2. Existing habitats are set out in Section 10.4.4 of the EIAR and are as described in Section 11 'Appropriate Assessment' above. Section 10.4.5 of the EIAR describes the fauna of the site and notes that rabbits and foxes were seen on the site. Signs of badger activity were noted. Old trees with cavities were considered to be of moderate suitability for bat roosting with hedgerows also considered suitable. As such it was concluded that a variety of species are likely to be present and the bat survey noted four species of bats foraging/commuting within the site. The presence of otters can be assumed. Small mammals such as stoat and hedgehog are also assumed to be present. A number of bird species, all of 'low conservation concern' were noted. The Rye Water is of fisheries value and I note the submission from Inland Fisheries Ireland in relation to same.
- 12.7.3. In the absence of mitigation, potential construction phase impacts include habitat loss, direct mortality of species and pollution of watercourses are identified. Operational phase impacts are disturbance to species from increased human activity (lighting etc), pollution from surface water, pollution from wastewater,
- 12.7.4. Impacts on the Royal Canal pNHA are considered but ruled out due to the fact the site is separated from same by the River Rye and the public road and the lack of a hydrological connection between the two area.
- 12.7.5. Impacts on Natura 2000 sites are considered elsewhere in this report (Section 11 'Appropriate Assessment').
- 12.7.6. Section 10.6 of the EIAR considers cumulative impacts. It is noted that the relevant plans which guide development in the area have been subject to SEA. Reference is made to the capacity of the treatment plant in Osberstown, which is an error. Wastewater is treated at the Leixlip WWTP, although as noted above there is sufficient capacity at this plant to accommodate the development. No pollution issues are recorded at this plant.
- 12.7.7. Mitigation is set out in Section 10.7 of EIAR and includes avoidance of loss of mature trees or hedgerows where possible, landscaping with biodiversity friendly planting of predominantly native species throughout the scheme, installation of bird nesting boxes and artificial bat roosts, restrictions in terms of times of vegetation removal. Best practice construction measures, as detailed in the Construction and Environmental Management Plan, will mitigate against pollution during construction,

including the installation of a silt barrier along riparian margins of water courses to ensure the protection of the Rye Water River.

12.7.8. Operation Phase Mitigation is set out in Section 10.7.3 of the EIAR and include lighting measures to limit impacts on bats.

12.7.9. Residual impacts during construction and operation are considered to be neutral or negative, short-term and not significant. Cumulative impacts are possible including but not limited to from the overlap of the construction phase of the adjacent consented residential development but are likely to be temporary and overall cumulative impacts are not considered to be significant.

12.7.10. I am satisfied that the potential effects identified in the EIAR would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and best practice measures. While I am satisfied that the proposed development will not have any effects on the biodiversity of the subject site, I draw the Boards attention to the AA section of my report (Section 11) where the impact of the proposed development on the designated sites in the area is discussed in greater detail.

Noise and Vibration

12.7.11. Chapter 11 of the EIAR assesses the impact of the proposed development on noise and vibration.

12.7.12. Potential impacts of the proposed development are divided into construction and operation phases. The nearest noise sensitive receptors are the existing Millerstown Estate. During construction, in the absence of mitigation, there is the potential for significant noise. For noise sensitive locations within 25m of the proposed development, the potential impacts will be negative, significant and temporary. For distances greater than 50m, the impacts will be negative, moderate and short-term. Impacts from vibration will be neutral, imperceptible and short-term. During the operation phase, traffic noise levels will increase on existing roads but these will be neutral and imperceptible. On the newly constructed roads, the impacts are negative, not significant and permanent. Cumulative impacts could arise if the construction phases of this and consented developments coincide.

12.7.13. Mitigation measures are detailed for construction, such as limiting hours of construction activities likely to create high levels of noise, selection of quiet plant,

noise control at source, screening and noise monitoring. It is considered that there will be no negative impact at sensitive receivers off site during operation.

12.7.14. 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 and vibration.

Air Quality and Climate

12.7.15. Chapter 12 of the EIAR assesses the impact of the proposed development on Air Quality and Climate.

12.7.16. During the construction stage the main source of air quality impacts will be as a result of dust emissions and PM₁₀/PM_{2.5} emissions from site activities. There is potential for significant dust soiling 50m from source. Mitigation is set out in the form of a dust minimisation plan. After mitigation, air quality impacts, including impacts on human health, will be short-term, negative and not significant. Emissions from construction vehicles and machinery having the potential to impact climate but the overall impact is deemed to be short-term, negative and imperceptible.

12.7.17. It is stated that the levels of traffic-derived air pollutants from the proposed development will not exceed the ambient air quality standards either with or without the proposed development in place, save for one worst case scenario at one receptor what will experience at most one exceeded of the meant limit value with the proposed development in place, at design year 2036. Overall the impact is considered to be permanent, negative and imperceptible.

12.7.18. The regional impact of NO_x was assessed and found to be permanent, negative and imperceptible. Impact on climate will be imperceptible. Cumulative impact is not considered to cause significant impacts. Once the mitigation measures outlined in section 12.7 are implemented, air quality impacts during construction will be short-term, negative and not significant. There will be no residual impacts on climate, nor residual impact on air quality or climate during the operational phase.

12.7.19. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and best practice measures. I am satisfied therefore that the proposed

development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

Archaeology and Cultural Heritage

12.7.20. Chapter 13 considers Archaeology and Cultural Heritage.

12.7.21. There are two RMP sites within the subject site, Ring-ditches ME049-A003001 & ME049-A003002. Both were initially identified through aerial photography and neither has an above surface expression. These are relatively common archaeological site types; funerary or burial monuments; primarily of the Bronze Age period (c.2200-800BC); with 189 other examples of these sites in the county of Meath.

12.7.22. In terms of impacts during construction it is noted that the greatest threat to unrecorded, buried archaeological sites/ features occur during the construction stage and include all ground disturbance works undertaken at this stage (excavations and other groundworks including the provision of access roads and service trenches), movement of machines and storage of material.

12.7.23. It is concluded that, in the absence of the mitigation measure described below, significant impacts on the archaeological remains at the site would be likely, negative, profound and permanent.

12.7.24. In terms of mitigation, it is noted that there are significant constraints on the design and layout of the proposed scheme from relevant planning guidelines. Avoidance of the archaeological sites recorded in this assessment would require a very substantial revision of the layout of the development, which would be difficult to achieve given the nature and type of development proposed. Should this development proceed, the archaeological sites identified in this assessment will be subject to full archaeological excavation in advance of construction and carried out under licence to the Department of Culture, Heritage and the Gaeltacht (DCHG) in consultation with the National Museum of Ireland. A licence to excavate the two areas of archaeology (Ring Ditches and Enclosure) identified in the test-excavation (Licence no. 19E0547) has been issued (Licence No. 19E0686, 17th October 2019) by the DCHG. In terms of residential impacts, these are considered to be a positive, significant and permanent impact will occur due to the production of a full archaeological excavation report for any archaeological sites and material uncovered.

12.7.25. I note the submission of the Department of Culture, Heritage and the Gaeltacht in relation to archaeology which recommends conditions.

12.7.26. I am satisfied that potential effects would be avoided, managed and mitigated by the proposed mitigation measures and best practice measures. I am satisfied therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural or archaeological heritage.

12.8. Interactions

12.8.1. Chapter 14 of the EIAR presents a list of interactions between each of the environmental factors assessed.

12.8.2. 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. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.8.3. In conclusion, I am 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. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

Reasoned Conclusion on the Significant Effects

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

12.8.5. A positive impact with regard to population due to the increase in the housing stock that would be available in Kilcock.

12.8.6. The proposed development is not likely to have adverse effects on population and human health nor is it likely to increase the risk of natural disaster.

12.8.7. Landscape and Visual Impacts: The development will present as a new development in the landscape. There will also be changed views for some, particularly from the south of the site and from some of the existing housing to the north-west of the site,

along the R125, and from housing along the R148. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting. The potential impact will be mitigated by the design, retention of specified trees and hedgerows, and phased boundary planting and screening.

- 12.8.8. Traffic and transportation impacts: These will be mitigated by the phasing of the development and by the completion of road, cycle and footpath infrastructure, as well as upgrade of existing roads infrastructure.
- 12.8.9. In relation to water and foul water, there impacts are proposed to be mitigated by construction management measures. In relation to surface water and having regard to my assessment of flooding in Section 13.3 of this report, I cannot conclude that the EIAR is complete nor have the full impacts on water been fully assessed.
- 12.8.10. Biodiversity impacts on badgers and bats, which will be mitigated on the subject site by a range of measures identified in the EIAR, including construction management measures, protection of trees to be retained, landscaping, measures to avoid disturbance to badgers, and provision of bat boxes.
- 12.8.11. Cultural heritage impacts, which will be mitigated by a programme of archaeological investigations undertaken prior to the commencement of the construction phase.
- 12.8.12. Impacts on air quality and climate which will be mitigated by measures set out in the EIAR.
- 12.8.13. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

13.0 **Assessment**

- 13.1.1. The main issues of the appeal not already dealt with in the above EIAR assessment are dealt with under the following headings:
- Principle of development
 - Flooding

- Height/Design and Layout
- Residential Amenity
- Residential Standards
- Social Infrastructure
- Other Issues

13.2. Principle of Development

Zoning/Core Strategy

- 13.2.1. The proposed development comprises of a residential development for 575 no units, a crèche, new GAA changing rooms and all associated site works on a site to the east of Kilcock, within the settlement boundary. The lands, currently rural in nature, are zoned A2 “New Residential” (Phase II -Post 2019) and FI ‘Open Space’, in the current Meath County Development Plan 2013-2019 (CDP).
- 13.2.2. The preparation of the new Meath Development Plan was paused and the lifetime of the plan extended to 2020, pending the publication of the Regional Spatial and Economic Strategy (RSES) 2019-2031. Public consultation on the Draft Meath County Development Plan 2020-2026 ended on the 06th of March 2020. The subject site is identified as Phase II (post 2026) in the draft CDP.
- 13.2.3. The CDP requires the release of residential lands in compliance with the Order of Priority of the requirements of the plan and states that those lands identified with an A2 “New Residential” land use zoning objective but not qualified as “Residential Phase II (Post 2019) are not available for residential development within the life of the Development Plan.
- 13.2.4. Kilcock is identified as a Moderate Sustainable Growth Town within the Settlement Strategy of the Meath CDP. The CDP notes that such towns should develop in a self-sufficient manner and that any increase in population should occur in tandem with employment opportunities should occur in tandem with employment opportunities and capacity in physical and social infrastructure.

Core Strategies (Meath and Kildare)

- 13.2.5. The applicant highlights the Core Strategy allocations for Kilcock in the both the current Meath and Kildare CDPs. The total housing target set out for Kilcock is for 1,459 dwellings. These are sourced from:
- Meath (Kilcock Environs Written Statement) – 398 dwellings up to 2019.
 - Kilcock LAP 2015-2021 – 1,061 units up to 2021.
- 13.2.6. The number of extant permissions is highlighted in the applicant's 'Principle of Development' report and these equate to a total of 1,323 residential units (280 in Meath and 1,043 in Kildare). The report notes that, from the period of March 2014 to September 2019, commencement Notices for a total of 501 No units have been issued (150 no. units in Meath and 351 no. units in Kildare). This applicants therefore concludes that the Kilcock will fall short of its respective targets by a total of 958 units.
- 13.2.7. However it is my view that the key figure is the number of extant permissions as highlighted in the applicants 'Principle of Development' report and these equate to a total of 1,323 residential units. Having regard to these extant permissions, Kilcock will only fall short of its respective targets by 136 units.
- 13.2.8. Meath County Council, in their submission, refer to a shortfall of 48 units within the Meath Administrative Area only, which takes account of a potential 70 units being constructed on the remaining Phase 1 zoned lands (approximately 2 Ha).
- 13.2.9. As such, it is clear that if the development is approved, the housing target for Kilcock, as set out in the current statutory plans for the area, will be exceeded.
- 13.2.10. Notwithstanding this exceedance, the specific characteristics of this site are of paramount importance in this instance. I note that Phase 1 lands, as identified in the Kilcock Environs Plan, appear to be largely built out or under construction, save for 2Ha which are referred to in Chief Executive's Report of Meath County Council. The subject site is contiguous to existing residential areas, both recently constructed and now occupied, and currently under construction, and would represent appropriate sequential development. A substantial investment has been made in the provision of road, services and flooding infrastructure on the site to facilitate sustainable residential development. The site is within walking distance of Kilcock Town Centre and of Kilcock Rail station, and there is high quality pedestrian and cycle

infrastructure from the site to Kilcock Town Centre already existing along the Royal Canal. It is of note that while the lands are still Phase II within the draft Meath Plan 2020-2026, they it is not proposed that they would be de-zoned, and as such the Planning Authority will consider them appropriate for residential development, albeit post 2026. In my view, effectively sterilising these lands until after 2026, which have been facilitated with major infrastructure provision, and having regard to the other site specific considerations above, in a time of housing need, would not represent proper planning and development.

13.2.11. Furthermore I consider the development of these lands is supported by National and Regional Planning Policy, as considered further below, and in this specific case there are justifiable reasons for the release of Phase II lands.

Material Contravention

13.2.12. The applicants state that granting permission for the proposed development within the lifetime of the current Meath County Development Plan 2013-2019 would be a material contravention of the adopted Plan. Justification for the principle of the development is set out in a number of documents including 'Principle of Development', 'Planning Report and Statement of Consistency; and Response to An Bord Pleanála Pre-Application Consultation Opinion.

13.2.13. Section 5.0 of the Planning Report and Statement of Consistency outlines a justification for the Material Contravention. This refers to the criteria outlined in 37(2)(b) of the Planning and Development Act 2000.

13.2.14. It is stated that the site is suitable for development for a number of reasons including the existing infrastructure works in place, there is sufficient potable water and foul waste capacity, a link road is under construction which will provide pedestrian, bicycle and vehicular access and the site is well connected.

13.2.15. This contends that the Meath County Development Plan includes conflicting objectives in relation to the zoning of these lands as Phase II (Post 2019) lands and based on evidence submitted with the application it should be granted having regard to guidelines under Section 28 and Policy Directives under Section 29.

13.2.16. Meath County Council have stated that while they are precluded from granting permission, the application appears to meet the criteria of 37(2)(b) and they do not seek to rebut the applicant's arguments in favour of a Material Contravention.

- 13.2.17. Kildare County Council consider the proposal is premature pending the review of the Development Plan for Meath's functional area, and that it would prejudice the sustainable plan-led growth for the town as a whole.
- 13.2.18. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: where development is of strategic or national importance; conflicting objectives in the development plan; regional planning guidelines or guidelines under Section 28 etc. or the pattern of development/permissions granted in the area since the adoption of the development plan.
- 13.2.19. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for compact development such as that proposed on this site.
- 13.2.20. In relation to the matter of conflicting objectives in the development plan, the applicants have stated that there are conflicting objectives in the Meath County Development Plan but have not stated which objectives are conflicting. I do not consider that there are any wholly conflicting objectives in the plan.
- 13.2.21. In relation to the matter of RPGs, I have regard to the Regional Social and Economic Strategy for the Eastern and Midland Region (RSES). It is of note that Kilcock is located within the boundary of the Dublin Metropolitan Area. An objective of the Metropolitan Area Strategic Plan (MASP) is to ensure a steady supply of serviced development land through the Metropolitan area to support Dublin's sustainable growth and continued completeness.
- 13.2.22. Objective RPO 3.2 states that Core Strategies shall set out measures to achieve 'compact urban development targets of at least 50% of all new homes within or contiguous to the built area of Dublin City and suburbs and a target of at least 30% for other urban areas'. This development goes towards achieving this target.

- 13.2.23. The RSES this supports development of this type, compact growth on sites well serviced by transport and services infrastructure. Substantial infrastructure has been provided in this instance as noted above.
- 13.2.24. Compact growth close to public transport facilities also supported by relevant Section 28 Guidelines in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the Building Heights Guidelines (2018).
- 13.2.25. In relation to the permissions granted and pattern of development in the area, a number of permissions for residential and associated infrastructure and flood works have been granted in the area, and as such this proposal is in keeping with such development and precedent for residential development has been established in this area.
- 13.2.26. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan policies pertaining to Phase II Zoning, I consider that the provisions of Section 37(2)(b) (i), (iii) and (iv) have been met and in this regard I consider that the Board can grant permission for the proposal.

Density

- 13.2.27. In relation to density, policy at national, regional and local level seeks to encourage higher densities in key locations. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 13.2.28. The proposed density is 39 units/ha. Paragraph 3.4 of the Building Heights Guidelines (2018) state the following: 'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. The proposal is therefore in line with this guidance.
- 13.2.29. In my view, a density of 39 unit/ha is in accordance with the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), in particular Section 5.11 of the Guidelines which state that 'development at net densities of less than 30 dwellings per hectare should

generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares’.

13.2.30. Within the Sustainable Residential Development Guidelines, the site falls within the category of Outer Suburban/Greenfield site where a density of 35-50 dwellings per hectares is appropriate and such densities (involving a variety of housing types where possible) should be encouraged. The proposed density is 39 units/ha. This falls within the density range as set out above and I consider it is appropriate for the site, given its edge of town location, its proximity to public transport and the context of surrounding development.

13.2.31. It is my view that, given the site’s location relative to Kilcock Station and relative to the town, the proposed density is appropriate.

13.3. Flood Risk

13.3.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

13.3.2. The applicant has submitted a Site Specific Flood Risk Assessment (SSFRA) with the application. This includes an identification and assessment of existing and potential flood risks to/from the site and proposed development and also a development management stage Justification Test for same.

13.3.3. The SFRA notes that the subject site and adjoining lands were subject to a comprehensive Flood Risk Assessment and Management Study (FRAMS) of the River Rye Water in Kilcock. The main objectives of this FRAMS were to identify existing and potential future flood risk within existing developments and proposed future development within Kilcock. The mitigation measures identified within the Kilcock FRAMS have now been constructed in full.

13.3.4. The SFRA refers to the OPW’s Summary Local Area Report and notes that the nearest flood event occurred on the Moyglare Road approximately 100m from the northern boundary of the site.

- 13.3.5. The SFRA notes, that based on the overlay of Flood Zones defined within OPW's Eastern CFRAM Study, some minor parts of the edges of the southern housing area are within Flood Zone A. There are no areas of the northern housing site in Flood Zone A. In terms of development areas within Flood Zone B, only the apartment building in the south eastern corner of the northern housing site is sited within this flood zone. The apartment block and 1 no. housing unit in the south-western corner of the southern housing lands is located in Flood Zone B while a number of units along the GAA Complex Access Road are in Flood Zone B along with the apartment block adjacent to the GAA. All other area of the northern and southern housing lands are in Flood Zone C. It is noted that the CFRAMS mapping does not take into account of the now completed Kilcock FRAMS Flood Mitigation Works.
- 13.3.6. The flood mitigation works set out in the Kilcock FRAMS involved maintaining existing predicted flood levels, flood storage volumes and pass forward flows for a range of storm return periods. The 1% AEP Event (1 in 100 year) Flood Event design flood levels are indicated in Appendix G.
- 13.3.7. The SFRA notes that there has been previous fluvial flooding in lands zoned F1 Open Space and minor areas of flooding within lands zoned A2 – New Residential. There does not appear to be any existing identified tidal or groundwater flood risks to the site or local area. The site is within the Rye Water Catchment which has a predicted 1% Fluvial AEP event with levels ranging from 62.61m to 63.40m AOD. The SFRA indicates that the predicted 1.0% AEP Flood Event Zone is shown generally outside the northern housing area. In the southern housing area, the predicted 1.0% AEP Flood Event Zone marginally bisects the south western corner of the site. The 1.0% AEP Flood Event Zone crosses the new access road to the GAA Facility and the northern corner of the apartment building beside the GAA Facility.
- 13.3.8. Flood mitigation works in the Kilcock FRAMS are now complete effectively reducing the extents of Flood Zones A and B within the site. In the case of both the Rye River and its tributary channel known as the 'Upper Ditch' the current Flood Zones A & B are effectively confined to the newly constructed designated flood zone areas. Flood zone mapping based on the now constructed mitigation works are included in Appendix D (produced by RPS – dated 26/10/2018)

13.3.9. The SFRA also highlights a risk of flooding as a result of the existing drainage network.

13.3.10. Proposed FFL are elevated a minimum of 500mm above the 1.0% and 0.1% AEP Fluvial Water Levels for the flood mitigation works. Risk from surface water drainage network and from human/mechanical error can be mitigated by designing the surface water network in accordance with the Greater Dublin Strategic Drainage Study including the attenuation of the 1:100 year storm event and implementation of SuDS methodologies as well as proper operation and maintenance of the drainage system.

13.3.11. The SFRA proposes a number of SuDS measures including:

- Permeable paving for the car park spaces
- Swales for the open space areas
- Smart Manholes
- Hydrobrake Flow controls to limit surface water runoff to greenfield runoff.
- Surface water storage facilities for storm events up a 1:100 year return period event.
- Non return valves are provided at outlets to surface water outfall to the Rye Water/Upper Ditch
- Petrol Interceptors are proposed on the surface water outfalls, upstream of the hydrobrake flow controls;
- Attenuation storage included in the form of large infiltration/detention basins suitably landscaped/finished.

13.3.12. Surface water runoff from the subject site is limited to greenfield runoff rates, with surface water runoff exceeding the allowable outflow stored on site for up to a 1% AEP event.

13.3.13. During storms greater than the 1% AEP pluvial event the drainage network design will be exceeded in some areas. In this event overland flow routes will be provided, with these generally directed towards the open space areas.

13.3.14. The potential impact of climate change has been allowed for in the design of surface water drainage network and storage system, with an allowance for 20% increase in

rainfall intensities, as recommended by the GDSDS. The provision of a minimum freeboard of 500mm from the 1% AEP Flood Event as required by the GDSDS is also provided.

- 13.3.15. In terms of impacts on adjacent areas, it is noted that storms greater than the 1% AEP (exceeding the design capacity of the site's drainage systems) may result in overland flow being directed towards the open space area located between the proposed development and Rye Water/Upper Ditch. These open spaces are all contained within the subject development site.
- 13.3.16. The SFRA includes a Justification Test given that a portion of the development site lies within Flood Zones A and B.
- 13.3.17. The submission from Meath County Council state that it must be proven that the proposed development will not increase flood risk elsewhere and notes that this has not been demonstrated clearly in the application for this proposed development. Conditions are recommended relating to same. Meath also note that the applicant has not produced a definitive flood zone map for the proposed development site.
- 13.3.18. The submission from Kildare County Council states that the approach to flooding is based on out of date flood levels and has ignored the impact of the development on Kildare. Concerns are also raised in regard to maintenance of drainage and completed flood mitigation works. KCC have also raised concerns in relation to approval of flood mitigation works and compliance with conditions recommended by KCC on previous MCC planning applications to provide funding for flood mitigation works in Kilcock Town Centre. It is concluded that KCC have concerns that the continuing development of this site would cause flooding to lands in Kildare and that the proposed development should be refused as it increases the risk of flooding.
- 13.3.19. The issue of flooding has also been raised by the Third Party Submissions and drone footage of previous flooding events as well as photographic evidence of same has been submitted. I have had regard to same.
- 13.3.20. While I acknowledge that significant flood defence works have taken place on the site, as per the Kilcock FRAMS and as per previous permissions, I share the concerns of both Meath County Council and Kildare County Council, and of third party observers, in relation to flooding. Both Meath and Kildare note that definitive flood mapping has not been produced by the applicant. It is unclear what data has

been used to inform the post flood defence mapping submitted with the application (which has been produced by RPS and included in Appendix D of the SSFRA) and, having regards to the concerns raised by Kildare County Council in particular, I do not consider the documentation submitted with the application provide sufficient reassurance that the proposed development is not at risk of flooding.

13.3.21. I also share the concerns of both Meath County Council and Kildare County Council, and of third party observers, that the proposal has not demonstrated that the proposal will not give rise to flooding elsewhere. A particular concern is the possible exceedance of the attenuation capacity in a 1:100 year flood event, where overland flows will be directed towards the open space areas to the south.

13.3.22. The Infrastructure Design Report notes that, rainfall events in excess of the 100-year (plus climate change) storm water would overtop the bank of the basin and flow overland towards the Rye Water River. In compliance terms, the 100-year, plus 20% for climate change flood, event is retained on the development site as per the requirements of the GDSDS. An example of a similar infiltration basin can be seen in the adjacent Phase 1 in Millerstown.

13.3.23. However, the capacity of the open space areas to facilitate these flows is not outlined, nor is the scenario of these overland flows making their way into the Rye River with potential impacts downstream in terms of increased flood risk. There is little if any information on file relating to this issue. Section 6.0 of the SFRA is the Justification Test. Section 2(i) refers to the risk of increased flooding elsewhere. This does not refer to the impact of additional surface water flows in the event of an exceedance of attenuation capacity in a 1:100 year flood event. Section 5.3 of the SFRA refers to Flood Exceedance and overland flow routes are set out. Section 5.5 'Impact on Adjacent Areas' does not refer to adjacent sites.

13.3.24. It is of note that open space areas to the south of each section of the site will likely already contain significant volumes of floodwaters in the event of a 1:100 year floor event.

13.3.25. The proposal therefore does not comply with the provisions of the Flood Risk Management Guidelines, as the application has not adequately demonstrated that the housing and other uses on site are not at risk of flooding, and has not adequately considered the potential for increased risk of flooding elsewhere, as a result of

additional surface water runoff. I do not consider the issue of off-site flooding can be dealt with by way of condition, as suggested by Meath County Council, as it is fundamental to the appropriateness or otherwise of the proposal. I therefore recommend that the application be refused on this basis.

13.4. Height/Urban Design and Layout

- 13.4.1. The residential areas are across two sections of the site, with a combined area of 14.45 hectares of residential zoned land. The northern site (8.38 Ha) will facilitate the development of 309 no. residential dwellings and the southern site (6.07 Ha) will facilitate the development of 266 no. residential units. A mix of dwelling is provided and includes 388 no. housing units, 121 no. duplex units and 66 no. apartments.

Height

- 13.4.2. The height of the dwelling houses ranges from 2 to 3 storeys and are appropriate given the context. The apartment blocks range in height from 3 to 5 storeys. While I note third party submissions have objected to the height, I do not consider it is excessive, and additional density on a well serviced site such as this one requires higher buildings. Paragraph 3.4 of the Building Heights Guidelines states the following: 'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards).

Urban Design/Layout

- 13.4.3. The development is set around the main distributor road that is currently being constructed through the entire site. This distributor road, partially complete, will provide high quality pedestrian links and segregated cycle lanes.
- 13.4.4. The layout is organic in form, with a curved internal road network to minimise vehicular speeds, with permeability throughout the scheme. A wide variety of house types (20 house types in total) add visual interest to the scheme, and double frontages are provided on corner sites, avoiding blank façades as much as possible. A future connection to the school site is indicated. A variety of open spaces are provided throughout the scheme as detailed in the Landscape Design Report.
- 13.4.5. I consider the overall layout and design of the development, and provision of open space, and layout and location of same, to be acceptable and will provide a welcome

amenity for both residents of the proposed development, and for the wider community as a whole.

13.5. Residential Amenities/Residential Standards

- 13.5.1. The application includes a Housing Quality Assessment and I have had regard to same.

Overall Mix

- 13.5.2. A mix of dwelling is provided and includes 388 no. housing units, 121 no. duplex units and 66 no. apartments. The breakdown is as follows:

Houses:

43 X 2 bed; 270 x 3 bed and 75 x 4 bed.

Apartments:

20 X 1 bed; 46 x 2 bed

Duplexes

15 x 1 bed; 21 x 2 bed; 6 x 3 bed

- 13.5.3. While there is a predominance of larger units (3 and 4 beds), there is sufficient number of smaller units also provided. The proposed mix therefore provides for a variety of household types and I consider the mix and typology complies with the requirements of the sustainable residential guidelines

Other Standards

Houses

- 13.5.4. The houses comply with the minimum standards as set in Quality Housing for Sustainable Communities 2007, as relates to floor area, minimum room sizes and storage areas.

Apartments

- 13.5.5. Specifically in relation to the 108 no. apartment/duplexes that are proposed the relevant standards are outlined in Sustainable Urban Housing: Design Standards for New Apartments (2018). The apartments/duplexes comply with standards as relates to floor area, aspect, and amenity space.

Public and Communal Open Space

- 13.5.6. The Meath CDP requires that 15% of the total site area should be reserved for public open space. A total of 9.79 ha of the site area is proposed public open space, which is approximately 40% of the total site area of 24.24 ha.
- 13.5.7. I consider the overall provision of open space, and layout and location of same, to be acceptable and will provide a welcome amenity for both residents of the development and for the wider community as a whole.

13.6. **Social Infrastructure**

- 13.6.1. A Childcare Assessment Report been submitted with the application. The report concludes that a demand of 97 No. spaces will be generated by the development. This demand, and the other demand generated in the wider area, will be accommodated by the available capacity in the wider area and by the proposed crèche on this site, which will accommodate 119 childcare spaces.
- 13.6.2. In relation to schools, the submitted School Demand Report notes the existing primary and post-primary schools, along with the proposed school developments as outlined, have the capacity to accommodate the demand likely to be generated by the proposed development. The Meath County Development Plan contains an objective for Kilcock for the provision of a primary school adjacent to the subject site. The applicants have reserved a 1.6Ha site for the provision of a primary school and have received correspondence from the Department of Education and Skills confirming that the school will likely have sufficient capacity for 16 – 24 No. classrooms.
- 13.6.3. Having regard to the above, and other information on the file, I am satisfied that adequate social infrastructure exists to serve the proposed development.

13.7. **Other Issues**

- 13.7.1. Neighbouring Residential Amenity – The closest residential development to the north-west of the site, along the R125 Road, There is setbacks of at least 21m from these dwellings, and in the majority of cases is far greater than this. As such no overlooking, loss of sunlight/daylight or overshadowing will result. The issue of visual amenity is considered in section 12.3 above.

- 13.7.2. GAA Pitches – I note that the proposed GAA pitches fall outside the site area. However I am satisfied the provision of dressing room facilities to serve same will provide an amenity for the area as a whole and is appropriate in my view.
- 13.7.3. Phasing – A phasing plan has been submitted. In terms of phasing, the southern development site is proposed to be constructed first with the initial 100 housing units within the southern site assumed to be built and occupied by the end of the adopted 2021 opening year. The remaining units of the southern site and the full northern development site is assumed to be complete and occupied by the 2026. Should the Board be minded to grant, I recommend that the crèche, GAA facilities, and required road infrastructure and upgrade be delivered in the early phase of the development, and conditions be imposed in relation to same.

14.0 Conclusion and Recommendation

- 14.1.1. Having regard to the sites location within the settlement boundary of Kilcock, the location on lands zoned New Residential, A2, and those policies and objectives contained in the Meath County Development Plan 2013-2019, the nature, scale and design of the proposed development, the pattern of existing and proposed development in the area; it is considered that the proposed development subject to compliance with conditions below, would not seriously injure the residential or visual amenities of the area or cause any pedestrian and traffic hazard.
- 14.1.2. The impact of flooding has not been substantially addressed in the submitted Site Specific Flood Risk Assessment and the applicant has not sufficiently demonstrated the development would not be at risk of flooding and has not sufficiently demonstrated that the development would not contribute to off-site flooding.
- 14.1.3. I recommend that planning permission should be refused as set out below.

15.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

15.1.1. 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 23rd Day of December 2019 by McGarrell Reilly Houses care of McCutcheon Halley, Kreston House, Arran Court, Arran Quay, Dublin 7 D07 K271.

Proposed Development:

For a Strategic Housing Development in Newtownmoyaghy, Kilcock, Co. Meath. The residential part of the site will be developed across two parcels of land measuring 8.38Ha and 6.07Ha and the balance of 9.79Ha incorporates access roads, public open space, GAA changing rooms and associated development.

The development will consist of:

- i. The construction of 575 No. residential units, all with private amenity space, with a cumulative Gross Floor Area of 60,326.9 square meters comprising:
 - a. 43 No. 2-bedroom, 2-storey houses and associated amenities and car parking;
 - b. 270 No. 3-bedroom, 2-storey houses and associated amenities and car parking;
 - c. 45 No. 4-bedroom, 2-storey houses and associated amenities and car parking;
 - d. 30 No. 4-bedroom, 3-storey houses and associated amenities and car parking;
 - e. 3 No. apartment blocks ranging in height from 3-5 storeys providing for:
 - i. 20 No. 1-bedroom apartment units with all associated amenities and car parking; and,
 - ii. 46 No. 2-bedroom apartment units with all associated amenities and car parking;
- f. 121 No. duplex and corner block units 3-storeys in height providing for:
 - i. 15 No. 1-bedroom duplex units with all associated amenities and car parking;
 - ii. 21 No. 2-bedroom duplex units with all associated amenities and car parking;
 - iii. 6 No. 3-bedroom duplex units with all associated amenities and car parking;

- iv. 29 No. 1-bedroom corner block units with all associated amenities and car parking;
 - v. 42 No. 2-bedroom corner block units with all associated amenities and car parking; and,
 - vi. 8 No. 3-bedroom corner block units with all associated amenities and car parking.
- ii. The construction of a creche with a gross floor area of 623 square metres, an associated external play area and 14 No. car parking spaces;
- iii. The provision of 314 No. bicycle parking spaces incorporating 163 No. long-term bicycle parking spaces and 151 No. short-term bicycle parking spaces;
- iv. New boundary walls and fences, open space, internal site roads, pavements, public lighting, tree planting, bin storage, ESB substations and all ancillary works;
- v. Provision of new GAA changing room facilities with a Gross Floor Area of 97 square meters, associated entrance road and 40 No. car parking spaces;
- vi. The erection of 2 No. 13m lattice masts in the southern section of the site together with the relocation underground of 2 No. 10kV and 2 No. 38kV overhead lines;
- vii. Infrastructure works including:
- Surface Water – Surface water from the northern site will be discharged into 1 No. detention basin to the south of the proposed development site. Surface water from the southern site will be discharged into 1 No. detention basin to the southeast of the development site.
 - SUDS measures such as permeable paving, swales, filter trenches etc. will be provided to intercept and provide treatment to surface-water run-off at source.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Meath County Development Plan (2013-2019).

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant Development Plan or Local Area Plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report and Natura Impact Statement have been prepared in respect of the proposed development.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

The site is located on lands identified as Flood Zone A and B. The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), and accompanying Appendices, provides guidance in relation to development proposals in areas at risk of flooding. The proposed development fails to demonstrate the development will not be at risk of flooding, and does not provide sufficient detail of how the proposal will not increase the risk of flooding elsewhere as per the requirements of the Box 5.1 'Development Management Justification Test' of the guidelines. The Board is not satisfied that adequate site specific information has been presented in relation to proposals for flood risk management, in particular the need for definitive post-flood works mapping, as well as the capacity of the flood storage zones to accommodate additional surface water in the event of a 1% AEP Pluvial Event. In the absence of the required information, and having regard to the history of the site as relates the flooding, the Board is not satisfied that the applicant has clearly demonstrated that the flood risk arising from the development can be limited and is not satisfied the applicant has demonstrated the proposal will not increase flood risk elsewhere. In the absence of such information, the proposed development would be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Senior Planning Inspector

31st March 2020

Appendix 1 – List of observers

1. Alan & Kate Lavin
2. Anthony & Grainne Burke
3. Blackhall Gaels GAA Club
4. Fiona Angel
5. John & Lucy Donegan
6. John Dooley
7. Kilcock & Districts Community Council (David Flanagan)
8. Moyglare Stud Farm Limited (Malachy Ran)
9. Paul & Mairead O'Connor
10. Trevor Byrne
11. Willheim Franke
12. Eileen Dwyer
13. Bernard & Ann Ryan
14. Donal and Bernadette Coleman
15. James and Bernadette Ryan
16. Maryanne Harper
17. Sharon Ryan
18. Corbett Family
19. Stephen and Helen Ryan