



An
Bord
Pleanála

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

Inspector's Report ABP-307223-20

Strategic Housing Development

Demolition of existing buildings,
construction of 239 no. residential
units (136 no. houses, 103 no.
apartments), crèche and associated
site works.

Location

Leixlip Gate, Kilmacredock, Leixlip,
Co. Kildare.
(www.leixlipgateshd.ie)

Planning Authority

Kildare County Council

Applicant

ES Leixlip Greenfields Ltd.

Prescribed Bodies

Development Applications Unit; Inland
Fisheries Ireland; Irish Water; National

Transport Authority; Transport
Infrastructure Ireland

Observer(s)

Brendan and Maire De Roiste
Caitriona de Roiste
Catherine Murphy
Cllr Nuala Killeen
John Colgan
Leixlip Gate Residents Association
Muireann de Roiste and Emmett
McNeela
Padraig O'Sullivan
Sarah McNamara
Sean and Evelyn McNamara and
Others
Odhran and Michelle Coughlan and
Others

Date of Site Inspection

15th August 2020

Inspector

Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site (6.55 ha in area) is located within the development boundary of Leixlip, c. 3 km west of Leixlip Main Street in Co. Kildare. Leixlip is 15km west of Dublin City Centre. The town is bypassed by the M4 motorway with two grade-separated interchanges on the motorway, one of which is 400m south of the application site.
- 2.1.2. The site is bounded to the west by a significant boundary of trees and road embankment associated with the adjoining R449 dual carriageway, which links to the M4 south of the site. Beyond this interchange the R449 continues south to Celbridge. The R449 connects 1.2km to the north of the site to the Intel Campus. The R449 connects at the roundabout at Intel with the R148, which links eastwards to Louisa Bridge Train Station, which is overall c. 1.9km from the site. I note the R449 and R148 (to the train station) both comprise footpaths and cyclepaths on both sides.
- 2.1.3. The site is bounded to the north by Green Lane, which is a 60kph distributor road. The R449 connects to Green Lane to the northwest via a 4 arm roundabout junction. Green Lane has grass verges and shared cycleway and pedestrian footpath adjacent to both sides of the road as far as Accommodation Road to the east, which is the access road to the train station.
- 2.1.4. Along the majority of the eastern boundary is Leixlip Gate cul-de-sac, which is a tree lined avenue, with no footpaths/cycle paths, accessed from Green Lane distributor road to the north. The northern end of the avenue (approx. 42m in length) is wide enough for two vehicles to pass and then tapers in width to approx. 3m wide. This avenue serves a total of approx. seventeen dwellings in total, one of which is to be demolished (4 dwellings are located off the northern end of the avenue and 13 are located beyond the proposed entrance to the site). At the southern end of the Leixlip Gate avenue is a protected wall and gates called Leixlip Gate, beyond which are a

grouping of 8 detached dwellings on separate sites. To the northeast corner of the site off Leixlip Gate avenue are three dwellings, with the main dwelling accessed off directly accessed off the avenue referred to as Kilmacredock House. To the southeast boundary of the site are new relatively three detached dwellings and directly south is an agricultural field (also zoned residential) with the boundary to the agricultural field comprising a masonry stone wall associated historically with Castletown House. This wall runs east-west along the southern boundary, and forms the rear boundary to the three dwellings to the southeast of site boundary. The original historic connection from Leixlip Gate and the avenue to Castletown House was removed with the construction of the M4 motorway to the south.

- 2.1.5. To the east of Leixlip Gate avenue/opposite the development site, is a residential development known as Beech Park, which comprises a mix of houses, apartments and duplex units ranging from 2 to 4 storeys high. I note there is no pedestrian or vehicular access from Beech Park onto Leixlip Gate avenue, with a green mesh fence along the Beech Park side of the development separating it from Leixlip Gate avenue and its associated trees. East of Beech Park, accessed from Green Lane road is a large area of playing pitches and clubhouse associated with Naomh Mhuire Leixlip GAA club. On the northern side of Green Lane, opposite the entrance to Leixlip Gate avenue is a new residential development under construction (partially occupied) known as Westfield, which comprises a mix of dwellings and apartments.
- 2.1.6. The application site is largely greenfield in nature, with the exception of one dwelling and a barn, which are proposed for demolition. Part of the site also includes a part of the rear garden of an existing dwelling. There is an existing agricultural entrance to the site from the R449. There is no existing vehicular access from Leixlip Gate avenue. The topography is relatively flat and a minor watercourse traverses the site (west to east) and is piped upstream and downstream of the site. The site boundaries to the east, north and west comprise dense rows of trees and mature vegetation, with an embankment along the west to the R449.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the demolition of an existing habitable dwelling and an agricultural barn, and the construction of:

- 239 dwellings (136 houses and 103 apartments)
- Crèche and gym in Apartment Block A
- Upgrading of part of Leixlip Gate avenue which will entail modifications to the permitted boundary and vehicular access to the single dwelling permitted under KCC Reg. Ref.: 16/90.
- Part of the development works include reprofiling/culverting of part of minor watercourse on site.

3.2. The gross site area is 6.55 ha, which includes part of the Green Lane road travelling 1.3km east, to cater for the foul rising main until its connection to the public foul sewer.

3.3. The following tables set out some of the key elements of the proposed scheme, as set out in the application documentation:

Key Figures

Site Area Net	5.96 ha net
No. of Residential Units	239 units
Density	40 units per hectare
Other Uses:	
Childcare Facility	294 sqm, catering for 58 childcare spaces
Gym	Gym (c. 224 sqm) at ground floor of Apartment Block A
Public Open Space	c.8,985 sq.m Public Open Space (15%) c.1,880 sq.m Communal Open Space c.10,865 sq.m Total Open Space
Height	Up to 4 storeys
Part V	24 units

Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total

Apartments/Duplexes	29	59	15		103
Houses		16	114	6	136
	29	75	129	6	239
As % of total	12%	31%	54%	3%	100%

Parking Provision

Car Parking	393
Bicycle Parking	208

- 3.4. The application is accompanied by a material contravention statement.
- 3.5. The primary vehicular access to the site is proposed from Leixlip Gate to the east, which I will refer to in my report as Leixlip Gate avenue, for clarity, and to avoid confusion with the protected structure at the southern end of the avenue known as Leixlip Gate. Two pedestrian/cyclist only access points are proposed from the R449 to the west. Upgrading and widening of part of the Leixlip Gate avenue is proposed, which will entail modifications to the permitted boundary and vehicular access to the single permitted dwelling KCC reg ref 16/90.
- 3.6. A letter of consent has been submitted by Kildare County Council for that part of the development which relates to their road network, in particular pedestrian and cyclist access only onto the R449.
- 3.7. A letter of consent has been submitted from the Kelly Family at Kilmacredock House in relation to an east-west access lane off the northern end of Leixlip Gate avenue serving existing dwellings at this location.
- 3.8. Works include reprofiling, partial realignment and part culverting of a minor watercourse on the site.
- 3.9. In term of site services, a new water connection to the public mains is proposed.
- 3.10. A foul pumping station is proposed on the site and a connection to the existing foul sewer on Green Lane. Irish Water has stated in a submitted report that based on the size of the development and the current capacity in the network a connection can be

facilitated to the existing 225 foul network at Green Lane/Castletown and Oaklawn intersection; approximately 1.3km east of the site along Green Lane.

3.11. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- Statement of Consistency Planning Report
- Statement of Response to ABP Opinion
- Material Contravention Statement
- Planning Report
- EIA Screening Report
- Appropriate Assessment Screening
- Architectural Design Statement
- Housing Quality Assessment
- Building Lifecycle Report
- Photomontages and CGIs
- Landscape Rationale and Typical Details
- Arboriculture Report
- Bat Assessment
- Terrestrial Ecological Assessment
- Aquatic Ecological Survey
- Site Specific Flood Risk Assessment
- Archaeological Impact Assessment
- Architectural Heritage Conservation Impact Assessment
- Noise Impact Assessment Report
- Outline Construction and Demolition Waste Management Plan
- Outline Construction Management Plan
- Sunlight and Daylight Access Analysis

- Traffic Impact Assessment
- Stage 1/2 Road Safety Audit
- DMURS Statement
- Sustainability and Energy Report
- Utility Report
- Public Lighting Report

4.0 Planning History

Neighbouring Site to Southeast of Application Site, in proximity to Leixlip Gate PS and accessed off Leixlip Gate avenue [dwellings have been constructed]:

15/341 – Permission Granted for three two storey dwellings (c. 8.4m high)

Neighbouring Site to East of Application site - located on western side of Leixlip Gate avenue [western portion of this site where dwellings were proposed is now part of the application site where Duplex B is proposed]:

16/759 – Permission Granted for two dormer dwellings to rear of existing dwelling.

Neighbouring Site to Northeast of Application Site/immediately south of Kilmacredock House [this permitted dwelling is indicated on the site layout plan for the proposed development and provision made for the alteration of the permitted boundary of this site with Leixlip Gate avenue which is to be widened at this point]:

16/90 – Permission Granted for one dwelling.

Development to the north of the site named Westfield (partially constructed), accessed from the opposite side of Green Lane distributor road to the application site and which is also bounded to the west by the R449:

PL09.247909 – Permission Granted for construction of 198 (houses and apartments) and childcare facility, at townland of Easton, Green Lane, Leixlip, Co. Kildare.

ABP-307653-20 – Concurrent application for Amendments to a previously permitted development under KCC Ref. 16/282 (An Bord Pleanála Ref. PL09.247909) through the omission of 7 no. permitted houses and the replacement thereof with a part three, part four storey apartment block together with alterations to the previously permitted site layout, at Westfield, Green Lane, Leixlip.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 28th November 2019 in respect of a proposed development of 245 no. residential units (138 no. houses, 77 no. apartments, 30 no. duplex units), reference ABP-305724-19. The main topics discussed at the meeting were –

1. Development Strategy – building height and frontage, character areas, distribution of open space, access and road layout, car parking and bicycle parking.
2. Archaeology, Architectural Heritage and Landscape.
3. Flood Risk.
4. Infrastructure – Irish Water.
5. Part V.
6. Any other matters.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

1. Development Strategy

Further consideration / justification of the documents as they relate to the following: response to site context and the integration of existing site features (e.g. stream, hedgerows, trees, demesne wall); the proposal to raise the level of the site and provisions within the layout for future access to zoned lands to the south. The further consideration / justification should have regard to, inter alia, the guidance contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual, the Urban Development and Building Height Guidelines for Planning Authorities (2018); the Architectural Heritage Protection, Guidelines for Planning Authorities (2011); the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan.

2. Flood Risk and Storm Water Management

Further consideration / justification of the documents as they relate to flood risk management and storm water drainage, specifically in relation to site levels and water levels and the use of culverts, artificial attenuation and SuDS elements. The further consideration / justification should have regard to, inter alia, the guidance contained in the Planning System and Flood Risk Management Guidelines for Planning Authorities (and the accompanying technical appendices), issued by the Department of the Environment, Heritage and Local Government and the OPW, the Greater Dublin Strategic Drainage Study, the Kildare County Development Plan and the Leixlip Local Area Plan.

3. Wastewater Network

Further clarification of documents as they relate to the capacity of the waste water network specifically in relation to the points raised by Irish Water and in the technical reports received from the Planning Authority.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on

Design Standards for New Apartments. The assessment and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

2. Details in relation to the nature and extent of material to be imported into the site and of associated earthworks.
3. Details of ecological mitigation measures to be employed, specifically in relation to the protection of bats and to address potential impacts arising from the proposal to import material into the site.
4. An updated architectural heritage impact assessment that addresses the potential for impacts on the historic landscape associated with Leixlip Gate and potential impacts on the demesne wall.
5. An updated archaeological impact assessment having regard to the comments raised in the submission of the Department of Culture, Heritage and the Gaeltacht.
6. A schedule of car and bicycle parking provision.
7. Design details for bicycle parking and bin storage facilities.

5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 Development Strategy:

- Concern was raised at the Stage 2 pre-planning meeting with regard to the proposed raising of the site by c.900mm – 1m on average to facilitate the proposed surface water drainage network then proposed and the impact of these site level changes on the existing site features being retained.
- Waterman Moylan were engaged to prepare a revised surface water strategy for the development in order to significantly reduce the need to raise the site levels,

which in turn has allowed for a greater proportion of the watercourse and associated hedgerow to be retained through the site, which in turn was re-assessed in consultation with the ecologists on the design team – Biosphere Environmental Consultants and BEC Consultants.

- There is a minor watercourse passing generally west to east through the subject site. This watercourse has been significantly modified and canalised into its current field ditch character over the years and is also piped both upstream and downstream of the subject site. Upon leaving the site the watercourse is predominantly culverted under existing residential estates until it enters the Liffey c.2km to the east. Inland Fisheries Ireland have confirmed that the watercourse is of limited fisheries value.
- The original (Stage 2) proposal was to culvert the majority of the minor watercourse through the development. Under the revised surface drainage design it is now proposed to retain a much greater proportion of the minor watercourse through the development.
- In order to achieve the appropriate cover levels to the drainage network on site and achieve a gravity surface water outfall to the existing minor watercourse on site it is now necessary to increase the levels on site by an average of 400mm which is significantly less than the 900mm-1m average proposal in the Stage 2 proposal. A detailed cut and fill analysis has been prepared to ascertain these volume of fill required.
- In tandem with the significantly reduced ground levels, c.116 m of the stream will be retained in situ, with some regrading, whilst a further c.95m of the watercourse will be realigned. c.104 m out of watercourse length will be culverted (three culverts of lengths 28 m, 4.6 m and 71.4 m).
- c.211m of the watercourse will therefore remain open and will be incorporated into the residential layout forming a central landscape feature through the development. The watercourse banks will be re-profiled to create a two-stage channel, with a more gradual slope. The channel is currently heavily silted, and removal of this silt will be carried out to improve flow and volume. The IFI will be consulted in relation to the proposed, limited, channel realignment. This will then be planted up appropriately with native planting added to the retained hedgerows that will encourage habitat for aquatic invertebrate species.

- Where existing hedgerow along the open stream is to be removed due to poor quality or due to the surface water services works, additional native planting will be planted.
- The Architectural Heritage Conservation Impact Assessment which accompanies this planning application states “following An Bord Pleanála’s request, the ivy roots were cut along the section of the demesne wall within the boundaries of the site and the leaves were cut back. This revealed a matrix of interlinked woody stems which conceal the historic fabric below and it is not possible to determine if the growths are rooting in the historic fabric. To comply with good conservation practice and to avoid unnecessary damage to historic fabric, it is necessary to allow time for these stems to die back and shrink before attempting so the removal has been deferred for at least a year. In the meantime, the die back will be monitored and areas of continued growth will be investigated and any necessary measures to stop this growth taken.”
- It is also noted that there is no evidence from the historic mapping to suggest that there was previously any openings in the demesne wall at this location which could be utilised to facilitate access to the southern development lands.
- The main estate road running north-south through the application site is extended to the demesne wall (and the application site boundary as per the Site Layout Plan) and a future opening to facilitate vehicular access to the development lands to the south can be provided. The Site Layout Plan also provides a pedestrian route to the demesne wall boundary next to Apartment Block C. A suggested master planning of the overall lands which incorporates these two potential accesses is outlined in the Design Statement prepared by MCORM Architects.
- The application proposes no physical interventions to the demesne wall at this time given the historic importance of the wall and lack of clarity as to whether the lands to the south will be developed in the short term. An appropriate condition could be applied to a grant of permission to ensure that access is facilitated in the future.
- Please refer to the Architectural Design Statement prepared by MCORM Architects, the Architectural Heritage Conservation Impact Assessment prepared by Lindsay Conservation Architects, and the Statement of Consistency.

Item 2 Flood Risk and Storm Water Management:

- Please refer to drawings and documentation prepared by Waterman Moylan Consulting Engineers and Site Specific Flood Risk Assessment prepared by IE Consulting for full details of proposals for the flood risk management and storm water drainage, specifically in relation to site levels and water levels and the use of culverts, artificial attenuation and SuDS elements. The development as proposed is considered appropriate from a flood risk perspective.

Item 3 Wastewater Network:

- It is proposed to connect foul water to the foul sewer at Green Lane/Castletown and Oaklawn intersection, approximately 1.3km east of the site along Green Ln. via a pumping station and rising main from the proposed manhole to the existing 225mm diameter sewer. The proposals have been confirmed acceptable with Irish Water through the Statement of Design Acceptance which is included in the Engineering Assessment Report, Appendix B prepared by Waterman Moylan Consulting Engineers. Full details of the proposed foul water drainage are outlined in Section 4 of the Engineering Assessment Report.

The specific information required in the Opinion issued to the applicant has also been submitted.

5.3.2. Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the development plan, national and regional policies, and section 28 guidelines.

5.3.3. Applicant's Statement on Material Contravention

The application documentation includes a report titled Material Contravention Statement, which relates to issues of Building Heights Policy, as set out in the Leixlip Local Area Plan 2020-2023, and is summarised as follows:

- Leixlip LAP 2020-2023 states that "the layout shall have regard to the residential amenity of existing dwellings, with building heights respecting the adjoining properties. High quality development form along the R449 should announce the town and buildings limited to 3-storeys may be provided at the roundabout junction of the R449 and Green Lane."

- The development includes for a range of residential height including houses at 2 storeys, duplex blocks up to 3 storeys to the east of the site, and apartment blocks (3 no.) at 4 storeys in height along the western boundary.
- The apartment block heights are above the 3-storey limit set in the LAP which states that “up to 3-storeys may be provided at the roundabout junction of the R449 and Green Lane”.
- It is contended that the proposed development complies with the principles for taller buildings outlined in the National Building Heights Guidelines, and therefore the Board may grant permission under Section 5(6) of the 2016 Act:
- S37(2)(b)(i) of the 2000 Act: The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.
- S37(2)(b)(iii) of the 2000 Act: Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to Section 28 guidelines and apply any specific planning policy requirements (SPPR’s) of the guidelines in carrying out their function. SPPR’s, as stated in the Urban Development and Building Height Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.
- The Urban Development and Building Height Guidelines (2018) emphasise the policies of the NPF to increase levels of residential development in urban centres and increase building heights and overall density by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála.
- The development has been assessed against SPPR 2 and Section 3.2, Development Management Criteria of the Guidelines. I summarise this assessment within the Material Contravention Statement as follows:
 - The site is well connected with public transport services, is of appropriate form and scale of residential development at a site that is located c. 3 km west of Leixlip Main Street which offers a wide range of shops, services and recreational uses; is in close proximity to major areas of employment; is well located with respect to primary and secondary schools and variety of leisure

amenities, parks, playgrounds, and sports clubs are within a short walk or cycle of the site. Surrounding area has a mixed character with predominantly 2 storey detached houses and agricultural land directly adjoining the site. To the east of the site is Beech Park residential development which comprises of a mix houses, apartments and duplex units ranging in height up to 4 storeys. There is no single unified character to the entire area as a whole. It is considered that the breaking up of the proposal into 3 no. apartment blocks (up to 4 storeys in height), 3 no. duplex blocks (up to 3 storeys in height) and 136 no. houses (up to 2 storeys in height) provides a variation in heights whilst providing focal 4 storey apartment buildings along the R449 as sought after within the LAP. The site has had regard to natural features of trees, hedgerows and stream and incorporated them into the design of a new green route through the site, connected to proposed open space. Trees, vegetation, and hedgerows will be retained throughout the site where possible. Unit types have then been carefully positioned to suit the site. The apartment and duplex blocks are small in scale and are dispersed throughout the scheme ensuring that the proposal is not monolithic and avoids long, uninterrupted walls of building. The proposal comprises of a wide mix of building typologies, a mix of communal and public open spaces. The impact in terms of visibility, overshadowing or loss of light there would be little or no additional impact on the surroundings due to the tall trees screening the site. Sunlight daylight analysis has been undertaken and specific assessment in relation to environmental issues have also been undertaken.

- The proposed development, while taller than the surrounding buildings, and those permitted under the Local Area Plan are not considered to be so significant as to create a new microclimate in the area. Only 3 small apartment blocks will be 4 storeys, however the majority of the development will be 2 storeys in height which is in accordance with the Local Area Plan.
- SPPR 3 - This proposal is in line with National Plan Policy to make the optimal use of zoned, serviced and accessible urban land which is appropriately located in close proximity to existing facilities such as shops and community facilities; major employment hubs and has exceptional public transport accessibility due to its proximity to the several bus routes and the train services.

- Other Development Standards in LAP – Density - The LAP also states that residential density within the Leixlip Gate KDA shall be “in the order of” 35 unit per ha. The current proposal is at 40 units per ha. This is not considered a material contravention of the LAP given that an approximate (not a maximum) density is stated, and given that Table 4.1 of the LAP also states that the densities stated in the LAP are estimates only - *“the density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities.”*
- The Leixlip KDA development standard of 15% of the site to be provided as public open space has been achieved in the current proposal.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013), as amended.
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. National Policy

Project Ireland 2040 - National Planning Framework

- 6.2.1. A key element of the NPF is the distribution of future growth between the regions, with National Policy Objective (NPO) 1a, 1b and 1c targeting the scale of population and employment growth for each of the three regions in Ireland, and NPO 2 a, b and c focussed on accessible centres of scale within the regions.
- 6.2.2. National Policy Objective 3 (a, b and c) relates to Compact, Smart, Sustainable Growth, as one of the key national strategic outcomes of the NPF is to deliver more compact growth in the development of settlements of all sizes across the regions, moving away from development sprawl. The NPF states that getting the physical form and location of future development right offers the best prospects for unlocking regional potential.
- 6.2.3. This approach is summarised in Table 2.1 'The NPF at a Glance: Targeted Pattern of Growth to 2040', which sets out the top NPOs 1, 2 and 3. Under NPO 2, the table indicates that Regional Spatial and Economic Strategies are required to set out a strategic development framework for each region.
- 6.2.4. The following National Policy Objectives are noted:
- NPO 1b: Eastern and Midland Region: 490,000 - 540,000 additional people i.e. a population of around 2.85 million;....
 - NPO 3(c): Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
 - NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
 - NPO 13: In urban areas, planning and related standards, including, in particular, 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. These

standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 71: City/county development plan core strategies will be further developed and standardised methodologies to ensure a co-ordinated and balanced approach to future population and housing requirements across urban and rural area.

6.2.5. Appendix 2 of the Implementation Roadmap for the NPF (July 2018) identifies a population for County Kildare to 2031 of 249,000-254,000 persons in 2026 and 259,000-266,500 persons in 2031.

6.3. **Regional Policy**

Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES)

- 6.3.1. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – National Planning Framework and National Development Plan 2019-2027 and the economic policies of the Government, by providing the long-term strategic planning and economic framework for the development of the Regions, to ensure the sustainable and appropriate growth of the region in line with planned investment, as per the NPF.
- 6.3.2. The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy. The RSES will be implemented by way of all development plans and Local Economic and Community Plans (LECPs).
- 6.3.3. Leixlip is located within the Metropolitan Area Strategic Plan (MASP). The MASP seeks to ensure a supply of strategic development areas for the sustainable growth

and continued success and competitiveness of the Dublin Metropolitan Area. The MASP focuses on a number of large strategic sites, based on key corridors (such as North Western Corridor, which is identified as a key public transport corridor and includes Leixlip) that will deliver significant development in an integrated and sustainable fashion. The Metropolitan Area Strategic Plan (MASP) sets out a 12-year strategic planning and investment framework for the Dublin Metropolitan Area and identifies lands at Collinstown and the Hewlett Packard site as being Strategic Employment Development lands within the North Western Corridor.

Section 3 Growth Strategy

- 6.3.4. There are three functional urban areas within the Eastern and Midland Region (EMR) – Dublin Metropolitan Area; Core Region and Gateway Region (see figure 3.2 of RSES). The RSES has established a settlement hierarchy for the EMR which sets out the key locations for population and employment growth, coupled with investment in infrastructure and services. This sets the framework for the development plan of each local authority, and subsequently the quantum of residential and employment generating zoned land required.
- 6.3.5. The following Regional Policy Objective (RPO) is noted:

RPO 3.1: Key stakeholders including local authorities in the Region shall, through their policies and objectives including development plans, commit to the delivery of the Growth Strategy as detailed in the RSES.

Section 4.2 Settlement Strategy:

- 6.3.6. The RSES has used a robust evidence based approach to derive a settlement hierarchy that will achieve the Regional Strategic Outcomes for the benefit of the whole Region with the settlement typology listed as follows:

Dublin City and Suburbs; Regional Growth Centres; Key Town; Self-Sustaining Growth Towns; Self-Sustaining Towns; Towns and Villages; Rural.

- 6.3.7. The RSES designates various settlements in accordance with the typologies up to the level of Key Towns, after which the settlements are to be defined by development plans of the relevant counties.

RPO 4.1: In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy,

guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

- 6.3.8. Appendix B of the RSES reconfirms the NPF population targets for County Kildare of 249,000-254,000 persons in 2026 and 259,000-266,500 persons in 2031.

6.4. Local Planning Policy

Kildare County Development Plan 2017-2023, as amended by Variation 1 (9th June 2020):

- 6.4.1. Kildare County Council adopted a Variation (Variation No. 1) of the Kildare County Development Plan (KCDP) 2017-2023, on 9th June 2020. The adopted variation responds to the recent changes in national and regional policy, namely the NPF and the EMRA Regional Spatial and Economic Strategy (RSES) 2019-2031.
- 6.4.2. The Variation results in amendments to Volume 1, Chapters 2 and 3, which relate to the Core Strategy and Settlement Strategy respectively, as well as Chapter 5 Economic Development, Enterprise and Tourism.
- 6.4.3. The following sections of the development plan, as amended, are noted:
- 6.4.4. Table 3.1 County Kildare Settlement Hierarchy 2020-2023 – Leixlip is identified as a Self-Sustaining Growth Town.
- 6.4.5. Table 3.3 Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023: Allocated dwellings target for Leixlip for the period 2020-2023 is 615 units. This figure is derived from NPF 2026 projections for population growth and growth in housing units, modified to coincide with the life of the development plan to 2023 (the NPF 2026 population growth in housing units for Leixlip is 1434 units).
- 6.4.6. The projections have been adjusted to the end of the first quarter of 2023 to coincide with life of the development plan.
- 6.4.7. Section 2.16 Delivering the Core Strategy; Section 2.16.1 Policies: Settlement Strategy:

It is the policy of the Council to:

CS 1 Provide new housing in accordance with the County Settlement Hierarchy.

CS 2 Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.

CS 3 Support rural communities through the identification of lower order centres including towns, villages and settlements to provide more sustainable development centres in the rural areas.

CS 4 Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of a least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint.

CS 4(a) Develop in accordance with the National Planning Framework (NPO 18b) a programme for new homes in small towns and villages in association with public infrastructure agencies, local communities, housing bodies and landowners to identify lands for the provision of low density serviced sites with appropriate infrastructure throughout settlements identified as Rural Towns, Villages and Rural Settlements (as identified in Table 3.3).

6.4.8. Section 3.8 Policies: Settlement Strategy

It is the policy of the Council to:

SS 1 Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1.

SS 3 Ensure that the zoning of lands is in accordance with the Core Strategy and Settlement Strategy.

SS 4 Review the zoning of lands in instances where there is an oversupply of land for housing and to consider alternative land use zoning objectives to reduce the quantum of housing lands in the first instance. The phased development of housing lands will be considered as a secondary solution only.

6.4.9. The following Objectives are of relevance:

SO 2 Carry out a strategic Land Use, Employment and Transportation Study of north east Kildare including the Dublin Metropolitan area towns of Leixlip, Maynooth, Celbridge and Kilcock. The preparation of the study will have regard to existing and emerging local area plans. It is envisaged that the study will involve the participation of all strategic stakeholders, including the National Transportation Authority, adjoining local authorities (i.e. Meath, Fingal and South Dublin County Councils), the Regional Assembly, transportation providers, Waterways Ireland, Government Departments and Environmental Agencies.

SO 9 Sequentially develop lands within towns and villages in accordance with the Development Plan Guidelines, DEHLG (2007) including any updated guidelines and deliver at least 30% of all new homes that are targeted in settlements within their existing built-up footprint (defined by the CSO).

6.4.10. Section 2.16.2 Policies: Economic Development

CS 8 Address commuting patterns by building up the local economy to a more sustainable level by promoting self-sustaining employment-based development opportunities in settlements to provide for employment growth for the existing population in order to reverse commuting patterns.

6.4.11. Architectural Heritage – Leixlip Gate, protected structure, RPS ref B11-113; NIAH ref 11901101. The description is "walls / gates / railings" (Leixlip Gate is located southeast of the application site at the end of Leixlip Gate avenue and adjoins an old gate lodge).

Leixlip Local Area Plan 2020-2023

6.4.12. The LAP was adopted on 16th December 2019, for a period of three years. I note the LAP was adopted prior to the adoption of the recent Variation No. 1 to the Kildare County Development Plan 2017-2023 on 9th June 2020. Variation 1 has resulted in changes to the Core Strategy and Settlement Strategy for the County, which override the LAP dwelling target figures for Leixlip. The following objective of the LAP is noted in this regard:

CS1 It is the policy of the Council to support the sustainable long term growth of Leixlip in accordance with the Core Strategy of the Kildare County Development Plan 2017-2023 (or any variation of same), the provisions of the National Planning Framework 2018 and the Regional Spatial and Economic Strategy.

6.4.13. The LAP identifies certain lands as Phase 1 lands for development. This includes the application site at Leixlip Gate.

6.4.14. Table 4.1 Residential Unit Assessment – Phase 1, KDA Leixlip Gate, quantum of land of 9.23 ha, with estimated residential capacity of 323 units, at density range of 35 units per hectare. In terms of the density figure given, it is stated that the figures represent an estimate only. The density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities.

6.4.15. The application site is Zoned Objective C ‘to provide for New Residential Development’ in the Leixlip Local Area Plan, 2020-2023. The existing dwelling proposed to be demolished is zoned ‘B Existing Residential / Infill’. Existing planting along the north and western site boundaries is zoned ‘F, Open Space and Amenity’.

6.4.16. Core Strategy - Objectives:

CS1.2 To focus new residential development on appropriately zoned lands, within the Key Development Areas identified as Phase 1 and on appropriate infill sites in the town and the Phase 2 lands at Confey, in a phased manner alongside appropriate physical and social infrastructure. Phasing shall be in accordance with Table 4.1. Development will be permitted in principle on Phase 1 lands during the initial stages of the LAP and only when these lands are ‘substantially developed’ will permission be granted for the development of lands identified as Phase 2. Should the lands identified as Phase 1 not come forward for development in the short term, consideration will be given to Phase 2 lands subject to the preparation of the Masterplan which is to be prepared and integrated into the Leixlip Local Area Plan by way of a statutory amendment to the Local Area Plan pursuant to Section 20 of the Planning and Development Act 2000 (as amended) as per objective CON 1.1.

CS1.3 To support and facilitate development in accordance with the objectives set out in Section 12.7 of this Local Area Plan.

CS1.4 To promote and support the development of a business campus at Collinstown, Leixlip in accordance with the Design Guidance and Principles for these lands.

CS1.5 To support and facilitate development on zoned land based on the policies and objectives of the Kildare County Development Plan 2017-2023.

6.4.17. Policy HC2 - Residential Density, Mix and Design

HC2 It is the policy of the Council to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

Objectives

It shall be an objective of the Council:

HC2.1 To ensure that a good mix of housing types and sizes is provided in all new residential areas including each Key Development Area (KDA) and appropriate infill/brownfield locations to meet the needs of the population of Leixlip, including housing designed for older people and people with disabilities.

HC2.2 Require that residential schemes in close proximity to heavily trafficked roads within/adjoining Leixlip are designed and constructed to minimise noise disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided.

6.4.18. Section 12.1. Key Development Areas:

The LAP identifies 3 Key Development Areas (KDAs) within Leixlip. The application site related to the northern half of Leixlip Gate KDA (Kilmacredock). Each KDA has a design brief. The LAP states

‘The character and layout envisaged for each area in terms of design, heights and finishes will vary depending upon the existing topography, environmental features, open space, amenity and heritage features and views and basic design concepts including street hierarchy. The analysis is used to form a vision for each area based on the key principles of urban design as outlined in the Kildare County Development Plan 2017– 2023 (or any successor to same)

and the Sustainable Residential Development in Urban Areas (DoEHLG, 2009) and its companion document, the Urban Design Manual.

6.4.19. Section 12.4 Leixlip Gate Key Development Area (Kilmacredock): The KDA envisages:

- **Connectivity/Movement:** Access to the site will be via Leixlip Gate and onto Green Lane; vehicular, pedestrian and cyclist permeability throughout and pedestrian / cyclists access to the R449 to the west; planning applications to be accompanied by a Transport Impact Assessment.
- **Built Form:** Medium density residential development in the order of 35 units per hectare; building heights to respect the adjoining properties; high quality development form along the R449 should announce the town and buildings limited to 3-storeys may be provided at the roundabout junction of the R449 and Green Lane; passive surveillance of roads and open spaces; the existing avenue entrance gate (Leixlip Gate) is a Protected Structure (Ref. B11-59) and leads to a tree lined avenue, formerly part of Castletown Demesne. Proposals should seek to minimise impact on the Protected Structure and avenue; buildings shall maintain an appropriate set back from the roundabout at the R449 and Green Lane.
- **Landscape and Spaces:** Provide for minimum 15% quality open space; retain natural heritage and existing green infrastructure features through incorporation into boundaries of residential development; incorporate natural heritage and green infrastructure features in addressing flood risk and preparation of SuDs Strategy; the demesne wall should be retained as far as practicable and be incorporated as a key feature within the open space of any development proposed on these lands. Where sections of the original demesne wall need to be removed to facilitate pedestrian/vehicular access within the KDA, proposals shall be subject to detailed design; use landscaping to create buffer from R449 and M4.

6.4.20. Section 12.5 Phasing, Infrastructure, Delivery Schedule and Funding Sources:

Table 12.1 outlines phasing etc for each KDA:

Leixlip Gate KDA		
Infrastructure	Delivery Schedule	Funding Sources
Roads and Transportation		
Implement measures identified in 'Leixlip Strategic Transport Assessment' and Leixlip Local Area Plan 2020-2023.	Medium – Long Term - In tandem with new development.	Developer, State, KCC
General cycle Improvements.	On-going – In tandem with new development.	Developer, State, KCC
Water and Wastewater		
General water supply network upgrade and extension.	On-going subject to agreement with IW.	Developer, State (IW)
General wastewater treatment network upgrade and extension.	On-going subject to agreement with IW.	Developer, State (IW)
Outcome of Drainage Area Plan (DAP) may impact on location of connection points to the sewer network and may necessitate the upgrading of the local pumping station. Study due for completion in 2020.	On-going subject to agreement with IW.	Developer, State (IW)
Open Space Provision		
Provision of open space and recreational areas	To be carried out in tandem with new development and completed prior to the occupation of all units.	Developer

6.4.21. Objective GI1.6 of the plan seeks to preserve, protect and enhance trees (including woodlands) of special amenity, nature conservation or landscape value including trees along the eastern side of Leixlip Gate.

6.5. Designated sites

The site is not within, or adjoining, an area designated for nature conservation. There are two designated sites of conservation importance within a distance of approximately 1.5 km of the site, and a further site along the River Liffey just downstream of Leixlip.

- The Royal Canal proposed Natural Heritage Area (code 02103) occurs less than 1 km to the north of the site. The canal supports a wide range of ecological interests, including bird species such as mute swan, moorhen, mallard and kingfisher.
- Rye Water Valley/Carlton SAC (site code 001398) is located approximately 1.5km metres to the north of the site. The Rye Water Valley/Carlton is also a pNHA. The Rye Water flows through Leixlip and joins the River Liffey just north of Leixlip castle. The Carlton woods are mostly old demesne woods and support several rare and scarce plants and a diverse woodland bird fauna.

The Liffey Valley Meander Belt proposed Natural Heritage Area (code 0393) occurs downstream of Leixlip. This proposed NHA includes the river channel and banks, along with several stands of woodland.

7.0 Third Party Submissions

7.1. In total 16 submissions were received (including 5 from prescribed bodies, which are summarised in section 9). The submissions were primarily made by or on behalf of local residents.

7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Density, Design and Layout

- Density exceeds what is allowed for in the LAP.
- Buildings higher than permitted in LAP, which requires buildings to be limited to 3 storeys at the roundabout junction of the R449 and Green Lane.
- Concern over low number of 4 bed units. A broader mix of units to include 4 and 5 bedroom to include a facility for working from home, should be provided, which would ensure a broader socio-economic mix of population.
- Housing should be situated off west side of lane.
- Duplex units out of character with the area and will impact negatively on neighbouring dwellings.
- Concern with scale and location of duplex units. Bulk and massing of the duplexes a concern – will be overbearing and dominant on existing housing and is contrary to the LAP. Impact on existing three dwellings (to southeast) exacerbated by removal of trees which would screen duplexes from the existing three detached dwellings.
- Duplex units materially contravene the zoning objective.
- Concern in relation to permeability of the development.
- Row of semi-detached and terraced units facing the avenue out of context with existing housing on the lane.

- Concern in relation to no solid boundary between lane and the development.
- Leixlip Gate avenue should be protected and fence erected. Removal of lane will devalue properties.
- Essential that crèche is delivered in first phase due to pressures on childcare facilities in the area.
- The entrance to the estate is proposed to be similar in style to the present entrance to Kilmacredock House. An unobtrusive soft entrance should be planted, in keeping with the rest of the lane.
- Terraced houses and semi detached houses facing Leixlip avenue will be visible as these trees are deciduous and the proposal will detract from the character of the avenue and will be out of character with established pattern of development which are for large houses on substantial sites.

Impact on Residential Amenity

- LAP requires that 'layout shall have regard to the residential amenity of existing dwellings with building heights respecting adjoining properties'. The positioning of the 3 storey blocks overlooking the existing two storey houses is not compatible with requirements.
- Serious concern in relation to overlooking, overbearing and dominant impact of duplexes and terraced dwellings to north and west of existing 3 dwellings to the south of the site. The existing dwellings will front onto 12m high 3 storey duplex units to the north, with the existing high treeline boundary to be moved. The replacement privacy screening will not be effective for a number of years given the species of tree indicated and it's expected growth rate. The western most dwelling will be overlooked from the side and rear by proposed terraced housing to the west. Rear gardens of proposed dwellings are only approx. 15m deep, where normally 22m between opposing rear dwellings is generally required.
- Request duplex Block C is relocated to northwest of proposed open space (and remaining space become open space) to mitigate impact on existing dwellings and Block B is reorientated.
- Trees to be removed north of 3 existing dwellings are Lawson Cypress and Spruce which are assigned Category C, low quality/value with a min of 10 years life

expectancy. The Arborist Report states they should be retained where viable with preliminary recommendation to reduce height by 2m to address any stability issues, with monitoring of their condition on a 12 monthly basis.

- The proposal for duplex units is on what is zoned B Existing/Infill Residential, where it is an objective to protect and enhance the amenity of established residential communities and promote sustainable intensification. The development is not infill development and therefore materially contravenes the zoning objective.
- The before and after photograph looking from Leixlip Gate avenue toward duplex blocks B and C does not appear to be realistic and will actually look much taller. This needs to be thoroughly checked.
- Object to any interference with the lane south of the proposed entrance.
- Concern with proposed location of duplex units and impact on residential amenity of existing estates.
- Concern about connections to Leixlip Gate estate which is not taken in charge and potential personal injury risks.
- Scale and location of duplex units and impact on adjoining residential amenity.
- No cross section of duplex units and existing housing.
- Terraced housing proposed west of existing house to southeast will overlook the living areas and private rear gardens of the most western dwelling.
- Detached dwelling to south will be overlooked on two sides by duplex units and terraced houses.
- Development does not have regard to existing dwellings.
- Removal of mature trees along southern boundary will take years to replace.
- Photomontages are misleading.
- Concern that lack of a boundary to Leixlip Gate avenue will result in security issues for existing residents.
- Section FF on drawing PL17 does not accurately reflect the proposed development, purposely leaving out the 12m high buildings for reference against the existing dwellings.

- Lighting plan does not accurately show impact on neighbouring dwellings.
- The development does not have regard to the height and amenity of existing dwellings, as per the LAP.
- Permeability of the development onto Leixlip Gate avenue is detrimental to quality of life of existing residents.
- The implications of raising the ground levels on the site by an average of 400mm are not clear in terms of impacts on adjoining properties.

Open Space

- Playground is required.

Traffic and Transportation

- Objection to the widening of the proposed entrance, in addition to concerns in relation to traffic volumes and traffic safety at the junction trying to gain access to Easton Road.
- Access should be from the R449.
- Query over accuracy of TIA. There is one bus route within 5 min walk, the 66a, other bus routes quoted (66 and 66X) are a 22 min walk away. The TIA chose the statistically lowest month for traffic volumes in its assessment. The volume of traffic should be reassessed. There is no basis in TIA for assumption that the majority of gym and crèche users will be from within the development and from a traffic view point are unlikely to give rise to additional trip generation. Volume of traffic will result in traffic backing up from the entrance to Leixlip Gate avenue to the roundabout at the R449.
- Concern with location of entrance and exit to the development. Traffic heavy turning right to Leixlip. There have been a number of serious accidents on Green Lane to the east which has recently resulted in a death.
- Alternative northern exit at northern end of site onto Green Lane, as indicated in LAP, has not been explored in the application. Leixlip Gate avenue should be left fully intact and the proposed development re-designed to have its entrance at the Green Lane/R449 roundabout junction, which would also be a better location for traffic flow and road safety.

- Entrance to development is further south than envisaged in the LAP.
- A right turning lane should be provided into the development from Green Lane. Without it there is a high likelihood of traffic queuing along Green Road as traffic waits to turn into Leixlip Gate.
- Safety issue with avenue – the avenue will be 6m wide as far as the entrance then narrows to existing 3m width. Cars coming from Easton Road south down the avenue to the southern 3m end, will have to stop before the 3m section to allow traffic travelling north from the 3m section to pass, temporarily blocking traffic coming south into the estate.
- Issue of traffic volumes and traffic safety. There are a number of large housing estates along Easton Road and St. Marty's GAA have extensive playing grounds that create traffic peaks. There is also a large number of pedestrian movements because of the large number of children in this part of Leixlip. The cumulative effects of new developments needs to consider how risk can be mitigated along Easton Road.
- Concern with traffic safety and widening the avenue.
- Traffic impact assessment does not account for outside traffic to the crèche.
- Concern with construction phase.
- Concern with noise from the motorway, as it is only 150m south of the site. A contribution should be required towards the use of a quieter road surfacing in a future upgrade of the M4 contiguous to the development.
- The number of cycle spaces at 73 for 73 units falls below that set out in Design Standards for New Apartments.
- There is no resolution to measures identified in Leixlip Strategic Transport assessment as required by LAP.

Natural Heritage

- Concern with destruction of natural heritage on the avenue due to road widening and loss of trees. The avenue is part of the cultural and natural heritage associated with Castletown House. Widening will destroy the character of the avenue.
- Leixlip Gate avenue should be retained as is and a boundary fence similar to the one at Beech Park should be erected to maintain integrity of trees and hedgerows.

- Concern with felling of mature trees on Leixlip Gate avenue.
- The proposal by the applicant to utilise Leixlip Gate avenue as the main access will have a disastrous effect on the natural historic double tree lined Leixlip Gate avenue.
- The landscape plan inaccurately show level of trees/hedgerows to be removed, where widening of road is indicated.
- The 15m wide greenbelt between Leixlip Gate avenue and the development site must be fully preserved and left undisturbed, as was done on the eastern side of the laneway when Beech Park housing development was constructed. The proposal to clear up to the area beyond the entrance to form an open space and to plant wild flowers is contrary to proper conservation standards. This area contains an existing natural carpet of flora and fauna.
- The hedgerow and trees to be removed south of Kilmacredock House where a single house has been permitted was to be retained as part of its permission under 16/90.
- Works proposed contravene LAP green belt.

Archaeology

- Question findings of archaeological report. Easton House north of the site is extant and forms part of the Gleneaston Housing Estate.

Water Services

- Developer should provide storm water storage and abatement on site.
- Concern with capacity of sewage pipe network.
- Drawing 1906 BW-03A does not indicate all proposed water mains.
- Drainage are plan is not complete.

Other Matters

- Site is described as being at Leixlip Gate, Kilmacredock, Leixlip. There are townlands called Kilmacredock Upper and Milmacredock Lower but Kilmacredock as such does not exist. The lands are partly located in the townland of Collinstown and

partly in the townland Kilmacredock Upper. The description of the site is misleading and does not given the correct description of the lands.

- The road contiguous to the site is called Easton Road, as is clearly marked on OS maps and not Green Lane. The Register of Electors correctly itemises Green Lane and Easton Road electors.
- The SHD process undermines the public right to sufficient information under the Aarhus Convention and a Judicial Review of a recent housing development in Clane is noted in this regard.
- North point is not shown on the site map.
- Leixlip Gate refers to grouping of houses south of Leixlip Gate. Leixlip Gate residents association object to the high jacking of their name for the proposed development.
- Omissions from planning application and incorrect forms used.
- North point is not shown on site map.
- Objects to use of a private management company.
- Questions whether additional school places from this development have been considered.
- Questions the legal requirements of the application and whether it needs to be readvertised.
- A suitable name should be provided for the development other than Leixlip Gate.

8.0 Planning Authority Submission

8.1. Overview

- 8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Kildare County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 16th July 2020. The report includes a summary of third party submissions, views of the relevant elected members, policy context, and a quantitative and qualitative assessment of the proposed development. The submission includes several technical reports from relevant departments of Kildare

County Council. The Chief Executive's (C.E.) Report concludes that it is recommended that permission be refused. The C.E. Report from Kildare County Council is summarised hereunder.

8.1.1. **Summary of Inter-Departmental Reports**

- Parks Section: Recommend a Grant. Tree and hedgerow proposals are satisfactory in principle; landscape design proposals are satisfactory in principle, however, insufficient details submitted and conditions are commended; conditions are recommended including amendment to approach to the boundary of the stream through the site and how it is designed to incorporate it as a feature of the development; insufficient details submitted in relation to protecting the existing Demense stone wall and it is requested that revised proposals are submitted which reposition apartment block C and the end unit in the southeastern corner further away from the wall, also further details required in relation to the play areas.
- Transportation Department: Refusal recommended. The applicant has not provided any evidence of its control, its ownership, or its legal entitlement to upgrade and widen Leixlip Gate access to the required standards to facilitate traffic from the proposed development. In addition, the applicant has not provided details of evidence of ownership or consent, permission or agreement from other adjacent landowners to facilitate the necessary works for lane upgrade and widening. Concerns also raised about the quantity and location of numerous services located in the existing access lane and the relocation or upgrade of same. Road safety audit and failure of development to address the numerous safety issues in relation to cycle tracks, pedestrian crossings, and lack of tactile paving. Noise impact assessment is inadequate. Conditions indicated should permission be granted.
- Housing Report: Concerns raised in relation to type of units proposed and lack of pepper potting of units, in addition to queries over storage and boundary wall treatment.
- Environment Report: No objection subject to conditions.
- Water Services: No objection subject to conditions.

8.1.2. **Summary of Views of Elected Members:**

Members agreed with principle of residential development in this location and welcomed new housing provision in Leixlip. Concerns were raised in relation to the following matters:

- Density not in accordance with LAP – concerns regarding the height where 2-3 storey buildings were advised in the LAP.
- Plans show proposed installation of a wall to surround The Gate at the entrance, but this was a historical feature and the vista should be preserved as it added a scenic value to the town.
- LAP is out of kilter with the County Development Plan.
- Provision of public transport – there was no provision made for transport to the train station.
- Impact of the development on traffic and the physical and social infrastructure in Leixlip.
- A reduction in the size of the crèche should not be permitted.
- Cost of one bedroom apartment was €274,000 – need for more affordable housing.
- Concerns for the high density of the proposed development.

8.1.3. Planning Analysis

- Tree protection plan indicated some of trees on the western side of the avenue to Leixlip Gate will be removed, however the mature trees on the outer side of the road, category B, are to be retained except for what is required to accommodate access turn into the site.
- A watercourse has been rerouted and incorporated into the design of the open space as a landscape feature, parts to be culverted to facilitate access roads. This use for biodiversity and SUDS is welcome and provides an attractive pedestrian route.
- The subject lands are well located within the Leixlip development boundary in close proximity to major employment facilities and public transport corridors.

- Serious concerns re evidence of control or ownership to carry out upgrade works to Leixlip Gate access and laneway works.
- Roads department considers the development does not address the numerous safety issues in relation to cycle tracks, pedestrian crossings, and lack of tactile paving.
- Net density of 40.1 units per hectare is above the estimated 35 units per hectare in table 4.2 of the Leixlip Local Area Plan 2020-2023.
- The building heights and siting of the proposed apartments frame the entry to the towns by the creation of a strong urban block and are appropriate in this instance and would not significantly negatively impact on the visual amenities of the area.
- Open space areas to the north, centre and west are acceptable. Open space to the south along the demesne wall is considered incidental and represents a left over piece of land. It is considered that this area could be improved to provide a usable open space area in accordance with the design brief in the LAP.
- The Roads Department considers the Noise Impact Assessment Report to be inadequate and inconclusive.
- Parking spaces fall short of CDP standards, however, the PA notes the proximity of the site to public transport and employment uses.
- The layout of the scheme is considered relatively well designed.
- Having regard to the Core Strategy of the KCDP 2017-2023 and Variation No. 1 of the KCDP, which designated Leixlip as a Self-Sustaining Growth Town, the New Residential and Existing/Infill Residential zoning objective pertaining to the lands in the Leixlip LAP 2020-2023, it is considered that residential development is appropriate on the subject site. However, refusal is recommended for reasons set out in section 8.2 hereunder. Should permission be granted, conditions are recommended in relation to requirement for an arborist and landscape architect, naming of the estate, hours of operation, bond to ensure completion of the development, development contributions and remaining conditions in the internal reports in Appendix B.

8.2. Statement in accordance with 8 (3) (B) (II)

Kildare County Council Chief Executive's Report recommends a refusal. It is stated that the proposed development would not be consistent with the objectives of the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan 2020-2023 for the following reasons:

1. Based on the information provided with the application, the applicant has not provided any evidence of its control, its ownership, or its legal entitlement to upgrade and widen Leixlip Gate access to the required standards to facilitate traffic from the proposed development. In addition, the applicant has not provided details of evidence of ownership or consent, permission or agreement from other adjacent landowners to facilitate the necessary works for lane upgrade and widening. Having regard to this, there is concern that the developer will be unable to upgrade Leixlip Gate access and will be forced to subsequently access this site from the R449 or via the existing substandard laneway. The Planning Authority also has concerns about the quantity and location of numerous services located in the existing access lane and the relocation or upgrade of same. It is therefore considered that the proposed development is premature due to the existing deficiency in the road network serving the site and therefore could create a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the developer has not addressed the numerous safety issues in relation to cycle tracks, pedestrian crossings and lack of tactile paving. Consequently it is considered that the proposed development would endanger public safety by obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.
3. It is considered that the Noise Assessment Report is inadequate and inconclusive as it does not contain a comprehensive noise survey which provides the basis for the report. A comprehensive noise survey requires readings over 12 hourly and 7 day week period for all locations which has not been carried out. Road noise monitoring periods are very limited and survey points have ignored the peak road noise period of 8.00-9.00 and 16.00-19.00 hrs. As such, the applicant has not demonstrated the extent of the impact of noise pollution on prospective residents and therefore it is considered that the

proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

9.0 Prescribed Bodies

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

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Irish Water
4. Minister for Culture, Heritage and the Gaeltacht
5. Heritage Council
6. Inland Fisheries Ireland
7. An Comhairle Ealaíon
8. Fáilte Ireland
9. An Taisce
10. Kildare County Childcare Committee

Five of the bodies have responded and the following is a summary of the points raised.

9.1.1. Irish Water Report (dated 29th June 2020 and Amended on 23rd July 2020):

The applicant has been advised that based on the size of the development and the current capacity in the network a connection can be facilitated to the existing 225 foul network. Connection to this network is to be at Green Ln/Castletown and Oaklawn intersection; approximately 1.3km east of the site along Green Ln. Irish Water currently does not have any plans to extend its network in this area and does not guarantee a gravity connection to its network. The applicant has been advised that if they wish to progress they are required to fund this extension which will be delivered by Irish Water in the public realm.

In the report dated 29th June, IW stated the designs presented to IW are not compliant with Irish Water standards codes and practices, however, an amended

report was received on 23rd July stating the submitted design are acceptable and IW has issued the applicant a Statement of Design Acceptance.

9.2. Development Applications Unit, Department of Culture Heritage and the Gaeltacht (dated 29th June 2020): The report of the DAU is summarised as follows -

- Culverting of Stream - The Department notes that local planning policy discourages culverting or realignment of watercourses and advises that, wherever possible, they should be maintained in an open state.... The middle section of the stream which runs mostly alongside and through open space will be culverted (71m). If possible, considering surface water gradients and the location of this section within/adjacent to open space, the Department advises that it should be retained as an open watercourse in keeping with local planning policy.
- Where culverting is unavoidable, the Department recommends that, where possible, ecologically friendly box culverts¹ should be used in preference to piped culverts. The realigned section should incorporate stream enhancement measures, as outlined in OPW Environmental Guidance², where possible. In accordance with local planning policy, a biodiversity zone of not less than 10 metres from the top of the bank of the stream should be maintained, where possible (Kildare County Development Plan 2017 – 2023, GI 20).
- Drainage Maintenance - A Drainage Maintenance Plan should be prepared by a suitably qualified Ecologist, to ensure that the watercourse is maintained in an environmentally sensitive manner for the lifetime of the development. Where possible, stream enhancement measures, as outlined in OPW Environmental Guidance, should be included in the plan. This plan should be agreed with the Planning Authority prior to the commencement of the development.
- Demense Wall - It is anticipated that parts of the Demense boundary wall will need to be re-inforced for safety reasons. Works to this wall may impact on negatively biodiversity. The Department therefore advises that the following are included as conditions of planning:
 1. Prior to any construction work commencing on the Demesne wall boundary, a moss, lichen and vascular plant survey should be carried out by an Ecologist. Should any legally protected, rare or threatened species be found, mitigation

measures must be implemented. In the case of legally protected species, a licence will be required from this Department to disturb such species.

2. Prior to any construction work (including ivy and bramble removal) commencing on the stone wall boundary, a bat survey must take place. Should bat roosts be found, a licence application must be made to the Minister for Culture, Heritage and the Gaeltacht to interfere with the roost.
3. Ivy and bramble removal must only be carried out outside the main bird breeding season (i.e. from September to February inclusive).
4. Repair works should use local stone similar to that within the wall.
5. Only traditional lime mortar and not cement should be used for rebuilding, pointing, grouting.

- Wildflower Planting - In accordance with Ecological guidance, wildflowers should be of Irish native origin and should not be introduced into woodland areas or into the existing watercourse.

- Archaeology: Conditions are recommended.

9.3. Inland Fisheries Ireland (dated 18th June 2020): The report received is summarised hereunder –

- Ground preparation and associated construction works, including large-scale topographic alteration and the creation of roads and buildings (as proposed), have significant potential to cause the release of sediments and pollutants into surrounding watercourses. Necessary precaution must be in place to prevent this occurring.

- Comprehensive surface water management measures (GDSDS study recommendations) must be implemented at the construction and operational stage to prevent any pollution of local surface waters. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe-work, to the existing surface water system.

- All works will be completed in line with a Construction Management Plan (CMP) which ensures that good construction practices are adopted throughout the construction period and contains mitigation measures to deal with potential adverse

impacts identified in advance of the scheme. The CMP should provide a mechanism for ensuring compliance with environmental legislation and statutory consents.

- IFI recommends that the use of clear span structures for the planned pedestrian crossings. Any river or stream manipulation works (bridging, culverting or otherwise) must first be submitted to IFI for consultation and approval. Installation of culverts should be completed 'in the dry' in accordance with an agreed Method Statement.
- 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.
- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters.
- If permission is granted we suggest a condition to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor, grease and silt traps.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

9.4. National Transport Authority (dated 25th June 2020):

In principle, the NTA supports development of Leixlip as a self-sustaining growth town, however, we wish to make the following observations.

The NTA recommends that, in assessing the proposed development, An Bord Pleanála carefully consider the following:

- Road network – the proposed development as well as the adjacent sites when developed will give rise to a significant number of pedestrian and cycle trips. The provision of appropriate cycle tracks and pedestrian crossing points should be ensured.
- Wider Pedestrian and Cycle Environment – the connections from the site in all directions, in particular towards the town centre and the schools, should

accommodate and provide for movement by these modes in accordance with the National Cycle Manual and the GDA Cycle Network Plan; in a manner which will serve the increased demand for travel; and in a manner which maximises comfort, safety and personal security.

- Cycle parking spaces should be secure and lit. As per the Sustainable Urban Housing: Design Standards for New Apartments, provision should be made for 1 space per bedroom, rather than 1 space per unit. It would appear that the provision of 73 no. spaces for 73 no. units falls below this threshold. Visitor bicycle parking should also be provided. The stands should be Sheffield-type and located 1.5m apart. The design and location of such should comply with the principle set out in the NTA Cycle Manual.
- This site will continue to be well served by the bus network under the BusConnects Network Review. Permeability within and to the estate from the surrounding road network should be ensured in order to provide efficient and safe access to the bus network.
- Details of the junctions and access points to the proposed development were not found. All junctions to the development should be designed with the pedestrian and cyclist in mind. All curbs should be dropped and raised tables used where required. Access radii should be tight to ensure safe crossing points for pedestrians. The pedestrian/cycle access points to the west should be well designed, lit and ensure that the safe movement of pedestrians and cyclists is provided for. All access points should be cycle-friendly.

9.5. Transport Infrastructure Ireland (dated 8th June 2020):

The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as Conditions in the Permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.

10.0 Environmental Impact Assessment Screening

- 10.1.1. The applicant has submitted an Environmental Impact Assessment Screening Report. The Report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not likely result in significant effects on the environment.
- 10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 10.1.3. The proposed development of 239 residential units on a 6.55 ha site, located in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

The proposed development is not a large-scale project and the size and design of the proposed development would not be unusual in the context of a developing urban area. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer, water and utilise the existing road network. The site is not designated for the protection of landscape or natural or cultural heritage. The proposed development is not likely to have a significant effect on any European designated site (as per the findings of section 13 of this assessment).

- 10.1.4. Having regard to:

(a) The characteristics of the proposed development

(b) the nature and scale of the proposed development, on zoned lands served by public infrastructure,

(c) the absence of any significant environmental sensitivities in the area and the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. Therefore, an Environmental Impact Assessment can, therefore, be excluded.

11.0 Assessment

11.1. Introduction

11.1.1. At the time of reporting, the statutory plan and policies in place are those in the Kildare County Development Plan 2017-2023, as amended by Variation No. 1. I note a legal stay has been placed by the High Court on this Variation, dated from 12th August 2020, which states that it is ordered that the coming into force of the Variation be stayed insofar as it applies to and affects the towns of Celbridge and Clane as designated in their respective Local Area Plans and the village of Johnstown as designated in Volume 2 of the County Plan until the determination of the application for judicial review or until further Order or until the stay on proceedings shall have lapsed by reason of the Applicants' failure to serve an originating Notice of Motion herein within the proper time.

11.2. As this legal stay does not relate to Leixlip, I am assessing this application by reference to the Kildare County Development Plan 2017-2023, as amended by Variation No. 1.

11.2.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

11.2.2. I consider the main issues relating to this application are as follows:

- Principle of Development / Material Contravention Statement
- Density and Mix
- Layout and Urban Design
- Biodiversity, Arboricultural Impact Assessment and Landscaping
- Architectural Heritage and Archaeology
- Future Residential Amenity
- Impact on Residential Amenity of Neighbouring Properties
- Traffic, Transportation and Access
- Water Services Infrastructure, including Flooding Issues
- Other matters

These matters are considered separately hereunder.

11.3. I have carried out an Environmental Impact Assessment Screening and Appropriate Assessment Screening in respect of the proposed development, as detailed elsewhere in this report.

11.4. **Principle of Development / Material Contravention**

Principle of Development – Zoning and Core Strategy

11.4.1. The site is zoned primarily C New Residential 'To provide new residential development'. A portion of the site where an existing dwelling and barn is located (to be demolished) is zoned B Existing Residential/Infill 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'. A linear portion of the site along the western and northwestern boundary, adjoining the R449, is zoned F Open Space and Amenity 'to protect and provide for open space, amenity and recreation provision'.

11.4.2. I note table 3.3 of the development plan, sets out a housing allocation figure of 615 units for Leixlip from 2020-2023. The proposed development falls within the allocation. The proposal is therefore in compliance with LAP policy CS1 '...to support the sustainable long term growth of Leixlip in accordance with the Core Strategy of

the Kildare County Development Plan 2017-2023 (or any variation of same), the provisions of the National Planning Framework 2018 and the Regional Spatial and Economic Strategy’.

11.4.3. I note a third party submission considers the proposal for Duplex Block B which is on zoned B land (existing house to be demolished at this location) is a material contravention of the zoning objective as it is not an infill development but part of a wider scheme. The zoning objective allows for residential development at this location, with a focus on protecting and enhancing the amenity of established residential communities and promotion of sustainable intensification. The principle of residential development is therefore acceptable and does not in my opinion materially contravene the zoning objective.

11.4.4. I am satisfied that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The principle of development is acceptable within the context of the zoning objective, subject to the detailed considerations below.

Material Contravention

11.4.5. The applicant has submitted a document titled ‘Material Contravention Statement’, summarised in section 5.3.3 above, which has been advertised in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.4.6. The issue of density has been considered in the submitted MC Statement, where it is stated that the Leixlip Gate KDA indicates the density will be “in the order of” 35 unit per ha and the LAP figure given is an approximate (not a maximum) density, with Table 4.1 of the LAP stating that the densities stated in the LAP are estimates only - *“the density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities.”* In accordance with the LAP, I do not consider the development is a material contravention in terms of density (see section 11.5 hereunder in relation to Density and Housing Mix).

11.4.7. The applicant considers that the proposed development may be deemed to represent a material contravention of the development plan in relation to building heights.

11.4.8. Leixlip LAP 2020-2023 states that ‘the layout shall have regard to the residential amenity of existing dwellings, with building heights respecting the adjoining properties. High quality development form along the R449 should announce the town and buildings limited to 3-storeys may be provided at the roundabout junction of the R449 and Green Lane’. The proposed apartment building at the roundabout is 4 storeys in height. It is contended in the submitted MC Statement accompanying the application that the proposed development complies with the principles for taller buildings outlined in the National Building Heights Guidelines and has been assessed against section 3.2 Development Management Criteria in the guidelines. The MC Statement considers that the Board may grant permission under Section 5(6) of the 2016 Act, in accordance with the guidelines, specifically SPPR 3, whereby it is stated

‘It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise....’.

11.4.9. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

I have provided an assessment under each of the available possibilities set out in Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

(i) the proposed development is of strategic or national importance:

With regard to S.37(2)(b)(i) the development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development is of strategic importance to the development of Leixlip, in line with national policies to provide for compact growth within the Dublin MASP, in proximity to public transport and major employment facilities.

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned:

11.4.10. There are no conflicting objectives within/between the Kildare County Development 2017-2023, as amended by Variation 1, or in the Leixlip Local Area Plan 2020-2023 insofar as the development is concerned.

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government

Urban Development and Building Height Guidelines 2018

- 11.4.11. Within the Leixlip LAP 2020-2023, each KDA has a design brief. The Leixlip Gate KDA (Kilmacredock) states in relation to the element of built form that ‘High quality development form along the R449 should announce the town and buildings limited to 3-storeys may be provided at the roundabout junction of the R449 and Green Lane...Buildings shall maintain an appropriate set back from the roundabout at the R449 and Green Lane’.
- 11.4.12. Under the Section 28 Urban Development and Building Height Guidelines (2018), guidance is provided in relation to ‘Building height in suburban/edge locations (City and Town’. Under section 3.6 it is stated that ‘Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets’. SPPR 4 of the guidelines states:
- ‘It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.
- 11.4.13. It is proposed to construct a 4 storey apartment building at the roundabout junction of the R449 and Green Lane at the northwest corner of the site. While I note the height is greater than the 3 storeys referred to in the LAP, I consider the proposed height will provide for a strong well designed building form at this location which is at the entrance road to Leixlip, appropriately defining this entrance point as required by the

LAP. Through the positioning of the building and other 4 storey buildings along the western boundary of the site, the development has had due regard to the residential amenity of existing dwellings.

11.4.14. Having regard to the provisions of Section 37(2)(b)(iii), in my opinion it is justified to contravene Leixlip Local Area Plan 2020-2023 in relation to height, as per section 3.6 and SPPR4 of the Urban Development and Building Height Guidelines (2018).

11.4.15. In terms of the layout and design of the proposed development, it is considered to be in accordance with national guidance, such as the NPF and EMRA-RSES, Urban Development and Building Height Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and Sustainable Residential Development in Urban Areas, which seek the creation of compact, sustainable residential developments to be located in appropriate urban locations, close to existing/proposed infrastructure and services. The development is located on residentially zoned land within the development boundary of an existing urban settlement, contiguous to the built up area, and is proximate to existing infrastructure and services. The development of these lands is assigned as part of phase 1 lands for development in Leixlip.

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.4.16. In terms of the pattern of development in the area, I note that no development has been permitted in the area since the adoption of the Leixlip Local Area Plan 2020-2023.

11.5. **Density and Housing Mix**

11.5.1. The site is located on zoned residential land within the development boundary of Leixlip, which is identified as a Self-Sustaining Growth Town within the settlement hierarchy for the county.

11.5.2. Under national guidance as set out in the guidelines Sustainable Residential Development in Urban Areas (2009) and in accordance with the criteria established

in Chapter 5 'Cities and Larger Towns' of those guidelines, the site is considered an outer suburban greenfield site where net densities in the general range of 35-50 dwellings per hectare are encouraged and those below 30 dwellings per hectare are discouraged. The density requirement in Table 4.2 of the Kildare CDP (30-50 units per hectare) is in line with the guidelines. The Leixlip LAP under Table 4.1 'Residential Unit Assessment' indicates in relation to Leixlip Gate KDA a density range of 35 units per hectare and states in relation to the density figures indicated that 'Figures stated represent an estimate only. The density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities'.

11.5.3. The total site area is a stated 5.96ha net. The proposed development of 239 units equates to a density of 40 units per hectare. This density is appropriate within the national policy context and the Kildare County Development Plan 2017-2023 (as amended by Variation 1). I note concerns raised in third party submissions that the development is contrary to the LAP in terms of density. While the LAP indicates a density of 35 units per hectare, it is stated in the LAP (as noted above) that this is an estimate only with the exact density to be determined at detailed design stage, therefore I do not consider the density proposed to be contrary to the LAP or a material contravention of the LAP. I consider the proposed density an efficient use of land and in accordance with national guidance.

11.5.4. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units in a range of unit types, from semi-detached/terraced houses, to duplex units and apartment blocks. I note the dwelling mix is questioned in third party submissions with a preference stated for more 4 bed units. I note that the majority of development in the area already caters for mainly 3 and 4 bed units. I consider the mix proposed to be reasonable and will enhance the housing mix of the area, in accordance with national guidance.

Part V

11.5.5. I note the applicant proposes within the documentation to accommodate part V on the site. Further consultation and agreement with the planning authority is required, which can be addressed by way of condition.

11.6. **Layout and Urban Design**

Overall Development Strategy

- 11.6.1. The layout of the scheme has been informed by the existing site context, in particular the natural features of the site in terms of the mature trees and vegetation along Leixlip Gate (referred to as Lexilip Gate avenue hereafter, for clarity and not to be confused with PS of Leixlip Gate) and the R449; the historic stone wall to the south of the site; the minor watercourse which runs through the site from west to the east; and existing detached dwellings bounding the site.
- 11.6.2. The application site is located at the western development boundary of Leixlip and is governed by the Leixlip Local Area Plan 2020-2023. The site is accessed from its northeastern boundary with Leixlip Gate avenue, which is itself accessed off Green Lane distributor road.

Leixlip Gate avenue – Widening and Access

- 11.6.3. In terms of site access, it is proposed to upgrade and widen Leixlip Gate avenue along a section of the boundary with Kilmacredock House up to the proposed entrance to the site. I note the existing northern section of the avenue at the junction with Green Lane has in the past been widened (for approx. 42m in length), with it reducing in width to 3m from Kilmacredock House on. The avenue will be increased in width so that the carriageway is 6m wide to allow for passing cars, with a footpath and cyclepath on one side, which are proposed to connect into the footpath/cyclepath on Green Lane distributor road. I note increasing the width of Leixlip Gate avenue requires the removal of 13 trees and a hedgerow along a portion of the western side of the avenue, extending from the existing residential entrance along the boundary of Kilmacredock House to the proposed entrance to the site just south of Kilmacredock House, a distance of approx. 100m. Of these trees, three are classified in the arborist report as being Category B trees and the remaining are Category C trees. It is proposed to retain an inner line of parallel mature trees. The boundary wall to Kilmacredock House which is being removed will be reinstated approx. 8m west of its current position. Measures included to ensure widening protects trees to be retained include use of a 'no dig' path strategy to facilitate path construction and service ducting without disturbing root protection zones.
- 11.6.4. A number of third party submissions have raised concerns in relation to the proposed widening of Leixlip Gate avenue and its resultant impact on the natural and built heritage of the area, loss of character of the avenue due to tree loss, and residential

amenity of existing dwellings. I acknowledge that trees along the avenue are an important feature of the avenue and part of the natural heritage and history of the area. The inner line of mature historic trees are being retained, which I consider a significant mitigating factor in relation to the works proposed. It is a key requirement of the Parks Section of KCC that this line of historic mature Lime trees is retained and protected. A balance is required between retaining the existing character of the avenue, while supporting development of land for housing at this location. The land is zoned for development with access planned for off this avenue within the Leixlip LAP (as per the KDA for the site, Connectivity/Movement), which necessitates it's widening. While the tree lined character will be altered, significant planting will remain and the historic north-south alignment will be retained. The avenue to the south of the entrance, which is 3m wide, is proposed to be retained as is, with public open space proposed along the remaining frontage of the site with the avenue and additional planting and pedestrian connection into the site proposed. Overall, I consider the removal of the proposed section of trees and hedgerow to allow for the upgrade and access works is reasonable and is adequately mitigated. The trees along the eastern side of the avenue will not be affected and the proposal is therefore in accordance with GI1.6 of the LAP to protect trees 'along east side of laneway to Leixlip Gate'. I consider site specific construction management measures will be vital to ensure protection of all trees along the avenue both to the east and west, given upgrade works and construction vehicles could potentially impact the trees to be retained if not appropriately managed. Issues of biodiversity are discussed further under Section 11.7 hereunder, and traffic impact and access are discussed under Section 11.11.

Internal Street Network

11.6.5. In terms of the internal street network, a hierarchy of streets is proposed with some home zones/shared streets identified at different locations within the scheme. I note the primary access to the site is from the east and is 6m wide, with this street turning south within the development, with a staggered layout around proposed public open space, leading up to the historic wall at the southern boundary, with provision indicated for an access point through the wall from this development to the residentially zoned lands to the south (not in the applicant's ownership). This connection is not provided for as part of this application. The provision for an access

through the wall is in accordance with the LAP requirement to facilitate access between the developments. While a number of cul-de-sacs are proposed within the scheme, I note that this is dictated largely by the site parameters. Overall, pedestrian permeability east-west and north-south across the scheme is high, with two access points for pedestrians/cyclists onto the R449, connecting to the existing footpath and cyclepath here, connection to the footpath and cycle path on Green Lane via proposed footpath/cyclepath at the northern end of Leixlip Gate avenue, and provision for an additional pedestrian only access onto Leixlip Gate avenue. While I consider the overall street layout and pedestrian network is acceptable from a permeability perspective, I have concerns in relation to the proposed home zones at certain locations within the scheme.

- 11.6.6. DMURS defines home zones as 'A type of Shared Surface Street in a residential area which may also include items of street furniture that would normally be used within areas of open spaces'. It states that the total carriageway width for home zones should not exceed 4.8m. Home Zones are further detailed in the document Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, where 'Home Zones' are defined as residential streets in which the road space is shared between drivers and other users (therefore separate footpaths are not provided) and where the wider needs of residents, including pedestrians, cyclists, and children, are emphasised in the design. The guidelines state the street can be designed as an attractive place with distinctive paving, planting, play areas and seating.
- 11.6.7. I note concerns raised in the submitted Stage 1/2 Road Safety Audit that footpaths within the development are not always continuous, with the provision and layout of the shared surfaces at different locations not always suitable due to long straight sections of road encouraging high speeds, numerous turning movements to/from parking spaces and lack of adequate space for pedestrians. It is considered that such a layout may contribute to a pedestrian collision with a vehicle. I concur with this analysis. I note the RSA statement suggests as a solution that the layout be revised to include measures to ensure that drivers of vehicles recognise that they are in a shared space, drivers of vehicles slow down, pedestrians can safely navigate the shared space, however, there is no indication as to what these measures might be. The submitted DMURS Compliance Statement indicates what home zones are

but provides no analysis in relation to the home zones proposed, instead it notes 'The internal estate roads can be designed to accommodate the DMURS related recommendations of the Stage 1/2 Road Safety Audit and can also accommodate the principles of a Home Zones within the site'.

11.6.8. In my view the home zone streets in question will be catering for a relative large number of cars and have not been designed with projecting planting bays, street furniture or other design features typical of a home zone/shared surface that would support reduced speeds and increase pedestrian priority, with the main differentiating proposal being for a different paving material. The shared surface streets are in addition too wide at 6m, with the general recommended widths of such streets being 4.8m. I note in particular the two east-west streets to the south-west are 110-150m long and 6m wide with no traffic calming or design measures incorporated to reduce speed. In my view the layout of some of these home zones compromises the pedestrian environment and would not result in a reduced speed environment. Having examined the layout, I recommend, should the Board be minded to grant permission, that footpaths be inserted at the following locations (I have reviewed and amended some of the unit numbers given in the RSA Report): Units 09 to 12; Units 56 to 61; Units 78 to 86 with the path to be continued between unit 76 and 77; and Units 104 to 120. I note that some of the dwellings within the blocks where I recommend paths have back to back separation distances of 23m, which is greater than the 22m guide generally provided for between directly opposing rear windows. The provision of additional footpaths may require a reduction in back to back distances to the minimum of 22m or redesign of some of the dwellings to reduce their depth and thereby allow for space for the pedestrian path. Where these units adjoin communal parking spaces, the footpath should be inserted between the privacy strip to the houses and the edge of the communal parking spaces, and not on the street side of the communal spaces. This issue can be addressed by way of condition should the Board be minded to grant permission.

11.6.9. I note that the east-west street to the southwest which connects via a pedestrian/cyclist path to the R449 is also unsatisfactory as a home zone, however, I note there is scope to provide for a widening of the area adjoining the southern side of the stream to incorporate a pedestrian path along here and in this way to redesign the street as a shared surface with reduced width and planting, in conjunction with a

review of the design of the street boundary and improved connectivity to the proposed path onto the R449. This issue can be addressed by way of condition should the Board be minded to grant permission.

11.6.10. I further consider Units 76 and 79 should be omitted and replaced with type C units, as is proposed on plots 77 and 78, with a pedestrian path provided for to the south of the privacy strip to the southern entrance of these dwellings which will improve the public aspect of these dwellings onto the retained stream at this location and overall pedestrian permeability to the R449.

11.6.11. Overall I consider these issues can be addressed by way of condition, should the Board be minded to grant permission.

Historic Demense Wall

11.6.12. With regard the demesne wall along the southern boundary of the site, the LAP states in relation to 'landscape and open spaces' related to this KDA that 'the demesne wall should be retained as far as practicable and be incorporated as a key feature within the open space of any development proposed on these lands. Where sections of the original demesne wall need to be removed to facilitate pedestrian/vehicular access within the KDA proposals shall be subject to detailed design'. While the C.E. Reports considers that a greater extent of open space would have been preferable along this boundary, I consider the layout as proposed results in the majority of the boundary wall being visible from the public realm and it will in my opinion contribute to the character of the area. I note concerns raised by the KCC Parks Department that proposed Block C should be moved further north away from the wall to ensure no damage to the wall. I note the building is 4m from the wall at its closest point. I do not consider it necessary to move the apartment building and the protection of the wall could be adequately managed through an appropriate construction management plan, should the Board be minded to grant permission. However, I consider the position of the dwelling on plot 136 could compromise the boundary wall at this location and hinder works/compromise the potential access point proposed for here in the future, as well as stabilising works to the wall, as set out in the DAU report (see section 11.6.12 hereunder). In this regard, I consider the dwellings on plot 135 and 136 should be omitted and the dwelling on plot 134 redesigned as a dual frontage unit, with access from the south and the vacated area

re-assigned use as a pocket public open space area. I consider there will be adequate supervision of this open space area from the dwelling on plot 121 and plot 134. I consider this issue could be addressed by condition should the Board be minded to grant permission.

- 11.6.13. I note the submission from the DAU which highlights the value from a diversity as well as historical perspective of this wall, with conditions recommended in relation to maintenance works, which will likely be required to stabilise the wall, including any works proposed to existing vegetation. Should the Board be minded to grant permission, I consider a condition as recommended by the DAU should be applied to any grant of permission.

Building Design and Public Realm

- 11.6.14. Three apartment blocks (Blocks A, B and C, four storeys in height) are proposed at separate points along the western boundary of the site with intervening two storey dwellings proposed. Block A is located at the northwestern boundary, proximate to the existing roundabout with the R449 and Green Lane, with an area of public open space proposed south of it. This block has a crèche and gym proposed at ground floor, with the open space for the childcare facility positioned along the western boundary. Apartment Block B is located midway along the western boundary and Apartment Block C at the southwestern boundary. The application site is lower than the R449 with intervening landscaping and an embankment to this regional road along the western boundary. Given the site levels and the positioning and design of the apartment blocks, I consider, in terms of their height and form, the proposed blocks will present a positive urban frontage to the R449. I have considered the scale of the apartments against section 3.2 of the Building Height Guidelines and I consider the proposed apartment blocks A, B and C are in accordance in terms of height with that expected on suburban/edge locations as per the guidelines, with provision for a greater mix of building heights and typologies supported in this development and move away from the traditional mono type building typologies of 2 storey dwellings, as referred to in the guidelines. The blocks will in my opinion contribute to the character and public realm of the area, to place-making, to the urban streetscape, to legibility from the wider area as well as from within the scheme, and to permeability. Given the distance from these blocks to existing dwellings, I do not consider the height proposed detracts from existing residential

amenity or the character of the area. I consider in relation to the visual impact and impact on the streetscape that the proposal provides a high standard of development and is acceptable. Issues raised by third parties in relation to material contravention are considered above under Section 11.4.12-11.4.14 of this report.

- 11.6.15. Three duplex blocks of apartments are proposed (Duplex Blocks A, B and C) towards the east of the site, which are 3 storeys in height (general height of c. 10.3m; rising to 11.8m at one point where there is an angled monopitched roof). These blocks have been positioned around the open space, minor watercourse and green route to the east of the site, which provides for passive surveillance and accessibility to this space and pedestrian route. The gable end of block A is positioned west of an existing dwelling, approx. 5-7m from the boundary, with 23-25m between the buildings. Blocks B and C are located north of the three dwellings on the neighbouring site, with distances of approx. 27m-31m between these dwellings and the blocks. I consider overall the duplex blocks will contribute positively to the development in their positioning and design, including their height, massing and form, and have adequately addressed potential issues in relation to privacy, overlooking and visual impact on neighbouring properties to the south (see Section 11.10 hereunder where this issue is discussed in more detail). However, I have concern in relation to the boundary treatment around Duplex Blocks B and C and their interaction with the public realm.
- 11.6.16. A public open space area is proposed north of duplex blocks B and C and south of duplex block A, arranged around the retained open watercourse running between them and the existing tree line which connects from Leixlip Gate avenue into the site, forming a green pedestrian route and passive public open space area, which is welcomed. However, I note a 1.2m high railing and hedgerow closes off a communal area north of blocks B and C forming a continuous solid boundary with the adjoining open space and pedestrian route, which significantly reduces the potential for passive surveillance and activity onto this open space and pedestrian route and reduces the area of public open space available. In my opinion this boundary should be omitted and replaced with a low planted privacy strip adjoining the northern and eastern ground floor terraces of the units. Should the Board be minded to grant permission, this issue could be addressed by way of condition.

11.6.17. The proposed two storey dwellings across the scheme are generally dual-frontage in design where they turn corners and present a positive front to adjoining footpaths, allowing for a good level of passive surveillance, adequately addressing the public realm. I note from the boundary treatment plan submitted the side boundary to the dual-fronted/side access dwellings comprises a low 1.2m high railing with hedgerow, which supports passive surveillance and is therefore in my opinion acceptable.

Boundary to the Retained Stream

11.6.18. With regard to the boundary treatment of the stream, I note KCC parks department report considers the stream has not been adequately integrated into the design of the scheme and has requested that the area of open space within which the stream is located should be:

‘redesigned in collaboration with Engineers, Landscape Architect and/or Ecologist to provide an enhanced design which is more imaginative than the proposed railed off and hedgerow screened channel. The applicant shall also be requested to re-design the open space to incorporate the stream as a feature, incorporate suitable planting and natural play for children. The revised proposals shall provide details of inter alia depths, side slopes and contouring to ensure safety, and of designed in safety features to prevent drowning in standing water’.

Revised landscape proposals in relation to the re-aligned watercourse are also requested to provide further detail of inter alia contouring or stepping, side slopes, depths to ensure safety and prevent drowning if the area contains standing water, with details to include written specifications, plan and section drawings (north-south and east-west). I concur with the parks report in relation to the boundary treatment of the stream and the way it is incorporated into the design with scope for improvement while retaining existing landscaping features. This issue could be addressed by way of condition subject to agreement with the planning authority, should the Board be minded to grant permission.

Public Open Space

11.6.19. With regard to open space, the development plan states that in greenfield sites, the minimum area of open space that is acceptable within the site is 15% of

the total site area. It is stated in the submitted documentation that the proposed development provides for c.8,985 sq.m public open space, c.1,880 sq.m communal Open Space, resulting in a total of c.10,865 sq.m total Open Space. I am not clear on what is being included in the calculations of public open space, however, I note from my own calculations that the main spaces indicated would meet the 15% requirement. The main open spaces are made up of a green route and associated public open space from the southeast of the site from Leixlip Gate avenue (alongside the mature trees and minor watercourse to be retained) linking into a large central open space area. A large open space is also proposed to the south of apartment block A, a space adjoining the entrance from Leixlip Gate avenue, and a small space along the southern boundary of the site, east of apartment block C. Small pockets of communal open space are identified to the west of the apartment blocks and to the north of duplex blocks B and C.

11.6.20. It is stated in the submitted documentation that as much as possible of the minor watercourse through the site has been retained open. While it would have been preferable to retain the entire watercourse open, I accept a significant section of it is being retained along with its associated ecology and the Water Services section of KCC has raised no objection to this. However, as set out in Section 11.6.17 above, I have concerns with the manner in which the boundary is designed adjoining the retained watercourse in addition to the proposed boundary to the communal open space to the north of duplex blocks B and C detract from the public open space and pedestrian route at this point (see section 11.6.15 above). This issue can be addressed by way of condition, should the Board be minded to grant permission.

11.6.21. I note third party submissions raise concern in relation to the proposed clearing up of the ground area beyond the entrance at the proposed open space adjoining the avenue to plant wild flowers. A submission from the DAU states that in accordance with Ecological guidance, wildflowers should be of Irish native origin and should not be introduced into woodland areas or into the existing watercourse. Given this is an existing natural woodland area, no removal of the ground covering should take place to plant wildflowers as per the DAU recommendation. This issue can be addressed by way of condition, should the Board be minded to grant permission.

11.6.22. Overall, I consider the quantum of open space proposed to be satisfactory as are the assigned uses and design of the spaces, subject to conditions in relation to detailed design of the areas around the retained watercourse and the removal of the boundary to the communal open space to the north of duplex blocks B and C.

Leixlip Gate Avenue and Ownership

11.6.23. It is proposed to widen Leixlip Gate avenue as part of the proposed development. The site application red line boundary includes the entirety of Leixlip Gate avenue from its T-junction with Green Lane road down to Leixlip Gates to the south. A section of land required for the widening of Leixlip Gate avenue is shown on the site layout map within a blue line boundary, indicating it is within the ownership of the applicant. However, the existing laneway and junction with Green Lane, while it is within the red line boundary of the site, is not within the applicant's ownership.

11.6.24. The C.E. Report on this application recommends refusal for this development due to lack of information submitted in relation to applicant's control / ownership / legal entitlement to upgrade and widen Leixlip Gate access and lane widening. The reason for refusal is stated as follows:

Based on the information provided with the application, the applicant has not provided any evidence of its control, its ownership, or its legal entitlement to upgrade and widen Leixlip Gate access to the required standards to facilitate traffic from the proposed development. In addition, the applicant has not provided details of evidence of ownership or consent, permission or agreement from other adjacent landowners to facilitate the necessary works for lane upgrade and widening. Having regard to this, there is concern that the developer will be unable to upgrade Leixlip Gate access and will be forced to subsequently access this site from the R449 or via the existing substandard laneway. The Planning Authority also has concerns about the quantity and location of numerous services located in the existing access lane and the relocation or upgrade of same. It is therefore considered that the proposed development is premature due to the existing deficiency in the road network serving the site and therefore could create a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

11.6.25. The applicant is proposing an access point to the site off Leixlip Gate avenue and proposing the widening of a section of this avenue accordingly to support the traffic which will be generated by the development, the principle of which is acceptable to the planning authority and to the transportation/roads section of KCC and is supported in the Leixlip Local Area Plan 2020-2023. I note that it was previously stated by the transportation section of KCC within Section 247 minutes from the Planning Authority in relation to the proposed development on this land (meeting date 30th April 2019) that the lane/avenue is taken in charge by Kildare County Council. Prior to a subsequent Section 5 pre planning application with An Bord Pleanála, the Planning Authority issued an Opinion on the pre-planning submission, which was accompanied by a report from the transportation section of KCC. The transportation report (dated 7th November 2019) requested that confirmation of the ownership detail and land registry details be submitted for Leixlip Gate road, where upgrade and widening proposed, as part of any application. In the current application, the C.E. Report is recommending a refusal based on lack of proof of ownership / right to undertake the works / permission or agreement from other adjacent landowners to facilitate the works. I note a letter of consent was submitted at pre-application stage (ABP-305724-19) from Jim Kelly and Mary Kelly, dated December 2018, with an accompanying map which highlighted Leixlip Gate avenue, from the junction with Green Lane down to the entrance to the dwellings at Leixlip Gate. I note the file was also accompanied by a letter of consent from KCC. This planning application is accompanied by the same letter of consent from Jim and Mary Kelly dated December 2018 (attached as Appendix E to the planning application form), however, there is no accompanying map to Appendix E. I note Section 7 of the planning application form titled 'Applicant's Interest in the Site', indicates that the letter in Appendix E relates to a small portion of road/land near the Kelly family house of Kilmacredock House and includes an extract image from the Site Location Map to indicate the area in question, which is an east-west access road off the northern end of Leixlip Gate avenue serving the houses here and does not relate to the full extent of Leixlip Gate avenue (as indicated at pre-application stage). A Letter of Consent has been submitted from Kildare County Council under Appendix D attached to the planning application form, with the application form under Section 7 stating the application site includes public road/area along Leixlip

Gate avenue, Green Lane and adjoining the R449 under the control of Kildare County Council, with consent for pedestrian and cyclist access to R449 only. No map is attached of the areas in question, however, given the content of the C.E. Report, I would assume the section of land along Leixlip Gate avenue referred to is that portion at the junction with Green Lane as opposed to the entirety of Leixlip Gate avenue.

11.6.26. It is not clear to me having examined the documentation submitted as to who the legal owner is or whether the applicant has a right or not to undertake the works on Leixlip Gate avenue. I note that there are approx. 17 dwellings along Leixlip Gate avenue (4 of which are located off the northern wider part of the avenue and 13 beyond the proposed entrance to the site). The issue of ownership / right to undertake the works to the avenue has not been raised in any of the third party submissions. It is clear that the applicant owns the land required for the widening of the avenue, as per the submitted site drawing, and there is a right of access to all properties over the avenue. I note that in planning terms this is a road and cannot be utilised for any use other than access to serve existing and future dwellings. The avenue, from site inspection, would appear to be well maintained and the surface is in good condition, with a stop sign and road markings at the junction of the avenue with Green Lane. I also note a footpath continues from Green Lane along the eastern side of Leixlip Gate Avenue, serving the first dwelling on the eastern side off the avenue. It is not clear if KCC has been maintaining the avenue. Undertaking the widening works will require works to the existing avenue in terms of surface treatment etc and also works at the site entrance to connect pedestrian/cyclists, road markings etc to Green Lane. While the exact legal situation is not clear, there is nothing submitted to suggest the applicant cannot undertake the works as presented. Having reviewed the information, I consider the Board may wish to consider two options to address this issue relating to Leixlip Gate avenue, as raised in the C.E. Report.

11.6.27. Option 1, the Board may wish to consider refusing permission, as recommended in the C.E. Report. The proposed development is dependent on the works to Leixlip Gate avenue being undertaken and there is doubt as presented in the C.E. Report as to the legal right of the applicant to undertake the works required on the laneway/avenue and at the entrance to the site. As per the recommended

refusal in the C.E. Report, it is not clear that the application has been made by a person who has sufficient legal estate or interest in the land the subject of the application to enable the person to carry out the proposed works on the land.

11.6.28. Option 2, the Board may wish to consider granting permission. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development and a note to this effect should be attached to any permission. I note the S.28 Development Management Guidelines (2007) state under Section 5.13 'Issues Relating to Title of Land', that:

'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision. Accordingly, where in making an application, a person asserts that he/she is the owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter. If, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In other words the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.

11.6.29. Should the Board be minded to grant permission, I recommend a specific condition is attached that no development can take place on the site until such time as the proposed upgrade and widening of Leixlip Gate avenue is undertaken to the satisfaction of the planning authority. I note that the upgrading of the avenue is

required to gain construction access to the site as well as for the operation of the development (consent is not given or recommended as per the C.E. Report for an access from the R449).

- 11.6.30. Given the circumstances of the case, I consider that Option 2 is the most practical approach to the issue concerned and should the Board be minded to grant permission, a condition is warranted stating that no development can take place on the site until such time as the proposed upgrade and widening of Leixlip Gate avenue is undertaken to the satisfaction of the planning authority. I note that the upgrading of the avenue is required to gain construction access to the site as well as for the operation of the development (consent is not given or recommended as per the C.E. Report for an access from the R449). A note should attach to any permission referencing Section 34(13) of the Planning Act which states a person is not be entitled solely by reason of a permission to carry out any development.

Childcare Analysis

- 11.6.31. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of 'Sustainable Urban Housing: Design Standards for New Apartments' states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be considered to contribute to a requirement for any childcare provision. Subject to location, this may also apply in part or whole to units with 2 or more bedrooms. Discounting the 1 bed units proposed, the development would generate a requirement for 56 childcare spaces. The applicants documents state the proposed childcare facility will cater for 58 childcare places.

I consider that the proposed childcare facility is of a scale to meet projected demand and is in accordance with national guidelines.

Conclusion – Layout and Design

- 11.6.32. Overall, I am satisfied that the development is reflective of good contemporary architecture, would provide for a positive public realm, and a highly legible and permeable urban environment. There is a high level of connectivity and permeability

within the site, with pedestrian connectivity facilitated west onto the R449 and its associated footpath and cyclepath, and north onto Green Lane and its associated footpath and cyclepath. I consider the works in relation to the widening and upgrade of Leixlip Gate avenue to be in accordance with the LAP for the area and the development can be accommodated without significant negative impacts on the natural and historic character of Leixlip Gate avenue.

11.7. **Biodiversity, Arboricultural Impact Assessment, and Landscaping**

11.7.1. A Terrestrial Ecological Assessment (May 2020), Aquatic Ecological Survey (April 2020), Bat Assessment (June 2019) and An Arboricultural Impact Assessment Report (April 2020) have been submitted with the application.

11.7.2. A number of third party submissions raise concerns in relation to destruction of natural heritage and biodiversity on Leixlip Gate avenue due to road widening and loss of trees and concern also in relation to proposal to clear up the area beyond the entrance at the proposed open space adjoining the avenue to plant wild flowers instead of maintaining the existing natural carpet of flora and fauna.

11.7.3. The following LAP objective in relation to green infrastructure is noted:

GI1.4 To maintain a green infrastructure protection zone of not less than 10 metres from the top bank of watercourses in Leixlip with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the protection zone, subject to appropriate safeguards and assessments.

GI1.6 To seek to preserve, protect and enhance trees (including woodlands) of special amenity, nature conservation or landscape value within the plan area including at the following locations:

-East side of laneway to Leixlip Gate

Terrestrial Ecological Assessment (May 2020):

11.7.4. A small stream, classified as a Depositing/lowland river FW2, flows in an west-east direction across the site. After leaving the site, the watercourse flows in a generally south-easterly direction before entering the River Liffey at Leixlip Reservoir. The watercourse has been significantly modified over the years and is piped both

upstream and downstream of the subject site. To accommodate the proposed residential development, it is proposed to culvert approximately 104m of the total stream length (315m) (three culverts of lengths 28m, 4.6m and 71.4m) using a 900mm diameter pipe, with 116m being retained in situ, with some regrading and the remainder being slightly realigned (c 95m).

- 11.7.5. The site is not located within or adjacent any European site. No invasive species were observed on site.
- 11.7.6. The principal habitat on the site is improved agricultural grassland. Hedgerows are mainly confined to the watercourse channel, with the hedgerow through the site maintained to a cut height of approximately 2m and is without tree standards. The eastern stretch of the on-site watercourse is between two bungalows (one of which is within site) and this section is lined by tall trees, mostly ash but with a few beech *Fagus sylvatica*.
- 11.7.7. The Ecological Assessment states that overall, the study site is considered to have relatively low ecological importance, which reflects its use mainly as agricultural land. The principal ecological interests lie in the watercourse and the mature treeline along the eastern boundary. The aquatic value of the watercourse is assessed separately but from the perspective of terrestrial ecology the watercourse, the feeder southern field drain and the associated hedging as a unit provides a useful biodiversity corridor and is rated as Local Importance (high value). The treeline, whilst primarily of non-native tree species, is a long established feature and provides useful wildlife habitat including potential habitat for bats. I note it is proposed to retain the watercourse and tree line at this location.
- 11.7.8. The Ecological Assessment states that the treeline along the eastern boundary of the site along Leixlip Gate avenue would have been associated with the Leixlip Gate entrance and the Ordnance Survey maps show that at one time a tree-lined avenue extended northwards as far as the Royal Canal. Lime *Tilia cordata* is the principal species, with beech and oak (*Quercus* spp.) also present. A narrow wooded strip (c.15 m wide) occurs beneath the trees, with woodland species such as violets (*Viola* spp.), primrose *Primula vulgaris*, lesser celadine and ivy present. There is a hedge along the edge of the Leixlip Gate road, with species such as ash and hawthorn. As an ecological unit, the mature treeline, the hedge and associated woodland flora can

be classified as Mixed broadleaved woodland WD1. The treeline is rated as Local Importance (high value). I note it is proposed to retain the inner line of mature trees at this location, with the outer line and habitat beneath the trees being affected by the widening of Leixlip Gate avenue.

11.7.9. The stone wall along the southern boundary provides habitat for a range of fern species though its potential is lowered due to the presence of heavy ivy and bramble cover. However, it is still rated as a feature of Local Importance (low value).

11.7.10. The fauna species associated with the site are all widespread and common species of the countryside, though several legally protected (Wildlife Acts) species occur or are expected (pygmy shrew, hedgehog). It is considered that some of the mature trees on site have potential to support bat species (all bat species are legally protected). Bird species of high conservation importance are not expected on site, though several of the species recorded are Amber-listed (after Colhoun & Cummins 2013) – namely robin, mistle thrush, starling and house sparrow.

11.7.11. Overall, the study site is given an ecological rating of Local Importance (varying from low to high).

11.7.12. With regard to impacts during construction, the Ecological Assessment notes in relation to habitats and flora that the loss of improved agricultural grassland is rated as not significant. In relation to the stream, it is noted that the best developed section of watercourse corridor between the two existing residences is the part to be retained (and regraded) as part of the landscape plan. The loss of a substantial part of the watercourse and hedgerow corridor, including the associated field drain, through culverting and realigning is rated as an impact of significance at a Local level from the perspective of terrestrial ecology. The loss of seven trees (ash, lime, beech, sycamore) at the vehicular entrance along the eastern boundary, as well as several trees further north along Leixlip Gate, is rated as an ecological impact of significance at a Local level. In relation to impacts on bats and required mitigation, these are considered in the separate bat report. With regard to birds, the removal of trees at the new access point may affect the nesting site of rooks. Mitigation would be required to ensure that active bird nests are not destroyed during site clearance.

11.7.13. With regard to impacts during operation, the Ecological Assessment notes that once constructed, impacts on local ecology would be expected to be negligible.

A range of wildlife species, similar to that presently associated with the site, would still be expected to inhabit the eastern wooded areas and these species would also be expected to avail of the new landscaped areas of the site.

11.7.14. I note the mitigation measures are set out in the Ecological Assessment in relation to trees and hedging, southern boundary wall, birds (bats are covered in a separate report), invasive species and water pollution. I note none of the measures proposed are required for the protection or management of a European site. The protection of trees is detailed in the Arboricultural Assessment Report (Arborist Associates Ltd., summarised hereunder) and is referred to in the Outline Construction Management Plan. The loss of hedging and some trees on site will be mitigated to some extent by the new plantings associated with the landscape plan for the site.

11.7.15. I note third party concerns in relation to trees and habitats on site, however, as discussed elsewhere within this report, I consider the overall site layout and incorporation of existing trees/hedgerows and minor watercourse to be satisfactory. I note increasing the width of Leixlip Gate avenue will result in some loss of trees, however this is in my opinion satisfactorily mitigated in terms of the retention of the inner line of mature trees and retention of the remaining boundary with Leixlip Gate avenue. I consider the final detailed plans in relation to trees/hedgerows and ground clearance in the woodland area along the avenue at the proposed open space should be subject to final agreement with the planning authority to ensure compliance with measures proposed and as much of the existing habitat system is retained as possible.

Arboricultural Impact Assessment Report:

11.7.16. An overview of the site is given and location of all trees. The report states that the main trees on the site are noted as located up along both sides of the private laneway/avenue on the eastern side of the site area running in a north-south direction. This consists of a mix of mainly Lime/Tilia trees and Oak trees with some Ash and Sycamore most of which would have established here naturally. The Lime and Oak would have formed part of the historic landscape planting for this laneway. Within the site area, 182 trees, 3 tree lines and 7 hedges were tagged and graded as part of the survey. Of the 182 trees, 26 are to be removed (3 category U trees, 6

category B trees, and 17 category C trees) in addition to 4 hedges, 2 tree lines, and 75 sqm of motorway planting. I note the widening of the avenue requires the removal of 13 trees and a hedgerow along a portion of the western side of the avenue, extending from the entrance along the boundary of Kilmacredock House to the proposed entrance just south of Kilmacredock House, a distance of approx. 100m. Of these trees, three are classified in the arborist report as being Category B trees (an Oak at Kilmacredock House; and a Sycamore and Lime Tree at the entrance to the site), and the remaining are Category C trees. The inner line of Lime trees are to be retained.

11.7.17. Mitigation measures are proposed for the construction phase to ensure protection of trees to be retained. Within the section on measures to be considered during construction, it is noted that 'unfortunately, the main route for the services into this site area is along the existing laneway. Where allowable, the services have been routed in the road, but a number of services such as ESB, comms and public lighting are not allowed in the road surface and have to be routed along the public footpath. In this instance, these services have been contained within the grass verge between the road side kerb and the cycle and public footpath which are proposed to be installed over the existing ground levels on a No-Dig system in order to prevent soil and root damage to the trees along this laneway to the west. These services are to be installed in accordance with the method statement outlined in appendix 2 of this report'.

11.7.18. The overall landscape masterplan proposes new tree, shrub, and hedge planting to compensate for the loss of trees and hedgerows proposed. I have had regard to this report in assessing the impact of the development on existing trees and hedgerows and have also considered the heritage aspect of this, as highlighted in the Ecological and Arboricultural assessments. I consider that the loss of biodiversity has been minimised in so far as is possible, particularly in relation to Leixlip Gate avenue, when balanced against the safety needs of the users of the avenue in the future and the sustainable development of this land. I consider while the widening will alter the existing character of the laneway/avenue, the retention of the inner line of mature trees will ensure that this avenue will remain lined by trees on both sides and the north-south historic alignment of the route will be maintained. Overall, having regard to the context of the site and the issues raised, I am satisfied

that impacts on trees and hedgerows will be mitigated through landscaping and design.

Aquatic Ecological Assessment:

11.7.19. The submitted assessment report states that the watercourse within the site is slow-flowing and the substratum is dominated by silt and plant debris. The watercourse had limited aquatic vegetation. The watercourse has no habitat suitable for spawning salmonids. No evidence of aquatic protected species was recorded in the course of the survey. No otter spraints, white-clawed crayfish or frogs/frog spawn were present. The water quality is generally good.

11.7.20. A substantial section of the watercourse is retained, along with its associated ecology. The watercourse banks will be re-profiled to create a two-stage channel, with a more gradual slope and this will be planted up appropriately. The channel is currently heavily silted, and removal of this silt will be carried out to improve flow and volume. The IFI will be consulted in relation to the proposed, limited, channel realignment. The southern field drain will not be retained within the proposed development. The partial culverting and realignment of a section of the minor watercourse that crosses the site is considered to be a minor negative impact.

11.7.21. Mitigation measures are proposed to protect surface water quality during construction. I note mitigation measures proposed are not linked to the protection of any designated European Sites.

11.7.22. While it would have been preferable to retain the entire watercourse open, I consider the level of culverting proposed acceptable and consider the retention of the remaining section open to be of benefit to the scheme. I note the water services section of KCC has raised no issue with the level of open watercourse being retained and the distance of development from the stream. I note the parks section of KCC considers an amended boundary treatment would be preferable, which I concur with (see section 11.6.17 above). This issue can be addressed by way of condition.

Bat Assessment:

11.7.23. The methodology is set out and survey results from 12th June 2019 stated. Bats were not found roosting in the trees or houses, however, it is stated that some mature trees within the development have moderate potential for bat usage and

these trees should be checked in the future prior to any felling. No bats are currently using these trees as roosts. Natterer's bats were found feeding and commuting in the vicinity of the barn and are particularly light intolerant, as are brown long eared bats. Recommendations are set out within the report, including provision for bat boxes to be provided for at specific locations marked on the site plan. A dark corridor has been designated in the area of the barn. Other dark sky areas are designated within the proposed development to allow commuting areas. These are listed on the lighting report.

- 11.7.24. I note the southern boundary demesne wall is not specifically addressed in the report and while I note no works are proposed to this wall, it is likely that works will be required to stabilise and reinforce the wall as part of the development, as highlighted in the DAU submission. In that event, should the Board be minded to grant permission, a specific condition in relation to this wall, as per the DAU submission, is recommended.

Biodiversity, Arboriculture and Landscaping - Conclusion

- 11.7.25. Overall I am satisfied within the level of survey work undertaken and the content of the reports submitted. I note the level of tree loss along Leixlip Gate avenue is limited to that section adjoining Kilmacredock House, with the inner line of mature Lime trees to be retained. I am satisfied that the development as proposed has adequately considered the existing site specific characteristics of the area in the design strategy adopted, including the historic as well as the natural heritage of Leixlip Gate avenue and the proposal is in my opinion in accordance with the proper planning and sustainable development of the area.

11.8. Architectural Heritage and Archaeology

Archaeology

- 11.8.1. An Archaeological Impact Assessment has been submitted as part of the application. There are 16 archaeological sites within a 500m radius, three of which are recorded monuments. It is noted that the nearest archaeological site consists of a burnt mound (KD011-047) c. 15m to the west of the site. The site has remained undeveloped, open fields since the 17th century. The southern limit of the site consists of a cement-bonded stone wall extending from Leixlip Gate (NIAH No.11901101) to the east.

11.8.2. Geophysical survey has been undertaken within the boundary of the proposed development and test trenching undertaken. No definitive archaeological features were identified during the survey work, although it is possible that small scale features are located within the proposed development area. It is recommended that topsoil stripping across the site be monitored by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation *in-situ* or by record. Any further mitigation will require approval from the National Monuments Service of the DoCHG. I am satisfied with the contents of the report and recommend a condition in relation to archaeology, should the Board be minded to grant permission.

Architectural Heritage

11.8.3. A report titled Architectural Heritage Conservation Impact Assessment, undertaken by a Grade 1 Conservation Architect, has been submitted with the application. This report examines Leixlip Gate and Lodge, the Demense Wall, and Kilmacredock House and Outbuildings.

11.8.4. Concerns have been raised by third parties in relation to the impact of the proposed development on the existing Leixlip Gate avenue which leads to Leixlip Gate at the southern end of the avenue, which is historically linked as an access route to Castletown House. It is considered the widening of the avenue at its northern end will have a negative impact on the heritage of the area.

11.8.5. Leixlip Gate is included on the Kildare County Council Record of Protected Structures with the RPS. No. B11-113. The Record of Protected Structures (RPS) is Appendix III of the Kildare County Development Plan 2017 - 2023. The description is "walls / gates / railings" but there does not appear to be a specific record for the adjoining Lodge or the 18th century Castletown Demesne Walls. This is further confirmed by the Built Heritage and Archaeology Map which is Appendix A, Map 2 in the Leixlip Local Area Plan 2017 - 2023 where only the gate is shown with a red dot indicating structure included in the Record of Protected Structures. Leixlip Gate is included on the National Inventory of Architectural Heritage under Registration No. 11901101. It is given a Regional rating with Architectural, Artistic, Historical and Social Categories of Special Interest. This record includes the Lodge. Kilmacredock House (formerly Danford Lodge) dates from the 18th century, with later 19th and

20th century alterations. The house is not a protected structure. It is stated in the Architectural Heritage Report that the avenue must date to the same time or before the construction of Leixlip Gate in the mid-18th century. The map information is stated to show that the trees lining it have come and gone as would be expected of landscaping life cycles.

- 11.8.6. The southern boundary of the lands include a section of the 18th century Castletown Demesne Wall, but are separated from Leixlip Gate and associated Gate Lodge by lands in separate ownership which are currently occupied by three relatively new detached houses. The avenue through the Leixlip Gate would have originally connected Castletown House to Leixlip and Maynooth. The M4 now passes to the south of Leixlip Gate, Lodge and the Demesne Wall, physically and visually separating them from the major area of the Demesne, its gates, walls and avenues, so the avenue no longer has any connection with Castletown.
- 11.8.7. While an entrance is proposed in the future to lands to the south through Demense Wall it is not proposed to alter the historic fabric at this time. The wall itself is to be conserved and repaired and will be maintained in the future as part of the overall management of the site and its landscaping. It is stated that the location of residential accommodation nearby, but not too close to the wall and the proportions and size of the proposed open space will provide a level of monitoring for the historic wall that will inhibit any anti-social behaviour and vandalism. Block C is stated to be sited at a sufficient distance from the wall that its stability will not be threatened by these proposed works. It is proposed to maintain the wall as part of this development in accordance with best practices.
- 11.8.8. The Architectural Heritage Report considers the widening of Leixlip Gate avenue will have impacts for some of the extant trees and hedgerows, however the report considers this is not built heritage. It is proposed to take down approximately 18 meters of the late 19th or early 20th century random rubble wall, gate piers and ironwork gates to Kilmacredock House and re-align the corner and hedgerow boundary to allow for the widening of the avenue, re-building the wall, piers and gates with the original fabric and ironwork. While this work will have a slight negative conservation impact on the setting of Kilmacredock House and will result in the foreshortening the entrance driveway, it is stated this is mitigated by the salvage and re-use of the original stonework and ironwork in the new location and by enabling the

access route. As regards the hedgerow adjacent to the wall and gates, this is not built fabric and it is stated that no conservation impact assessment can be undertaken.

11.8.9. The removal of the mid 20th century corrugated barn / store structure to the west of the Kilmacredock House and historic outbuildings will have a significant positive conservation impact on the setting of these historic buildings. The proposed two storey housing to the south and west of Kilmacredock House and historic Outbuildings will have an imperceptible conservation negative impact on the setting of the house and outbuildings.

11.8.10. It is concluded that in terms of “the Architectural Heritage, there are positive and negative impacts arising from the proposed development of this site with Block C being the greatest concern. Notwithstanding these positive and negative impacts and the mitigating factors noted, it is the writer’s opinion that they are not sufficient to cause any particular conservation concerns to the detriment of the proposals”.

11.8.11. I note the specific concerns raised by third parties in relation to Leixlip Gate avenue, which I consider to be a significant element of the historic and natural heritage of this area, as referenced in the Ecological Assessment, Arboricultural Assessment and Architectural Heritage Assessment. While there will be a loss of trees on the avenue, I consider that this has been minimised in so far as is possible when balanced against the safety needs of the users of the avenue in the future. I consider while the widening will alter the existing character of the avenue, the retention of the inner line of mature trees will ensure that this avenue will remain lined by trees on both sides and the north-south historic alignment of the route will be maintained. Overall, having regard to the context of the site and the issues raised, I am satisfied that the impact will be mitigated through landscaping and design.

11.9. **Future Residential Amenity**

11.9.1. The proposed development provides for a range of house types, primarily semi-detached and terraced dwellings, in addition to apartments and duplexes within three to four storey blocks.

Design Standards for New Apartments

- 11.9.2. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.
- 11.9.3. The apartment blocks have been designed to comply with the 'Sustainable Urban Housing Design Standards for New Apartments' and the floor areas meet or exceed the required provision in all instances, as per SPPR3 and appendix 1.
- 11.9.4. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. It is submitted in the documentation that 74 apartments are dual aspect (c. 72%) while the remaining 29 are single aspect (c. 28%). None of the single aspect units are directly north facing. The proposal is in compliance with SPPR 4.
- 11.9.5. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.
- 11.9.6. A Building Lifecycle Report has been submitted.
- 11.9.7. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.
- 11.9.8. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

House Designs and Juxtaposition

- 11.9.9. In relation to housing, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings.
- 11.9.10. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1 of the guidelines. The rear gardens associated with dwellings vary in shape and area, providing a satisfactory amount of private amenity space (as per chapter 17 of the development plan) and achieve adequate separation distances to adjacent dwellings. Generally back to back distances of +22m are

achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.

11.9.11. Overall, subject to conditions, I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

11.10. Impact on Residential Amenity of Neighbouring Properties

11.10.1. Concerns are raised in third party submissions in relation to overlooking, overbearing, and loss of privacy by the proposed development, in particular in relation to the dominant impact of duplexes and terraced dwellings to north and west on existing 3 dwellings to the south of the site due to the proximity to these dwellings and the removal of an existing tall treeline of Lawson cypress and spruce trees. Concern is raised in relation to the visual impact of the proposed terraced dwellings and duplexes on the avenue to the east and impact overall on the duplexes and apartments on the character of the area. Concern is raised that the site section FF does not show the higher apartment development relative to the existing dwellings and the photomontages of the duplexes against the existing dwellings is not accurate. Concerns are also raised in relation to the extent of impact on the lighting plan on existing dwellings. The implications of raising the ground levels on the site by an average of 400mm are also stated not be clear in terms of impacts on adjoining properties. I discuss issues raised in relation to traffic in Section 11.11 hereunder and water services infrastructure and flooding in Section 11.2.

11.10.2. I have examined the layout proposed, in particular where potential impacts may arise with neighbouring properties. Notwithstanding deficiencies raised by third parties in relation to photomontages and cross sections, including the lack of a cross section which clearly shows the existing dwellings relative to the proposed dwellings, I am satisfied that I have sufficient information before me to assess all potential impacts, including existing site levels drawing with indicated ridge height of existing dwellings, proposed site layout drawing which indicates FFL of proposed dwelling and associated architectural drawings and cut/fill analysis drawing. A Sunlight and Daylight Access Analysis has been submitted by the applicant, which I have also considered, in particular the impact on neighbouring properties and gardens.

11.10.3. With regard to the adjoining properties to the south, I note there are three newly constructed detached dwellings, which are accessed off Leixlip Gate avenue via an east-west street with adjoining footpath. To the north of these dwellings and the east-west street is a solid wooden boundary fence adjoining which (on the application site) is a tall row of trees to the front of two of the dwellings. This treeline extends north to the rear of the dwelling to be demolished and part of the site north of that which is within the application site. This L shaped tree/hedge line, which is to be removed, is identified in the arborist report as 'tree line number 2', and categorised as category C, with a life expectancy of 10+ years. The applicant proposes to replace the trees opposite the existing dwellings with a replacement native hedgerow interspersed with trees. North of this new landscaped strip is an east-west pedestrian route serving two duplex blocks of apartments, Blocks A and B, which are 3 storeys in height (general height of c. 10.3m; rising to 11.8m where there is an angled monopitched roof). The existing dwellings are c. 8.4m high. There is a distance of approx. 27m-31m between these dwellings and duplex blocks B and C. I have had regard to the level differences at this location and do not consider the changes significant (overall height difference between proposed dwellings and duplex units is approx. 1.7m).

11.10.4. This is an evolving urban area and the land is zoned residential, therefore a loss of outlook over what exists is to be expected. While the duplex units are taller than the existing dwellings to the south, given their overall height and the separation distances involved, I do not consider they will be visually obtrusive or negatively impact on the character of the existing area. Given the category and type of tree to be removed at this boundary, I consider their replacement as proposed is acceptable and will over time mitigate the proposed loss of trees. Given the separation distances involved and intervening verges, pedestrian path and existing street, I do not consider the duplex units would result in significant overlooking of the front of the existing dwellings to the south such as would result in a significant negative impact on existing residential amenity to the front garden of the dwellings or the front rooms. Given the orientation of the site, there will no significant implications in terms of overshadowing or loss of daylight. I consider overall that duplex blocks B and C, in their positioning north of the detached dwellings to the south and in their height and design have adequately addressed potential issues in relation to privacy, overlooking

and visual impact on neighbouring properties to the south and third party suggestions in relation to repositioning of the blocks is not warranted.

11.10.5. I have examined the potential impact of the proposed terraced units 129-136 to the west of the existing three dwellings at this location. I have considered the distances involved and their position relative to the existing properties. These terraced units are orientated east-west and back onto the site of the western most detached dwelling (orientated north-south) and have rear garden depths of approx. 14.9m with a distance of circa 18.5m between the rear elevation of dwellings 131 and 132 to the side elevation of the existing dwelling. A 1.8 m high block wall is proposed at this location. Terraced block 129-132 is positioned to the side and front of the existing dwelling. While there will be some overlooking, this will be of the front garden area of the existing dwelling and given the separation distances involved I do not consider that this will be significant. The terraced block, comprising no.s 133-136, is positioned backing onto the rear garden of the existing dwellings to the east. While there will be loss of outlook and a perceived increase of overlooking, I consider that this will not be so significant as to warrant a refusal or alteration of the layout. The overall height of the proposed dwellings are two storeys, and while slightly higher at c. 8.9m than the existing dwellings (resulting in overall height difference between proposed dwellings and western most dwelling of approx. 500mm), I do not consider the difference so significant as to be visually obtrusive or out of character. I consider the separation distance of c. 15-16m to be adequate (I note a back to back distance of 22m is generally recommended only where windows are directly opposing, which is not the case here) and overall is appropriate in terms of residential amenity. I do not consider issues of overshadowing or loss of light will be significant, as per the submitted Sunlight-Daylight Analysis. I note that I have recommended the omission of dwellings 135 and 136 from this location for issues related to the Demesne Wall (see Section 11.6.11 above), which will mitigate to a degree the perceived loss of privacy at this location, however, I have recommended this for reasons related to the Demense Wall and not for issues related to residential amenity.

11.10.6. With regard to the impact of duplex Block A on the existing dwelling to the east, I note part of the garden of that dwelling is now within the application site boundary and a new 1.8m high stone face boundary wall with some planting is

proposed at this shared boundary. There is a separation distance of 22.8m-24.8m between the side elevation of the duplex block and the rear elevation of the existing dwelling. I do not consider there will be a significant level of overlooking given the separation distances involved and the design of the block. While there will be overshadowing of the rear garden, I do not consider this will be significant.

11.10.7. Block A is positioned west of the existing dwelling, approx. 5-7m from the boundary, with 23-25m between the buildings. I consider overall the duplex blocks, in their positioning and design, have adequately addressed potential issues in relation to privacy, overlooking and visual impact on neighbouring properties.

11.10.8. With regard to the existing dwellings to the northwest corner of the site, I consider given separation distances involved and the design of the units proposed along the adjoining boundaries, that the proposed development will not give rise to significant overlooking, overshadowing, loss of privacy or visual overbearance.

11.10.9. I note concerns raised in relation to the impact of the proposed development on Leixlip Gate avenue, particularly the proposed terraced units facing the avenue. I have had regard to the proposed retention of the majority of the boundary to the avenue, and the set back distances of the terraces and duplexes to the east. I do not overall consider the proposal will have a negative visual impact on the character of the area.

11.10.10. Overall, given the evolving urban character of this area and given separation distances involved and the design of the buildings within the development, I do not consider the proposal will seriously injure the residential amenities of the existing neighbouring properties in terms of overlooking, overshadowing, loss of outlook or visual overbearance. I have no information before me to believe that the proposed development would lead to the devaluation of property in the vicinity. I consider the proposal will overall integrate satisfactorily with this area and has had due regard to issues relating to the retention of trees along Leixlip Gate avenue. I note concerns raised in relation to the naming of the development. Should permission be granted, this is a matter for the planning authority to address, in accordance with Development Plan policies.

11.11. Traffic, Transportation and Access

- 11.11.1. The application has been accompanied by a Traffic Impact Assessment, which includes a Stage 1/2 Road Safety Audit and DMURS Statement.
- 11.11.2. In terms of existing public transport, I note there are plans for electrification of the Dublin-Sligo railway line from Dublin Connolly to Maynooth, as outlined in the EMRA-RSES. The nearest railway station is approx. 1.9km from the site. The Leixlip LAP identifies the following bus network serving Leixlip: the 66a, the 66b and the 66e. Other routes include the 66 and 66x. The Naas/Blanchardstown 139 bus service provides further connections between the plan area and Ongar/Blanchardstown to the north and Naas to the south via Maynooth. The submitted TIA states the application site is located within a 5.0 minute walk to the Dublin Bus routes 66 and 66x and 66e from Lexilip to Dublin City Centre. While a third party submission disputes that all the listed routes are within a 5min walk of the site, I note that the site is overall well served and, as submitted by the National Transport Authority in their submission on this application, 'this site will continue to be well served by the bus network under the BusConnects Network Review. Permeability within and to the estate from the surrounding road network should be ensured in order to provide efficient and safe access to the bus network'.
- 11.11.3. With regard to cycling infrastructure, the Leixlip LAP identifies existing and planned cycleways in Leixlip. Existing cycleways include the segregated cycle path along the R449 linking Castletown and Celbridge to Leixlip (adjoining the application site). Cycle facilities along Green Lane (L5058) are also noted. There are also informal cycle routes to Lucan via St Catherine's Park; and to Castletown via Parsonstown. As set out in the LAP, Leixlip is part of the Greater Dublin Area Cycle Network Plan, including the proposed Dublin-Galway route. It is a stated action of the LAP to facilitate and support the implementation of the Royal Canal Way / North Kildare Cycleway through Leixlip (part of the Dublin - Galway Greenway Project).

Traffic Impact Assessment (TIA)

- 11.11.4. The TIA identifies existing traffic conditions and assesses the relative level of impact the proposed residential development is likely to have on the adjacent road network. Background traffic information includes a review of the ARUP Traffic Impact Assessment which supported the nearby Intel extension recently granted planning permission (Planning Ref: 19/91; ABP Ref: 304672-19). The report identifies

measures to address the management of both the existing traffic and the development traffic on the local road network. Technical comment is also provided in relation to cyclist and pedestrian provisions as well as public transport accessibility. I am satisfied with the scope of the development.

11.11.5. Vehicular access to the application site is proposed via Leixlip Gate avenue cul-de-sac, with access to this avenue via a T-junction with Green Lane distributor road. Green Lane has a shared footpath and cyclepath on both sides which links to Accommodation Road further east, which is the access road to the Railway Station at Louisa Bridge (Dublin to Sligo railway line). The R449 to the west also has shared footpaths/cyclepaths on both sides. The northern section of Leixlip Gate avenue is wide enough to allow two vehicles to pass with a footpath on the northeastern section, however it is 3m wide with no footpaths further south. Leixlip Gate avenue serves approx. seventeen dwellings and farm lands (four of which are accessed from the wider northern end and thirteen are accessed south of the proposed entrance to the development. It is proposed to widen Leixlip Gate avenue from the T-junction with Green Lane road, south past Kilmacredock House down to the entrance of the site. The widening from Kilmacredock house south to the proposed entrance, which involved the removal of some trees, is a distance of c. 100m. From my measurements the proposed footpath is 2m wide and the cyclepath 1.5m wide. The Transportation Report accompanying the C.E. Report recommends the footpath and cyclepath should be each 2m wide. Should the Board be minded to grant permission I consider this reasonable and a condition to this effect is recommended, subject to mature trees being retained not being affected by any changes. The NTA submission advises ensuring connection from the site into the surrounding cycle and footpath network. A condition in this regard is recommended to ensure better linkage at the junction with Green Lane distributor road, should the Board be minded to grant permission.

11.11.6. I note the C.E. Report recommends refusal in relation to issues of ownership and consent around the proposed widening of Leixlip Gate avenue and access to the site. I refer the Board to section 11.6.22-11.6.28 of this report, where I have addressed this issue.

11.11.7. Concerns have been raised by third parties regarding traffic congestion, volume of traffic exiting/entering the site, potential traffic hazard and congestion as

no right turning lane is proposed into the development from Green Lane, with a number of submissions stating the access should be from the R449 or separate entrance from Green Lane as indicated in the LAP. I have considered these concerns hereunder in addition to all other documentation submitted and the C.E. Report.

11.11.8. The TIA has undertaken surveys at two junctions – R449/Green Lane Roundabout Junction and Green Lane/Leixlip Gate Priority Junction. The PICADY9 and ARCADY9 programmes were used to assess capacity and delay at the junctions and the TRICS database was utilised to establish the likely trip generation. The TIA states that the crèche and gym land uses can be regarded as ancillary to the residential development and unlikely to give rise to additional trip generation as it is expected the majority of the gym and crèche users will have an origin within the proposed residential estate. I note third parties question the methodology and assumptions, particularly the timing of the traffic survey in February and the lack of assignment of additional traffic to the crèche and gym uses. Notwithstanding that there may be some users of the crèche and gym from outside the site, I note that the neighbouring residential development to the east at Beech Park has its own crèche and a crèche has been permitted (not yet constructed) as part of the development under construction to the north, with other existing services and amenities available in the immediate area. Given the context of the site and the scale of the crèche and gym, proposed, which I consider ancillary uses, I do not consider any additional traffic that may be generated would be so significant as to result in a refusal. I am overall satisfied with the robustness of the survey work, traffic assumptions, and trip assignment, as presented in the TIA. I note the Transportation Department of KCC has raised no issues with the content or quality of the TIA.

11.11.9. The TIA states that Green Lane at its junction with Leixlip Gate and the R449/Green Lane Roundabout Junction can both operate within capacity with the traffic associated with the proposed residential development, as well as traffic growth on the surrounding road network. It is stated that should KCC wish to change to the roundabout junction to traffic signals, that this could be accommodated within the existing land area under the control of the Local Authority. I note the Transportation Report of KCC has raised no issue with the capacity of the surrounding road network

to accommodate the proposed development and I accept the findings of the TIA report in this regard.

11.11.10. I note as per the TIA that the proposed development can be accommodated within the existing road network and the lands are well supported by existing cycle and pedestrian paths connecting to Leixlip town centre, train station and to Intel, as well as existing bus services, which are proposed to be improved as part of the Bus Connects programme. I further note cycle plans for the Royal Canal which will further support not only recreational cycling but also potential for longer commuting patterns via this sustainable mode to Dublin City and other employment locations on the way. This is an urban area, where growth is to be expected in accordance with national and regional estimates and it is the management of this growth into the future through the development of sustainable communities which will support the sustainable development of this land. I consider the proposed development will support the densification and consolidation of Leixlip, in line with the LAP, and is adequately supported by sustainable modes of transport and infrastructure at this location. I note the transportation section of KCC have not required additional traffic management measures on the surrounding road network.

11.11.11. In terms of the design of the upgrade to Leixlip Gate avenue, concerns are raised by third parties in relation to arrangement for access/exit for the existing dwellings to the south of the proposed access with the arrangement unclear and hazardous. I note the Road Safety Audit also raises this as an issue, recommending that appropriate measures should be provided at the junction to ensure priority is clear and drivers travelling south can safely follow the proposed access road into the proposed development. I note the Area Engineer Report, appended to the C.E. Report, states that the proposed access from the site onto Leixlip Gate avenue should be reconfigured at a right angle to the existing road line to form a priority controlled stop junction to favour traffic travelling north/south past the new road network and all required road markings and warning signage should also be reconfigured to reflect this change in priority. I accept the concerns of residents living further south of the laneway/avenue that this junction has not been adequately designed to accommodate those from south of the site entrance and could result in a traffic hazard and I agree that greater clarity in relation to right of way needs to be designed into the proposed arrangement. I consider the proposed realigning of the

priority of this avenue from north-south to an westward orientation linking into the site as per the applicant's design, would remove the historic north-south alignment of Leixlip Gate avenue linked to Castletown House and I would suggest a realignment as per the Area Engineers Report would be preferable, where this can safely be achieved. I consider that this issue could be addressed by way of condition, should the Board be minded to grant permission.

11.11.12. The Area Engineer Report, appended to the C.E. Report, recommends that all roads within the development should be 6m wide from road edge to road edge. This would not be in accordance with DMURS and would undermine the street hierarchy proposed within the scheme. I consider the street road network as proposed is acceptable, subject to condition in relation to the proposed home zones, as referred to under Section 11.6 of this report (under subheading Internal Street Network).

11.11.13. A Stage 1/2 Road Safety Audit is included with the TIA which assesses the proposed access arrangements from Green Lane, Leixlip Gate and within the proposed residential development site. The TIA states that all matters raised within the audit can be implemented in the future detailed design should the Board permit the development, however, as noted in the Transportation Report from KCC, the planning application drawings have not been amended to reflect the outcome of the Stage 1/2 Road Safety Audit, which would have been a preferable response. The C.E. Report recommends permission be refused for three reasons, reason no. 2 being as follows:

It is considered that the developer has not addressed the numerous safety issues in relation to cycle tracks, pedestrian crossings and lack of tactile paving. Consequently it is considered that the proposed development would endanger public safety by obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.

11.11.14. Having considered the contents of the Road Safety Audit, I consider all aspects raised could be safely addressed and delivered as part of the development by condition, should the Board be minded to grant permission. I note the Transportation Department Report submitted with the C.E. Report sets out a number of conditions to this effect, including provision for an independent Stage 1/2 Road Safety Audit; Stage 3 Road Safety Audit; additional detail and cross sections for the

proposed footpath and cycle links to the R449 with gates to be excluded from such accesses; additional horizontal traffic calming of long straight stretches of road traversing the development; line of sight at the entrance to the site to be in accordance with DMURS, among other standard conditions. Subject to the implementation of a condition in this regard, I consider the proposed development will provide for a safe and attractive environment for pedestrians and cyclists.

11.11.15. With regard to cycle access from the junction with Green Lane and Leixlip Gate avenue, the Transportation Report accompanying the C.E. Report recommends that the cyclepath is widened to 2m. This is an issue which could be explored and determined by way of condition, should the Board be minded to grant permission, subject to no damage being caused to the mature trees being retained at this location.

11.11.16. I note it is an objective of the LAP to protect the trees on the eastern side of Leixlip Gate avenue (Objective GI1.6). No development is proposed on the eastern side of the avenue, I consider it acceptable that a cycle and footpath is provided on the western side only given this is where development is located. In addition given the value of the trees on the remaining western side of this tree lined avenue, I also consider it acceptable that the paths are provided only up to the entrance to the scheme and not along its entire boundary with the avenue. I note open space is proposed along the remainder of the boundary to ensure protection of the existing trees and the avenue. While some third party submissions have requested that a boundary be erected along the western side of the avenue where the development is located (with reference to a similar boundary on the eastern side of the avenue on the Beech Park edge), I consider such a boundary would pose an unnecessary risk to trees and the narrow woodland setting being retained, and compromise the pedestrian permeability proposed.

11.11.17. A number of third party submissions request that the entrance to the site be from the R449 and not from Leixlip Gate avenue. I note the LAP provides for vehicular access to the site via Leixlip Gate avenue in the text, with the map indicating vehicular access options of Leixlip Gate avenue and Green Lane, just east of the existing roundabout. No provision for vehicular access from the regional route to the west, which is a busy route linking Leixlip to the motorway, is proposed in the LAP and I note the C.E. report does not support access from the R449 as an option.

A letter of consent submitted from Kildare County Council states 'With specific reference to the R449, it should be noted that the consent refers to the provision of pedestrian and cycle accessibility'. The report of the Transportation Department accompanying the C.E. Report sets out a number of conditions, should the Board determine to grant permission, one of which states 'no construction or permanent access to be permitted to and from the R449 at any time'. The Area Engineer Report from the Municipal District Office of KCC, which also accompanies the C.E. Report, also states 'no vehicular access should be allowed to or from the application site either during or post construction to the existing R449 public road to the west'. I further consider the provision of such an access onto this regional route could undermine the capacity and safety standards along this route and its interchange with the M4 motorway.

11.11.18. While the map in the LAP shows potential for vehicular access from Green Lane, east of the R449 roundabout, I have no evidence before me to suggest that this as an alternative access arrangement would be viable or preferable. The C.E. Report does not object to the principle of the proposed access being from Leixlip Gate avenue and does not suggest a second or alternative access is required. I consider the option as proposed from Leixlip Gate avenue is acceptable and is in accordance with the LAP for the area.

11.11.19. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site, subject to conditions.

Car Parking

11.11.20. It is stated that the development provides for 393 car parking spaces and 208 secure cycle parking spaces. A car and bicycle parking plan has been submitted (PL21). The proposed provisions are acceptable.

Cycle Infrastructure

11.11.21. The apartment guidelines require 1 cycle parking space per bedroom, with visitor parking to be provided at a rate of 1 space per 2 residential units. This results in a requirement for 192 bicycle spaces. The applicant states 208 bicycle spaces are provided.

Construction Traffic

11.11.22. The TIA proposes a temporary construction access off the R449 mid-way along the western site boundary, with left in/left out priority. It is stated in relation to this, that 34 heavy vehicle trips per week could be generated by the land raising element of the development, with some 6 heavy vehicle trips per day, over a period of 46 weeks. I note it is expressly stated in the Transportation Report and Area Engineer Report accompanying the C.E. submission from Kildare County Council that construction traffic is not permitted to use the R449 for access and in the submitted letter of consent from KCC, it is stated that consent relating to R449 relates to pedestrian and cyclist access only. I further note the Transportation Report states that Leixlip Town Centre should not be utilised as a route for HGVs and site traffic which should access the site by the M4. I consider these reports from the roads engineers of KCC reasonable, therefore, should the Board be minded to grant permission, this issue can be addressed by way of a construction management plan condition, which expressly states construction traffic should not utilise a direct access from the R449 into the site, and details of routes for construction traffic should be agreed with the planning authority. I note this issue is linked to the requirement by the Transportation Department that Leixlip Gate access road be upgraded prior to the commencement of development, as construction traffic could not utilise Leixlip Gate avenue in its present condition.

11.11.23. I am satisfied that any impacts arising in relation to construction stage impacts of noise, dust, route of construction traffic, and hours of operation during construction can be appropriately mitigated through good construction management. This can be addressed by condition, should the Board be minded to grant permission.

Noise

11.11.24. The Leixlip LAP states the design of residential schemes in close proximity to heavily trafficked road networks should have regard to the noise levels from these roadways. Developers should engage an acoustic specialist in the early design process for new residential developments in order to mitigate any negative impacts concerning noise.

HC2.2 Require that residential schemes in close proximity to heavily trafficked roads within/adjoining Leixlip are designed and constructed to minimise noise

disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided.

MT3.10 To implement the recommendations of the Kildare Noise Action Plan to reduce, where necessary, the harmful effects of traffic noise, through appropriate mitigation measures in accordance with CDP Objective RS0 3.

11.11.25. The application is accompanied by a Noise Impact Assessment Report, dated 2nd April 2020. The stated purpose of the survey and assessment report is to consider the potential impact of the noise climate in the area, and especially traffic noise, on the design and construction of the residences, and the report includes recommendations on the appropriate noise mitigation measures for the proposed development. Guidance referenced includes the Kildare LAs Noise Action Plan 2014, Dublin Agglomeration Environmental Noise Action Plan 2018-2023, and British Standard 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. A baseline survey was carried out in March 2019, strategic noise maps for the area reviewed, survey results analysed and a noise model constructed.

11.11.26. With regard to the survey, the report states survey work was undertaken on three dates from 25th to 28th March 2019 at three identified points on the site (see figure 2 in report). The report states the day time noise survey on Day 1 was carried out between 10:00 – 15:00, with the evening surveys performed between 21:59-23:00. The night time noise survey was conducted between 23.00-01.00 on 25th and 26th of March 2019. A second day time only noise survey was conducted on the 28th of March 2019 between 09:30 – 15:00. No explanation is given as to why surveys were conducted outside of the peak traffic times. The report notes that traffic noise is the predominant noise. The apartment blocks and houses along the western boundary are deemed to be the most affected by noise, as would be predicted for this location.

11.11.27. The Transportation Department report accompanying the C.E. submission states that the submitted Noise Assessment Report is inadequate and inconclusive as it does not contain a comprehensive noise survey as a basis of the report and with survey points ignoring the peak road noise period of 8-9am and 16.00-19.00.

11.11.28. The C.E. report recommends a refusal in relation to noise, as follows:

It is considered that the Noise Assessment Report is inadequate and inconclusive as it does not contain a comprehensive noise survey which provides the basis for the report. A comprehensive noise survey requires readings over 12 hourly and 7 day week period for all locations which has not been carried out. Road noise monitoring periods are very limited and survey points have ignored the peak road noise period of 8.00-9.00 and 16.00-19.00 hrs. As such, the applicant has not demonstrated the extent of the impact of noise pollution on prospective residents and therefore it is considered that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

11.11.29. However, I note the Transportation Report lists a number of conditions, should the Board be minded to grant permission, with condition 27 stating ‘...The developer is requested to submit an Acoustic Design Statement by a suitable qualified acoustic specialist to ensure the development will not be exposed to levels in excess of the Kildare County Noise Action Plan Lden threshold of 70 dB(A) and Lnight threshold of 57 dB(A). The Acoustic Design Statement shall have regard to internal noise levels (BS8233:2014) and noise levels at the proposed private space and designated open space...’.

11.11.30. I agree with the Transportation Department assessment in relation to the timing of the noise surveys and I consider the design parameters proposed in the report in relation to insulation and glazing cannot be relied upon as being of the standard required when peak time surveys were not undertaken as a baseline off which to predict impacts. The information on the file does not support a conclusion that the proposed development could not be designed to incorporate design measures to mitigate potential noise nuisance from the R449 and the M4, therefore I consider the issues raised can be addressed by way of condition and a refusal is not warranted in relation to this issue alone.

Conclusion – Traffic

11.11.31. Having examined all the information before me, I acknowledge that there will be some increase in traffic movements as a result of the proposed development if permitted, however, I am overall satisfied that having regard to the existing context of the site and overall road network including connectivity and permeability of the

scheme, and the upgrade proposed to Leixlip Gate avenue, that the proposed development would not lead to the creation of excess traffic or hazard to road users and I consider the proposal to be generally acceptable in this regard.

11.12. Water Services Infrastructure, including Flooding Issues

11.12.1. An Engineering Assessment Report has been submitted with the application, which addresses foul drainage, surface water drainage and water supply. A Site Specific Flood Risk Assessment has also been submitted.

Water Supply

11.12.2. There is an existing watermain to the north of the subject site located within Green Lane, which Irish Water propose to upgrade and Irish Water has confirmed they can facilitate a connection to the infrastructure.

Water and Wastewater

11.12.3. A foul sewer network is proposed on the site, which will be connected to an onsite wastewater pumping station, from where the discharge will be pumped via rising main along Green Lane Road to a new connection with the existing public sewer at the intersection of Green Lane/Castletown and Oaklawn, approximately 1.3km east of the site along Green Lane. Irish Water in their submitted reports on this application are satisfied that the connection can be accommodated and a statement of design acceptance has issued. I am satisfied that the development can be connected to the public wastewater system and there is adequate capacity to deal with the proposed development.

Surface Water Management

11.12.4. There is a minor watercourse passing west-east through the subject site (total length of 315m) which has been significantly modified over the years and which is piped both upstream and downstream of the subject site. To accommodate the proposed residential development, it is proposed to culvert part of the existing stream on site beneath the proposed access road. Approximately 104m of the total stream length will be culverted (in lengths of 28m, 4.6m and 71.4m) using a 900mm diameter pipe, with 116m being retained in situ and the c. 95m remainder being upgraded and slightly realigned. The DAU Submission advises that the stream should be retained as an open watercourse in keeping with local planning policy.

Where culverting is unavoidable, the Department recommends that, where possible, ecologically friendly box culverts should be used in preference to piped culverts. The realigned section should incorporate stream enhancement measures, as outlined in OPW Environmental Guidance, where possible. In accordance with local planning policy, a biodiversity zone of not less than 10 metres from the top of the bank of the stream should be maintained, where possible (Kildare County Development Plan 2017 – 2023, GI 20). While it would be preferable to retain open the full length of the stream, I accept that a significant portion of the stream (67%) is being retained open and incorporated into the design of the scheme and into the open space layout. I note the Water Services Section of KCC raises no issue with the section of minor watercourse to be culverted or separation distances from the minor watercourse. I accept the findings of the Engineering Report submitted, and recommend, should the Board be minded to grant permission, that the issue of type of culvert boxes to be used and the proposed grading of the banks be subject to condition, as recommended by the DAU and the Water Services Section of KCC.

11.12.5. Surface water runoff from the proposed development will discharge to the minor watercourse, via a restricted outfall. In this regard the runoff will be restricted to the equivalent of existing agricultural runoff and therefore there will be no increased flows to the minor watercourse. The Engineering Assessment Report states the capacity of the minor water course will not be changed nor will the flow through it as only treated, attenuated surface water in line with the existing greenfield run-off rates will be discharged from the proposed development to the minor watercourse. It is indicated that in order to achieve the appropriate cover levels to the drainage network on site and achieve a gravity surface water outfall to the existing minor watercourse on site it is necessary to increase the levels on site between 100mm and 600mm. On average across the site there is a fill of 400mm required. A cut and fill analysis has been included with the application.

11.12.6. The protection of surface waters during the operation of the development will involve the use of Sustainable Drainage Systems (SuDS), including permeable paving, swales for the access road surface water treatment, attenuation tanks and associated hydrobreaks with petrol interceptors upstream of the tanks to remove hydrocarbons from surface water run-off from roads and car parks.

11.12.7. I note concerns raised by third parties in relation to surface water runoff, requirement for attenuation on site, concerns with capacity of sewer pipe network and drainage plan. I have reviewed the information submitted and all third party submissions, in addition to the reports from the area engineer. I am satisfied that the development has been adequately assessed and designed in terms of surface water management and that the network, as indicated by Irish Water, has the capacity to cater for the proposed development.

Site Specific Flood Risk Assessment (SSFRA)

11.12.8. The submitted SSFRA assesses a number of sources of information in relation to flooding. I note from the Strategic Flood Risk Assessment of the Leixlip Local Area Plan (2017- 2023), the area of the site does not fall within a strategic Flood Zone A or Zone B. There is no reported flooding from the Royal Canal in the Leixlip area of County Kildare. The OPW Flood Maps website was consulted and there are no recorded or anecdotal instances of flooding at or in the immediate vicinity of the proposed development site. The OPW PFRA flood mapping above indicates that part of the proposed development site falls within an indicative pluvial flood zone which was examined in detail in the report at a site specific level. The proposed development site is underlain by Limestone Till. There are no alluvium deposits mapped within the boundary of the proposed development site.

11.12.9. The primary flood risk to the proposed development site was determined to be an extreme pluvial flood event in the Minor Watercourses located within the site. A hydraulic model was developed for the Minor Watercourse within the site along a channel reach length of approximately 330m. Pluvial flood risk was examined. It is stated that compensatory pluvial flood storage is not required as the development as proposed will not involve the displacement of any significant volumes of pluvial flood waters. Secondary flood risk by way of a potential pluvial event due to overland flow in the vicinity of the site was considered, in addition to a potential surcharge of the urban drainage network and /or damage to the water supply infrastructure in the general vicinity of the site and also risk by way of surcharge/blockage culvert under Leixlip Gate Road. Flood risk was determined to be low.

11.12.10. The SSFRA states that the majority of the proposed development site falls within Flood Zone 'C'. There is a small area of localised pluvial flooding located along

the eastern boundary of the site. It is recommended that this area of the site is maintained as green open space at existing ground levels. In accordance with the *'Planning System & Flood Risk Management Guidelines, DOEGLG, 2009'* the proposed development site is not subject to the requirements of The Justification Test. The development as proposed is therefore considered appropriate from a flood risk perspective.

11.12.11. The redirection and culverting of part of the minor watercourse on the site was considered in terms of flood risk as was the proposed design of the surface water drainage system. Flood risk is considered to be low.

11.12.12. The SSFRA determined that raising the site levels does not increase the flood risk to people or property in the surrounding lands. Overall, the pluvial flood risk from the proposed development to the surrounding lands is considered to be low.

11.12.13. Overall, the flood risk to and from the proposed development site is considered to be low. Development of the site is not expected to result in an adverse impact to the hydrological regime of the area or to increase flood risk elsewhere and is considered to be appropriate from a flood risk perspective. I accept the findings of the SSFA. I note the Water Services Section of KCC has no objection to the proposed development subject to conditions.

11.13. **Other Matters**

Procedural Issues

11.13.1. The application was made and advertised in accordance with requirements of Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the accompanying regulations.

11.13.2. A number of third party submissions raise issue with the address and townland name advertised. I note the reference to street names and townlands within the LAP and I note that the address was considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations.

Devaluation of Property

11.13.3. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment

and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Public Consultation

11.13.4. I note the submissions received refer to a lack of consultation and public participation in the SHD process. Consultation has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.14. Planning Conclusion

11.14.1. I am of the view that, overall, the proposed development will support consolidation and densification in this area of Leixlip and the site is sufficiently connected by footpath and cyclepaths to the town centre, bus routes, and the train station and is well served by existing services and amenities. While there will be loss of trees and hedgerows on the site and along a section of Leixlip Gate avenue, I consider that this loss will be mitigated by proposed planting and landscaping and that the overall character and natural heritage of the avenue will not be so altered as to warrant a refusal of permission. I consider the layout and design of the scheme has had adequate regard to existing residential dwellings in the area and will not be seriously injurious to the residential or visual amenity of the area. I consider the development as proposed to be in accordance with the proper planning and sustainable development of the area.

12.0 Material Contravention

12.1. I note the applicant has submitted a document titled 'Material Contravention Statement', which is summarised in section 5.3.3 of my report, to address the issue of building heights. I have considered the issue of Material Contravention in section 11.4.15-11.4.16 of my report above.

12.2. Leixlip LAP 2020-2023 states in relation to the application site and the issue of built form for future development that 'the layout shall have regard to the residential amenity of existing dwellings, with building heights respecting the adjoining properties. High quality development form along the R449 should announce the town

and buildings limited to 3-storeys may be provided at the roundabout junction of the R449 and Green Lane'. The proposed apartment building at the roundabout is 4 storeys in height.

- 12.3. Under the Section 28 Urban Development and Building Height Guidelines (2018), guidance is provided in relation to 'Building height in suburban/edge locations (City and Town'. Under section 3.5 it is stated that 'Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets'. SPPR 4 of the guidelines states:

'It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;
2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- 12.4. It is proposed to construct a 4 storey apartment building at the roundabout junction of the R449 and Green Lane at the northwest corner of the site. While I note the height is greater than the 3 storeys referred to in the LAP, I consider the proposed height will provide for a strong well designed building form at this location which is at the entrance road to Leixlip, appropriately defining this entrance point as required by the LAP. Through the positioning of the building and the two other 4 storey buildings along the western boundary of the site, the development has had due regard to the residential amenity of existing dwellings.

12.5. Having regard to the provisions of Section 37(2)(b)(iii), in my opinion it is justified to contravene Leixlip Local Area Plan 2020-2023 in relation to height, as per section 3.6 and SPPR4 of the Urban Development and Building Height Guidelines (2018).

13.0 **C.E. Recommendation**

13.1. Kildare County Council Chief Executive's Report recommends a refusal for the proposed development of 239 units and a crèche. It is stated that the proposed development would not be consistent with the objectives of the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan 2020-2023 for the following reasons:

1. Based on the information provided with the application, the applicant has not provided any evidence of its control, its ownership, or its legal entitlement to upgrade and widen Leixlip Gate access to the required standards to facilitate traffic from the proposed development. In addition, the applicant has not provided details of evidence of ownership or consent, permission or agreement from other adjacent landowners to facilitate the necessary works for lane upgrade and widening. Having regard to this, there is concern that the developer will be unable to upgrade Leixlip Gate access and will be forced to subsequently access this site from the R449 or via the existing substandard laneway. The Planning Authority also has concerns about the quantity and location of numerous services located in the existing access lane and the relocation or upgrade of same. It is therefore considered that the proposed development is premature due to the existing deficiency in the road network serving the site and therefore could create a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the developer has not addressed the numerous safety issues in relation to cycle tracks, pedestrian crossings and lack of tactile paving. Consequently it is considered that the proposed development would endanger public safety by obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.
3. It is considered that the Noise Assessment Report is inadequate and inconclusive as it does not contain a comprehensive noise survey which

provides the basis for the report. A comprehensive noise survey requires readings over 12 hourly and 7 day week period for all locations which has not been carried out. Road noise monitoring periods are very limited and survey points have ignored the peak road noise period of 8.00-9.00 and 16.00-19.00 hrs. As such, the applicant has not demonstrated the extent of the impact of noise pollution on prospective residents and therefore it is considered that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

- 13.2. In relation to reason 1, and as referred to in section 11.6.23-11.6.30 of my report above, under the sub-heading 'Leixlip Gate Avenue and Ownership', it is not clear to me having examined the documentation submitted as to who the legal owner of the avenue is or whether the applicant has a right or not to undertake the works on Leixlip Gate avenue. The S.28 Development Management Guidelines (2007) provides guidance on such matters under Section 5.13 'Issues Relating to Title of Land'. In accordance with Section 34(13) of the Planning Act, a person is not entitled solely by reason of a permission to carry out any development. Having considered the issue, I am of the opinion that permission can be granted and as per section 34(13) of the Act, referred to above, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission. I do not consider permission should be refused for this reason.
- 13.3. In relation to C.E. reason 2, I have addressed this recommended reason for refusal under section 11.11 of the report above under the heading Traffic Transportation and Access, and specifically within sections 11.11.14-11.11.14 of my report. Having considered the contents of the Road Safety Audit, I consider all aspects raised could be safely addressed and delivered as part of the development by condition, should the Board be minded to grant permission. I consider the proposed development, subject to the implementation of a condition addressing the issues raised, will provide for a safe and attractive environment for pedestrians and cyclists. I do not consider permission should be refused for this reason.
- 13.3.1. In relation to C.E. reason 3, I have considered the issue of noise under section 11.11.24-11.11.30 of my report above. I concur with the issues raised in relation to noise within the C.E. Report, however, the information on the file does not support a conclusion that the proposed development could not be designed to incorporate

design measures to mitigate potential noise nuisance from the R449 and the M4, therefore I consider the issues raised can be addressed by way of condition and a refusal is not warranted in relation to this issue.

14.0 Screening for Appropriate Assessment

14.1. Introduction

14.1.1. The application is accompanied by a 'Report for Appropriate Assessment Screening' (May 2020) by Biosphere Environmental Services. A Terrestrial Ecological Assessment (May 2020) and Aquatic Ecological Survey (April 2020) have been submitted with the application, in addition to a Bat Assessment (June 2019). An Arboricultural Impact Assessment Report (April 2020) also accompanies the documentation.

14.1.2. The Screening Statement concludes that the project is not directly connected with or necessary to the management of a Natura 2000 site, and significant impacts on the Natura 2000 network are not foreseen. Therefore, in accordance with Article 6(3) of the Habitats Directive, it is considered that a Stage 2 Appropriate Assessment is not required.

14.1.3. Having reviewed the documentation available to me, I am overall satisfied that there is adequate information available in respect of baseline conditions to clearly identify the potential impacts on any European site and I am satisfied that the information before me is sufficient to allow for screening for appropriate assessment of the proposed development.

14.2. Stage 1 Screening

14.2.1. The proposed development is for 239 dwellings on a site of c. 6.55 ha. The site is greenfield and is relatively flat, with a small stream and drain dividing the site into three fields. Boundaries consist of hedgerows and trees, with a mature treeline dominated by Lime along the eastern boundary, and an historic stone wall along the southern boundary.

14.2.2. The habitats on the site comprise mainly improved agricultural grassland and is of low ecological value and the watercourse is of limited aquatic value. 104m of the watercourse is to be culverted, 116m will be retained in situ with some regrading and

95m will be slightly realigned. The channel is currently heavily silted. The southern field drain and hedgerow (83m) will not be retained.

- 14.2.3. During the construction phase, the issues of surface water run-off, disposal of pumped water from excavations and general management of liquid waste on site will be addressed via a Construction Management Plan (CMP). An Outline CMP has been prepared. All works carried out as part of these infrastructure works will comply with all Statutory Legislation including the Local Government (Water Pollution) Acts, 1977 and 1990, and the contractor will co-operate in-full with the Environmental Section of Kildare County Council. Specific items relevant to protection of groundwater and water courses are listed in section 5.13 of the Outline Construction Management Plan. I note that content of the CMP is standard in all new developments and is not required here to avoid or reduce an impact to a European site.
- 14.2.4. During the operational phase of the development, SuDS systems are proposed to manage surface water runoff. I note that these SUDS systems are standard in all new developments and are not included here to avoid or reduce an impact to a European site. To facilitate surface water attenuation, the level of the site needs to be raised which will require soil importation. The average fill across the site will be c.400mm, however, in some areas it will be greater than this and in others the proposed finished level will be close to the existing level.
- 14.2.5. A new foul sewer network has been designed to collect wastewater discharge from the proposed development. This discharge will be directed to an onsite Irish Water approved pumping station. From there, the discharge will be pumped by rising main along Green Lane to the proposed new connection point where the public sewer crosses Green Lane.
- 14.2.6. The site itself is not located within or adjoining any European site. I note the following European site is examined in the submitted Screening Statement:
- Rye Water Valley/Carton SAC (code 1398), which is on the Rye Water tributary of the River Liffey, and a straight-line distance of approximately 1.5 km north of the Leixlip Gate site.
- 14.2.7. There are no further European designated sites that could potentially be affected within a 10-15 km distance of the Leixlip area. However, the application site has an

indirect connection via the on-site watercourse and the River Liffey to the suite of designated sites in Dublin Bay approx. 20km from the site. The screening report includes designated sites within Dublin Bay, which are considered as part of the screening process.

- South Dublin Bay SAC (code 0210)
- South Dublin Bay and Tolka Estuary SPA (code 04042)
- North Dublin Bay SAC (code 00206)
- North Bull Island SPA (code 04006)

Table 1:

Name of Site	Conservation Objectives	Qualifying Interests/Special Conservation Interests	Distance
Rye Water Valley/Cartron SAC (code 1398)	Conservation objectives for the site are given in <i>NPWS (2018) Conservation objectives for Rye Water Valley/Cartron SAC [001398]. Generic Version 6.0.</i> Department of Culture, Heritage & the Gaeltacht (dated 21 February 2018). The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.	Petrifying springs with tufa formation (Cratoneurion) (priority habitat) Vertigo angustior (Narrow-mouthed Whorl Snail) Vertigo moulinsiana (Desmoulin's Whorl Snail)	1.5km
North Dublin Bay SAC (code 00206)	Conservation objectives for the site are detailed in: NPWS (2013) Conservation Objectives: North Dublin Bay SAC 000206, Version 1.	Mudflats and sandflats not covered by seawater at low tide;	c. 20 km

	<p>NPWS, Department of Arts, Heritage & the Gaeltacht (dated 6 Nov 2013). Full details of the conservation objectives for the SAC are given in https://www.npws.ie/protected-sites but the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p>	<p>Annual vegetation of drift lines;</p> <p>Atlantic salt meadows;</p> <p>Mediterranean salt meadows;</p> <p>Salicornia and other annuals colonising mud and sand;</p> <p>Embryonic shifting dunes;</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes);</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes);</p> <p>Humid dune slacks;</p> <p><i>Petalophyllum ralfsii</i></p> <p>Petalwort</p>	
<p>South Dublin Bay SAC (code 0210)</p>	<p>The conservation objectives for the site are detailed in: NPWS (2013) Conservation Objectives: South Dublin Bay SAC 000210, Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht (dated 22 Aug 2013). Full details of the conservation objectives for the SAC are given in</p>	<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>c. 20 km</p>

	<p>https://www.npws.ie/protected-sites but the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p>	Embryonic shifting dunes (2110)	
<p>S. Dublin Bay & River Tolka Est. SPA (code 04042)</p>	<p>The conservation objectives for the site are detailed in: NPWS (2015) Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024, Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht (dated 9 March 2015). Full details of the conservation objectives for the SPA are given in https://www.npws.ie/protected-sites but the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p>	<p>Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Grey Plover; Knot; Sanderling; Dunlin. Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetlands & Waterbirds</p>	c. 20 km
<p>North Dublin Bay SPA (code 04006)</p>	<p>The conservation objectives for the site are detailed in: NPWS (2015) Conservation Objectives: North Bull Island SPA 004006, Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht (dated 9 March 2015). Full details of the conservation objectives for the SPA are</p>	<p>Light-bellied Brent Goose; Oystercatcher; Teal; Pintail; Shoveler; Shelduck; Golden Plover;</p>	c. 20 km

	<p>given in https://www.npws.ie/protected-sites but the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p>	<p>Grey Plover; Knot; Sanderling; Dunlin; Blacktailed Godwit; Bar Tailed Godwit; Curlew; Redshank; Turnstone; Black-Headed Gull; Wetlands and Waterbirds</p>	
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14.2.8. With regard to direct impacts to Rye Water Valley/Carton SAC, the application site is located 1.5km from the SAC with no pathway from source to receptor. Given the distance involved and the nature of the development, there is no risk of disturbance to habitat and species.

14.2.9. With regard to the European sites within Dublin Bay, given the significant distance of approx. 20km between the application site and the European sites within Dublin Bay, and taking into account the scale and nature of the proposed development, i.e. a housing development of moderate size which will be constructed and operated in accordance with standard environmental features associated with a residential development, it is not considered likely that the proposed development could have potential to impact on the water quality (and hence various qualifying interests) within the Dublin Bay system. I note the CMP and proposed SUDS system are standard in all new developments and are not included here to avoid or reduce an impact to a European site.

14.2.10. Cumulative impacts have been considered and the development is unlikely to give rise to cumulative impacts on any European site.

14.3. Conclusion

14.3.1. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses and distance from European Sites, and lack of direct connections with regard to the source-pathway-receptor model, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European Sites or any other European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

15.0 **Recommendation**

It is recommended that permission is granted, subject to conditions.

16.0 **Reasons and Considerations**

Having regard to the following:

- (a) the policies and objectives set out in the Kildare County Development Plan 2017-2023, as varied
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,

- (i) the availability in the area of a range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Chief Executive of Kildare County Council

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Recommended Draft Order

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 25th May 2020 by McGill Planning Ltd. ES Leixlip Greenfields Ltd.

Proposed Development:

The application is for a strategic housing development at this site of c. 6.55 hectares at Leixlip Gate, Kilmacredock, Leixlip, Co. Kildare and including for works along Green Lane.

The development will consist of:

- Demolition of an existing habitable house and an agricultural barn (total floor area c.599 sq.m).
- Construction of 239 no. dwellings comprising:

- a) 136 no. 2-storey houses comprising 16 no. 2-bed, 114 no. 3-bed and 6 no. 4-bed;
- b) 73 no. apartments in 3 no. 4-storey blocks comprising 29 no. 1-bed and 44 no. 2-beds;
- c) 30 no. duplex units within 3 no. 1-3 storey blocks comprising 15 no. 2-bed and 15 no. 3 bed units;

All with associated private gardens/ balconies/ terraces to the north/south/east/west elevations.

- Construction of a crèche (c. 294 sq.m) and a gym (c. 224 sq.m) at ground floor of Apartment Block A.
- 393 no. car parking spaces (including e-charging points) and 208 no. secure bike parking spaces located within dedicated bicycle stores.
- Vehicular access to the development via Leixlip Gate avenue to the east with pedestrian/cyclist access via Leixlip Gate avenue and the R449 to the west.
- Upgrading of part of Leixlip Gate avenue which will entail modifications to the permitted boundary and vehicular access to the single dwelling permitted under KCC Reg. Ref.: 16/90.
- All associated site development works (including reprofiling/culverting of part of minor watercourse on site), provision of landscaped open spaces, boundary treatments, bin stores, ESB substation kiosks, public lighting; site services, drainage works (including foul pumping station on site and connection to existing foul sewer on Green Lane) and all associated infrastructure.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Council Development Plan 2017-2023 and Leixlip Local Area Plan 2020-2023.

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.

Decision

Grant 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

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives set out in the Kildare County Development Plan 2017-2023, as varied
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,

- (i) the availability in the area of a range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Kildare County Council, and
- (n) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission for the proposed Strategic Housing Development would materially contravene the Leixlip Local Area Plan 2020-2023 in respect of building height.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Leixlip Local Area Plan 2020-2023 would be justified for the following reasons and considerations.

In relation to S.37(2)(b)(i) the development is strategic in nature, as per the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development is of strategic importance to the development of Leixlip in line with national policies to provide for compact growth within the Dublin MASP, and in proximity to public transport.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000, the proposed development is in accordance with SPPR 4 of the Urban Development and Building Height Guidelines, with the proposed 4 storey building at the junction of the R449 and Green Lane in compliance with section 3.6 of the guidelines. The proposed apartment building will deliver a high quality development form at this location. The building height is therefore justified. It is furthermore considered that the proposed development is in accordance with national guidance, such as the NPF and EMRA RSES, Sustainable Urban Housing: Design Standards for New Apartments Guidelines and Guidelines for Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual, which seek the creation of compact, sustainable residential developments to be located in appropriate urban locations, close to existing/proposed infrastructure and services. The development is located on residentially zoned land within the development boundary of an existing urban settlement, sequentially located relative to the town centre, and is adjacent to existing infrastructure and services.

18.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(i) The dwellings on plot 135 and 136 shall be omitted and the dwelling on plot 134 redesigned as a dual aspect unit, with</p>

	<p>access to the dwelling from the south. That part of the site thereby released shall be assigned use as public open space.</p> <p>(ii) The dwellings on plots 75 and 76 shall be omitted and replaced with type C units as proposed on plots 77 and 78, with a pedestrian path provided between units 76 and 77 to the south of the privacy strip to these dwellings.</p> <p>(iii) The pedestrian path within the public open space along the southern boundary of the site shall be extended to the junction with the north-south street and pedestrian crossing facilities provided for at this location.</p> <p>(iv) A pedestrian path shall be provided to the front of dwellings 09-12, 56-61, 78-86, and 104-120. Where communal parking is proposed, the pedestrian paths shall be located behind the car parking spaces and a privacy buffer shall be inserted between the front elevations of the dwellings and the footpath. Revised plans illustrating these amendments, shall be submitted to the planning authority for their written agreement.</p> <p>(v) The home zone street to the southwest (serving dwellings 88-101, adjoining the pedestrian connection to the R449) shall be redesigned in accordance with the guidance within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and Design Manual for Urban Roads and Streets (2013 and as amended), with a reduced carriageway width in accordance with the guidelines and a focus on distinctive paving, planting, play areas and seating designed into the street, to the satisfaction of the planning authority.</p> <p>(vi) The proposed boundary of a 1.2m high railing and hedgerow to the north of duplex blocks B and C shall be omitted and in its place a low level landscaped privacy strip shall adjoin all ground level patios to blocks B and C with further details in</p>
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	<p>relation to an open boundary arrangement or other permeable boundary solution to be submitted to the planning authority for their written agreement.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written agreement prior to commencement of any development. In particular this plan shall stipulate that:</p> <p>(a) Prior to the commencement of any development on site, Leixip Gate avenue shall be upgraded and widened. The developer shall submit full drawings and details, including dimensions, cross sections, drainage, services, road lining and signage and VRU facilities, in accordance with the requirements of the planning authority. All works undertaken shall ensure the protection of existing trees to be retained at this location, as per the measures in the submitted Ecological Impact Statement and Arboricultural Report.</p> <p>Reason: In the interest of traffic and pedestrian safety and the timely provision of supporting infrastructure.</p>
4.	<p>All recommended measures outlined in the submitted Ecological Impact Statement, Arboricultural Report and Tree Protection Plan shall be implemented in full.</p> <p>Reason: In the interests of biodiversity and protection of trees.</p>
5.	<p>Any works required to stabilise the Demense Wall along the southern boundary of the site shall be undertaken in accordance with the following requirements of the Department of Culture, Heritage and the Gaeltacht:</p> <p>a. Prior to any construction or stabilising work commencing on the Demesne wall boundary, a moss, lichen and vascular plant survey</p>

	<p>shall be carried out by an Ecologist. In the case of legally protected species found a licence shall be required from the Department of Culture, Heritage and the Gaeltacht to disturb such species.</p> <p>b. Prior to any construction work (including ivy and bramble removal) commencing on the stone wall boundary, a bat survey shall be undertaken. Should bat roosts be found, a licence application shall be made to the Minister for Culture, Heritage and the Gaeltacht to interfere with the roost.</p> <p>c. Ivy and bramble removal shall only be carried out outside the main bird breeding season (i.e. from September to February inclusive).</p> <p>d. Repair works shall use local stone similar to that within the wall.</p> <p>e. Only traditional lime mortar and not cement shall be used for rebuilding, pointing, grouting.</p> <p>Reason: In the interests of biodiversity.</p>
6.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p>

	<p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>A minimum of 192 bicycle parking spaces shall be provided for within the site. Details of the layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>

13.	<p>(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>(b) A revised Stage 1 Road Safety Audit shall be undertaken, taking account inter alia of condition 2 above and the alignment of the access into the site, and a Stage 2/3 Road Safety Audit shall be undertaken. The findings shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.</p> <p>(c) Provision shall be made for a footpath and cycle path along Leixlip Gate avenue, connecting into Green Lane, as per the submitted plans and particulars and in accordance with the requirements of the planning authority. The design of the footpath and cyclepath, and associated construction measures, shall ensure existing mature trees to be retained at this location are protected. Details in relation to connection points with Green Lane shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.</p> <p>(d) Full cross section drawings and details for the provision of the two pedestrian and cycle path links from the proposed development onto the R449 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
14.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and</p>

	<p>regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
15.	<p>A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
16.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
17.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with</p>

	<p>the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <ul style="list-style-type: none"> (a) Revised landscape plan for the area of public open space, retained minor watercourse and tree line to the east of the site with a focus on design of the stream, levels, planting and revised boundary treatment to ensure integration and visibility of the stream from the adjoining open space. (b) Revised landscape plan for the area of the retained watercourse to the west of the site with additional details of interalia contouring or stepping, side slopes, boundary and plans and sections. (c) Wildflowers shall be of Irish native origin and shall not be introduced into woodland areas along the eastern boundary of the site or into the existing watercourse. (d) Ecologically friendly box culverts shall be used in preference to piped culverts where possible. <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
18.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and along Leixlip Gate avenue</p>

	<p>and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
20.	<p>(a) The developer shall submit a revised Acoustic Design Statement by a suitable qualified acoustic specialist to ensure the development will not be exposed to levels in excess of the Kildare County Noise Action Plan Lden threshold of 70 dB(A) and Lnight threshold of 57 dB(A). The Acoustic Design Statement shall have regard to internal noise levels (BS8233:2014) and noise levels at the proposed private space and designated open space.</p> <p>(b) All noise mitigation measures, including glazing specifications and ventilation systems, for all houses and for the apartment blocks, to mitigate against noise arising from the adjoining R449 road, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such measures shall ensure that the standards set out in BS8233:2014 are adhered to in relation to such residential units. The agreed measures shall be implemented prior to the making available for occupation of all such residential units.</p> <p>Reason: To protect residential amenities.</p>
21.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in</p>

	<p>writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
22.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
23.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>

24.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of tree protection measures for along both sides of Leixlip Gate avenue; d) Details of site security fencing and hoardings; e) Details of on-site car parking facilities for site workers during the course of construction; f) Details of the timing and routing of construction traffic to and from the construction site, and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. All construction traffic shall avoid Leixlip Town and shall access the site from the M4. No direct access for construction traffic shall be facilitated off the R449; g) Measures to obviate queuing of construction traffic on the adjoining road network; h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
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	<p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
25.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in</p>

	<p>connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
29.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, including all removal of topsoil associated with this development, including the construction of the heritage trail, all necessary licences or consents under the National Monuments Acts 1930 to 2014 having been obtained.</p> <p>(c) should archaeological material be found during the course of archaeological monitoring, all work which might affect that material will cease pending agreement with the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht to how it is to be dealt with.</p> <p>(d) all archaeological deposits/features, within the area where groundworks will occur, which were recorded during test excavation at the site in December 2005, shall be fully archaeologically planned, photographed and excavated by a suitably qualified archaeologist, all necessary licences or</p>

	<p>consents under the National Monuments Acts 1930 to 2014 having been obtained.</p> <p>(e) all costs of archaeological work necessitated by, or arising from, the development shall be borne by the developer.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.</p>
30.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

NOTE: In accordance with section 34(13) of the Planning and Development Act 2000, as amended, a person is not entitled solely by reason of a permission to carry out any development.

Una O'Neill
Senior Planning Inspector

24th August 2020