



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308003-20

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<b>Development</b>	65 residential units, childcare facility, and associated development works.
<b>Location</b>	New Road, Glebe, Straffan, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	20151
<b>Applicant(s)</b>	Lagan Homes Ireland Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	(1) Michelle O'Brien & Declan Kelly (2) Deirdre Creaney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> of May 2021
<b>Inspector</b>	Fergal Ó Bric

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the settlement of Straffan, Co. Kildare, approximately 450 metres north-west of the village centre crossroads. It is located along the northern side of New Road, immediately contiguous and north-west of the national school, with the Barton Grange residential development to the west of the appeal site and the Hammerstone residential development, presently under construction, to the east of the appeal site. The appeal site comprises an area of 2.51 hectares, has a narrow road frontage and broadens to the rear of the site and comprises two fields in pasture where levels fall in a southerly direction, towards a watercourse that traverses the north-east tip of the site, between it and the Hammerstone residential development.
- 1.2. The site contains a large mound of topsoil in the north-western section of the roadside field, hedgerow around the perimeter of the site and a block wall and hedgerow boundary along the western boundary with the Barton Grange development.
- 1.3. There is an agricultural gated access point to the site off New Road. The site is located within the 50-kilometre village centre speed control zone. There are double yellow lines along the roadside boundary of the site. The character of the area is mainly residential, with a number of housing estates accessing off New Road, the national school to the south-east and a number of one-off dwellings on the opposite side of New Road and to the south-east of the appeal site.

## 2.0 Proposed Development

- 2.1. The development originally proposed comprised of 69 No. residential units and a childcare facility. Following the response to the further information request, the number of residential units was reduced to 65.
- 2.2. The 65 No. residential units are broken down as follows:
  - 4 No. Type J1 & K1 ground and first floor 1 bed maisonette units,
  - 9 No. Type E1 two-storey 2 bed mid-terrace units,
  - 10 No. Type F two-storey 3 bed end of terrace units,

- 24 No. Type G two-storey 3 bed semi-detached units,
- 6 No. Type H two-storey 4 bed semi-detached and detached units,
- 4 No. Type H1 two and a half storey 5 bed semi-detached units,
- 4 No. Type L two-storey 2 bed semi-detached unit,
- 1 No. Type M two-storey 4 bed detached unit,
- 3 No. Type N two-storey 3 bed detached unit,

A two-storey childcare facility with a floor area of 340m square metres is also proposed to the south-east of the site fronting onto the New Road. The childcare facility would cater for up to 47 children and provides for an enclosed external play area and 18 dedicated car parking spaces and 4 drop-off/set down spaces.

There are proposed vehicular and pedestrian access points onto New Road, a vehicular and pedestrian connection to the Hammerstone residential development to the east of the appeal site and potential pedestrian connections to adjoining lands (comprising 0.487 hectares) in the ownership of the applicant, which are to be transferred to Scoil Bhríde, Straffan National school as part of the current proposals.

All ancillary internal access roads, parking, infrastructure, drainage landscaping, boundary treatments and all associated site and development works are proposed.

- 2.3. A number of accompanying reports were submitted as part of the planning documentation including an Architectural Design Statement, an Arbocultural Impact Assessment Report, a Public lighting Report, an Archaeological Assessment Report, a Construction Management Plan, a Traffic Impact Assessment, an Appropriate Assessment Screening Report, and a Terrestrial Ecology Report.
- 2.4. Further information was submitted to the Planning Authority in relation to: The scale of development and the period of time over which it would be developed; The timing of the delivery of the childcare facility; Design and layout of residential development; A Social infrastructure assessment; Creche design and layout; Car parking provision for the childcare; Connectivity with the Hammerstone residential development; sightlines at the access onto the New Road; Revised internal layouts for a number of the unit types; Archaeological testing results; Commentary on third party submissions; Landscaping and boundary treatment of the site;

## 3.0 Planning Authority Decision

### 3.1. Decision

Kildare County Council granted planning permission for the development subject to 46 conditions. Many of the conditions are of a standard nature. The following are considered to be the pertinent conditions:

Condition number 2(a): That the permission authorises 65 residential units and a crèche catering for 47 children

Condition number 2(b): Development to be carried out on a phased basis and the creche and public open space to be fully complete prior to the occupation of any dwelling within phase 2.

Condition 4(a) the tree protection zone shall be fully implemented.

Condition 4(b) The landscape masterplan as submitted shall be fully implemented

Condition 7: No dwelling shall be occupied until the land hatched in blue labelled as Community and Educational Zoned lands are transferred to Straffan National school.

Condition 32: Submit construction and demolition waste management plan.

Conditions 33 & 34; Connection agreement with Irish Water.

Condition 36 All mitigation measures outlined with Terrestrial Ecology Report shall be carried out in full.

Condition 40: Pre-development archaeological test excavations.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The key points of the assessment can be summarised as follows:

Initial Planning Report:

- The appeal site lands are zoned New residential within the Straffan Village Plan and therefore the principle of the development is considered acceptable.
- The proposed density of 27 units per hectare is in excess of the indicative densities set out within Table 4.2 of the Development Plan.

- There is a deficit in local social infrastructure to support the development.
- Impact upon the residential amenity of the residents of the single storey dwelling (Beechtree Cottage) to the south-east of the site needs to be addressed.
- An Appropriate Assessment screening concluded that the submission of a Natura Impact Statement was required in this instance.

2nd planning Report (based on further information response):

- The Planner was satisfied with the reduction in the number of units and hence the revised density of 25.9 residential units per hectare, and with the revised dwelling and creche design and layout. The issues of archaeology, landscaping, boundary treatment, sightlines and parking were also considered to have been addressed in a satisfactory manner. A grant of planning permission was recommended as set out in Section 3.1 above.

### 3.2.2. **Other Technical Reports**

Environment: No objections, subject to conditions.

Water Services: No objections, subject to conditions.

Roads & Transportation: No objections, subject to conditions.

Parks: No objections, subject to conditions.

Heritage Officer: No objections subject to condition regarding monitoring of ground

Housing Section: No objections, subject to conditions.

Fire Department: No objections, subject to conditions.

Area Engineer: No objections.

### 3.3. **Prescribed Bodies**

*Inland Fisheries:* The development is located within the catchment of the River Liffey, a salmonoid system. Any stockpiling of topsoil must be carefully considered, a comprehensive water management system is required, adequate capacity in public sewers must be available.

Department of Culture, Heritage and Gaeltacht: Recommended that results of archaeological testing be submitted prior to the Planning Authority making its decision.

Irish Water: No objection, subject to conditions.

### 3.4. **Third Party Observations**

There were eleven third part observations received by the Planning Authority in relation to the development proposals. The issues raised within the observations are similar to those raised within the third-party appeal submissions received by the Board. These submissions can be summarised as follows:

1. Principle of Development
2. Design and layout
3. Residential Amenity.
4. Traffic and Access
5. Social and Physical Infrastructural issues

## 4.0 **Planning History**

Planning Authority Reference number 06/50, in 2006, planning permission was granted for the development of 36 detached and semi-detached dwellings on site. This permission was never enacted.

Planning Authority Reference number 10/926, in 2010, planning permission was refused for the development of 61 detached, semi-detached, and terraced dwellings on site. The reasons for refusal related to excessive scale and density and lack of access to the community facilities zoned lands.

Planning Authority Reference number 13/693, in 2013, planning permission was refused for the development of 36 detached and semi-detached dwellings on site. The reasons for refusal related to inadequate wastewater treatment capacity and traffic congestion on the New Road where sightlines cannot be guaranteed during peak school times.

Planning History on neighbouring sites:

Planning Authority reference number 19/376 and upheld under Board reference number 304777-19, in 2019. planning permission was granted for the development of 82 residential units, comprising a mix of two-, three- and four-bedroom units to the south-east of the appeal site. This development to the south-east of the appeal site (Hammerstone) is presently under construction.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Kildare County Development Plan 2017-2023

*Variation No. 1 – To include the National Planning Framework*

Figure 2.1 Settlement Strategy for the Eastern & Midland Region

This Development Plan seeks to encourage the focus of new development on:

(i) Consolidation within the existing urban footprint, by ensuring 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements.

(ii) Supporting the achievement of more sustainable climate resilient communities in towns and villages through residential and employment opportunities with a focus on sustainable urban regeneration and compact growth together with supporting social and community facilities.

(iii) Supporting national investment in public transport services by focusing new development areas in key locations to achieve the integration of land uses and high-quality public transport provision.

(iv) Achieving economies of scale for services and infrastructure in identified growth towns.

(v) Promoting economic development and employment opportunities within defined Strategic Employment Development Areas in the North-West corridor of the Metropolitan Area, in line with the overall Growth Strategy.

(vi) Facilitating development in the smaller towns and villages in line with the ability of local services to cater for growth that responds to local demand.

(vii) Recognising the role of the rural countryside in supporting the rural economy

and its role as a key resource for agriculture, equine, bloodstock, forestry, energy production, tourism, recreation, mineral extraction, and rural based enterprises.

(viii) Supporting, facilitating, and promoting the sustainable development of renewable energy sources in the county.

(ix) Protecting local assets by preserving the quality of the landscape, open space, recreational resources, natural, architectural, archaeological, and cultural heritage and material assets of the county.

(x) Promoting social inclusion and facilitating the delivery of objectives contained in the Kildare Local Economic and Community Plan (LECP) 2016-2021.

5.1.2. National Policy Objective (NPO) 18b of the NPF specifically makes provision to develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

## 5.2. Section 2.11.6 Villages under The Kildare Settlement Strategy

These villages are located in rural settings will seek to supply new local employment opportunities, while also addressing decline, with a special focus on activating the potential for their renewal and development.

### 5.2.1. Section 2.5.13 Straffan Village Plan

The subject site is zoned;- New Residential.

#### Section 2.5.13.12 Straffan Village Plan Principles

(i) Straffan should be developed in a planned coherent manner to ensure the development of an attractive and sustainable village.

(ii) The rate of growth must cater for local demands at an appropriate scale.

(iii) Suburban residential development located on the outskirts of the village shall not be permitted.

(iv) The River Liffey shall be protected and enhanced in terms of its recreational and ecological potential.



(v) All new development shall have regard to the character, form, and scale of buildings in the village and shall reuse where possible existing buildings / out-buildings in order to promote sustainable development.

(vi) The conservation and integration into new developments of existing stone walls, trees and native hedgerows shall be required, together with the promotion of similar materials for new boundaries.

#### 5.2.2. Section 2.5.13.13 Development Objectives Residential Development

In order to facilitate local demands, 6.2 ha of lands have been zoned in Straffan for new residential development, which reflect the zoning in the previous village plan. Having regard to the size of the village, previous levels of growth and to existing planning permissions there is considered to be sufficient zoned land to cater for growth in accordance with the county Settlement Strategy. Future residential development should be undertaken in conjunction with social / community and appropriate commercial development.

It is an objective of the Council to:

RD 2 Apply the following development requirements to lands identified “C2” (New Residential) on Map V2-2.14:

- High quality traditional building materials and indigenous landscaping will be required.
- Existing trees and vegetation on the site shall be retained and integrated into any new development if merited.
- Improvements in pedestrian and cycling facilities back to the village centre as part of development proposals shall be required, where appropriate.

#### 5.2.3. Chapter 4 – Housing (Table 4.3)

Edge of centre sites within small towns/villages:

The emphasis is on achieving a successful transition from central areas to areas at the edge of the smaller town or village. Development of such sites tends to be predominantly residential in character and given the transitional nature of such sites,

densities in the range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced type accommodation.

### 5.3. National Planning Context

#### 5.3.1. National Planning Framework 2040

The National Planning Framework has a population projection by 2040 to 5.7million people, which provides for one million extra people, 660,000 new jobs and 550,000 new houses by 2040.This represents a significant growth and Dublin and the metropolitan region, including Kildare.

#### ***National Policy Objective 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.

#### ***National Policy Objective 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.

#### ***National Policy Objective 27***

To prioritise walking and cycling accessibility to existing and proposed development.

#### ***National Policy Objective 32***

To target the delivery of 550,000 additional households to 2040.

#### ***National Policy Objective 33***

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

#### ***National Policy Objective 35***

Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes or site-based regeneration and increased buildings.

### 5.3.2. **Section 28 Ministerial Guidelines**

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoH&LG 2009)
- ‘Design Manual for Urban Roads and Streets’ (DMURS 2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (DoEH&LG 2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (DoEHLG Dec 2020)
- ‘Quality Housing for Sustainable Communities’ Best Practice Guidelines (DoEHLG 2007)
- ‘Urban Development and Building Heights’ Guidelines for Planning Authorities (DHPLG 2018)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009)
- Planning Guidelines on the Regulation of Commercial Institutional Investment in Housing (DoEHLG 2021)

### 5.4. **Natural Heritage Designations**

The subject site is not located within a Natura 2000 site. The subject site is located approximately 12 kilometres south of the Rye River/Carton Valley Special Area of Conservation (SAC).

## 5.5. Environmental Impact Assessment (EIA) Screening

- 5.5.1. Having regard to the nature and scale of the proposed development within the confines of a suburban site which is zoned and fully serviced and to the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.
- 5.5.2. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.3. Class (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).
- 5.5.4. It is proposed to construct 65 residential units and a childcare facility. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 2.51 ha and is located contiguous to the built-up area of Straffan. The site is not located in a business district and currently constitutes a greenfield site. The site area is therefore well below the applicable threshold of 10 ha or a built-up area and 20ha in the case of a site contiguous to the built-up area. The introduction of a predominantly residential development with an associated commercial creche will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not located within an area of landscape sensitivity or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in section 7.8 of my report) and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste,

pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects would be marginal.

5.5.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are governed by the zoning objective C 'new residential infill' under the provisions of the Kildare County Development Plan, and the results of the strategic environmental assessment of the Kildare County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

5.5.6. I have 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 and that on preliminary examination an Environmental Impact Assessment Report (EIAR) for the proposed development was not necessary in this case.

## 6.0 The Appeal

6.1. Two third party appeals have been received. The first by Deirdre Creaney a resident of Rathcoffey Village, and the second by Declan Kelly and Michelle O'Brien who reside in the Straffan Manor residential development located further west of the appeal site along New Road. Their grounds of appeal are as follows:

### Principle of Development:

- The applicant has included lands within the appeal site is that are zoned for educational, and community uses.
- The rate of increase in housing numbers exceeds Development Plan standards which states that growth should cater for local demands only.
- Planning permission was previously refused by Kildare County Council on this site in 2014. The second reason for refusal pertained to exacerbating the traffic congestion along New Road
- Proposals would contravene Policy VRS6 of the Development Pan regarding scale of development.
- There is an acceptance that there will be substantial development on the site.
- The demand for smaller residential units/apartments is already met locally this is evident from a review of apartment availability for rent/purchase in the area.
- There has been a massive increase in housing units constructed in Straffan in recent years.

### Design and layout:

- The density of development exceeds the parameters set out within VRS6 within the Kildare Development Plan.
- The design and layout of the development is poor, with stacked parking, houses to be constructed tight to the internal service road with no front gardens, apartment blocks squeezed in on corners and hammerheads that would not function correctly.

- The pair of semi-detached dwellings to the rear of Beechtree cottage are inappropriate by virtue of the steep pitched roofs which could provide for an attic conversion and rear facing windows at some stage into the future

#### Residential Amenity.

- The separation distances from neighbouring residential properties would not accord with Development Plan standards.
- Detailed proposals of boundary treatments should be submitted and agreed in advance of development commencing.
- The proposals would adversely impact upon Beechtree Cottage to the south-east of the site, in terms of impacting upon their visual and residential amenities.
- The scale of the development would overbear upon, overlook, and block natural light into Beechtree Cottage.
- The garden area of Beechtree Cottage would be adversely impacted upon, and the proposals would have a negative impact upon the value of the property.
- Light and noise pollution would arise from the proposed childcare facility.
- A 2.5 metre plastered block wall boundary should be constructed along the boundary of the appeal site with Beechtree cottage.
- The erection of two storey dwellings in proximity to the single storey dwellings in Barton Grange would adversely impact upon their residential amenities by reason of overlooking.

#### Traffic and Access:

- The development would generate significant traffic congestion along New Road.
- The traffic assessment submitted does not make reference to any impact upon the route of the local bus service, route 120.
- The footpaths and lighting along New Road must be completed before any development commences on site.

- The development also proposes the creation of a rat run through the appeal site and the neighbouring Hammerstone development to the east and out onto the Barberstown Road.
- The additional traffic generated in proximity to the local national school will raise health and safety issues in this area.
- Is there capacity within the local bus service to and from Dublin on foot of developing this proposal?
- Will the footpath connections on the western side of New Road be developed under the current proposal?
- The proposed childcare facility will add to the traffic congestion in this vicinity.
- The stacked parking proposed would result in cars parking on the internal service roads.
- New Road is congested and unsafe, particularly at peak school times when traffic is often reduced to a single lane due to cars parking along the roadside.

Other Issues:

- No new community facilities proposed on foot of this development. The land transfer to the school needs to happen prior to the commencement of development.
- The Construction Management Plan does not address the high-risk areas such as at the school.
- Is there capacity available within the watermains network?
- The proposals could exacerbate a flooding issue within Barton Grange.
- It is unclear from the planning documentation submitted the types of boundary treatments that are proposed.
- The houses would be located too close to the school

## 6.2. Planning Authority Response

No response was received from the Planning Authority in relation to the appeal.

## 6.3. Applicant response to third party appeal submissions



The following issues were raised within the response:

Principle of Development:

- The proposals are in proximity to the village core, accessible to public transport and adjoining the local national school.
- The residential developments of Barton Grange, The Beeches and Straffan Manor have been completed over the last decade, are located more remote from the village centre and their densities and form are no longer indicative of national or regional policy which promotes sequential growth and a variety of housing size and type. The current proposal provides for a consolidation of development within the footprint of the settlement.

Design and Layout:

- The grounds of appeal have been addressed in detail within the planning documentation which resulted in revisions to the design and layout of the development during the course of the planning application.
- The net density proposed (excluding lands to be transferred to the local national school) would result in a development of 27 units per hectare. Table 4.2 of the Development Plan provides for densities in the range from 20-35 units per hectare. Given its infill nature of the site and proximity to the village core, the density range of 20-25 units per hectare is considered appropriate. The combined net density in tandem with the Hammerstone development (currently being developed by the applicants contiguous to and east of the appeal site) would be 23 units per hectare. Therefore, the proposed density is compliant with the density range envisaged for sites at the edge of village centres as set out within the Development Plan.
- The density is in accordance with the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines.
- The design and layout of the development was altered within the further information response in order to address some of the issues raised by neighbouring residents and the Planning Authority.

- The use of steep pitches and gable features together with the vertical emphasis within the fenestration detailing reflect local design including the local church and the Garrison landmark buildings within the village centre.
- The use of traditional materials in the form of render, natural limestone and blue/black roof tiles will assist in complementing the existing built fabric within the village.
- The Maisonette units have been relocated so as to improve the extent of passive surveillance over the central area of public open space.
- The heights proposed are two storey and a small number of two and a half storey dwellings and the mix of units provides for detached, semi-detached and terraced units as well as 4 maisonette units, thus respecting the context and character of the neighbouring developments. The variation in building heights also demonstrates consistency with the Urban Development Building Height Guidelines.
- The mix of unit types stands at 17% of 4 and 5 bed units, 57% three bed units and 26% 1 and 2 bed units, providing primarily for family homes, though the smaller units would cater for first time buyers or those seeking to downsize within an urban context. The housing mix is informed by the demographic profile and household composition of Straffan together with current market demand in Kildare.
- The proposals would comply with Sections 4.6 and 17.4.3 of the Development Plan and policy VRS 7 regarding mix of house types.
- The Planners report concurred that the unit mix proposed is appropriate for the site in question.
- The childcare facility was re-designed to minimise any adverse impact upon Beechtree Cottage in terms of it being two storeys in height, being located 14 metres removed from the western gable of Beechtree Cottage, and all first-floor windows on the eastern and northern (rear) elevations of the childcare facility serve circulation areas and stairwells to obviate overlooking. The applicants are happy to install obscure glazing within the first-floor windows if deemed necessary by the Board.

#### Residential Amenity:

- The proposal protects the visual and residential amenities of the area in terms of appropriate separation distances and an architectural approach that respects and protects the context, form, scale, and height of the neighbouring development.
- The form and scale of the development, comprising traditional style two storey houses, two storey dormer units and a two storey creche facility has had due regard to the nature of the neighbouring developments, the character of Straffan Village and the protection of amenities of neighbouring residential properties.
- Childcare facilities are typically located within residential areas and are considered appropriate in these locations. In terms of noise pollution, the proposed boundary treatment along with the existing hedgerow and vegetation along the western boundary of Beechtree Cottage together with the cowling of lighting within the car parking area would address any concerns in this regard.
- The separation distances provided between the proposed dwellings and those within Barton Grange varies from 24 to 37 metres, and it is proposed to retain the tree and hedgerow planting along most of the shared boundary between the appeal site and the Barton Grange development. The numbers of dwellings along the Barton Grange boundary have been reduced as part of the further information response. In terms of the impact upon number 1, Barton Grange (a single storey dwelling) its gable end would be located 15 metres from the nearest gable end of a dwelling within the proposed development, and dwellings within the proposed development have been re-orientated in order to minimise overlooking.
- Details of boundary treatments along the boundary with the school and with Beechtree Cottage were received as part of the further information response and the applicants are happy to accept a condition regarding the submission of final boundary treatment details for the written agreement of the Planning Authority prior to the commencement of development.

#### Traffic and Transportation:

- A Traffic Impact Assessment (TIA) was submitted as well as Road Safety Audit (RSA Stages 1 and 2) and all of the recommendations of the RSA have been incorporated within the revised site layout.
- The Transportation Department within Kildare County Council did not raise any issues in relation to the proposed development.
- The TIA and the layout as revised have been prepared in accordance with best practice including guidance provided within the Design Manual for Urban Roads and Streets (DMURS).
- The Traffic Consultants concluded: “There is no substantive traffic or transport consideration that would warrant a refusal of planning permission for the proposed development”.

Other Issues:

- The proposals would provide for community infrastructure in the form of additional land for the school, a childcare facility and a children’s play area
- An Bord Pleanála permitted a density of 22 units per hectare within the Hammerstone development to the east of the appeal site under reference number 304777-19.
- The applicants are proposing to phase the development, which would cover the remaining duration of the current Development Plan up to 2023, wherein 39 residential units, the childcare facility, the children’s’ play area and the transfer of the lands to the school would all be developed under of phase 1 and the remaining 26 residential units would be developed up to the year 2027, under the duration of the subsequent Development Plan (post 2023)
- The proposals would be consistent with the provisions of Policy VRS 2 which seeks to control population growth to 25% of the settlement within the lifetime of the current Development Plan.
- A Social Infrastructure Assessment (SIA) was submitted by the applicants where they point out that no social infrastructure has been provided by any developer in tandem with residential developments developed within Straffan since 2005. The applicants are proposing the development of a childcare

facility, the transfer of approximately 0.487 hectares to the local national school, at no cost to the Board of Management and the provision of a children's play area and public seating area within the central area of public open space. A letter of support from the local school principal and a letter of intent from the Chairperson of the Board of Management confirms that the lands to be transferred to the school by the applicants are sufficient to meet the short-, medium- and long-term needs of the school.

- Increased connectivity with the neighbouring Hammerstone residential development where 18% public open space is provided will arise from the construction of the current proposals. The proposed development would assist in generating the critical mass which would support the provision of a wider range of services and facilities (including a GP service) which Straffan is experiencing a deficit in, at present.

#### **6.4. Third party responses to the applicants appeal submission**

##### **6.4.1. Response By Michelle O'Brian and Declan Kelly**

The following issues were raised by the third parties:

- The applicants have made no changes to the development to address the issues raised by the appellants.
- Neither have the applicants attempted to engage with the local community to address the issues raised by them.
- The education lands should be made available to the local school, at the earliest possible stage.

##### **6.4.2. Response by Deirdre Creaney**

The following issues were raised by the third party:

- The development as permitted takes little account of the impact upon Beechtree Cottage, particularly in terms of the scale and location of the childcare facility and the impact upon the visual and residential amenities currently enjoyed by residents of Beechtree Cottage.

- The childcare facility could have been relocated to another location within the overall appeal site or located adjacent to the school and designed as a single storey building.
- Overlooking of Beechtree Cottage and its garden spaces from the second-floor level windows of the childcare facility would arise.
- The proposals would de-value Beechtree Cottage.
- Natural light into the Beechtree Cottage property would be impacted upon.
- The pair of semi-detached houses (Type L) to the rear of Beechtree Cottage would unduly impact upon their privacy.
- The high-pitched roofs of the Type L units could be converted to habitable accommodation in the future and result in overlooking of Beechtree Cottage.
- The Board should include a planning condition whereby only single storey properties would be constructed to the rear and side of Beechtree Cottage.
- A condition should be included whereby a 2.5 metre rendered wall with concrete capping should be provided along the western and northern boundaries of Beechtree Cottage. This wall should be constructed prior to the other development works on site commencing.
- Traffic congestion along New Road is prevalent during peak times from 8.30 to 9.30am and from 1.30 to 4pm.
- Traffic congestion on New Road will only increase with this new development.
- A previous planning decision on the school site in 2016 stated that no further development should occur on the school site until a comprehensive masterplan for its overall development has been completed.
- In 2013 planning permission was refused on this site for the development of 36 residential units under planning authority reference number 13/693. Reason number two of that refusal pertained to the exacerbation of traffic congestion on New Road.

## 7.0 Assessment

7.1. The development proposals for the 65 residential units and a childcare facility will be assessed under the following headings:

- Planning Policy
- Design and Layout
- Neighbouring amenities
- Traffic and Access
- Childcare facility
- Other Issues
- Appropriate Assessment
- Environmental Impact Assessment

### 7.2. Planning Policy (National and Local)

7.2.1. The National Planning Framework 2020 has a population projection by 2040 to 5.7million people, which provides for one million extra people, 660,000 new jobs and 550,000 new houses by 2040. This represents a significant growth in Dublin and the metropolitan region, including Kildare, which within the county, will be accommodated in the major towns and the small villages. National Policy Objective 11 states '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', and National Policy Objective 35 states 'increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes area or site-based regeneration and increased buildings'. Essentially the subject site is an underutilised serviced infill site, zoned for new residential development, within the designated development boundary of the village of Straffan, Co. Kildare. Therefore, the principle of a residential development on the site is consistent with the character of development in the area.

7.2.2. Within the Kildare County Development Plan 2017-2023, Straffan is designated as a 'village' in the County Settlement Strategy. According to the Village Plan all new development in Straffan should have regard to the character, form, and scale of existing buildings in the village. The subject site is zoned '*New Residential*'. Therefore, the principle of the residential development is considered acceptable on the site. Childcare facilities/creches are also considered acceptable on residentially zoned lands. Having regard to the pattern of residential development in the area, the new residential zoning of the subject site, the infill nature of the site, and its location in proximity to the village centre and adjoining the national school, I consider the proposals as being appropriate and represent a sustainable use of zoned serviced lands served by a public bus service within the Greater Dublin Area.

### 7.3. Design and Layout

7.3.1. The proposals would comprise a residential development of 65 units providing a mix of units from one-bedroomed maisonettes to 5 bedroomed detached dwellings with many family sized units proposed. A childcare facility in the south-eastern corner of the site, adjoining the site access at New Road is also proposed.

Two of the new dwellings and the childcare facility will address New Road and be accessed from the internal service road. Each dwelling has a simple design incorporating pitched roofs with render and brick external finishes with blue/black roof tiles. The new dwellings are accessed off a spine road which in turn is accessed off New Road.

7.3.2. The most pronounced aspect of the overall design is a large centrally located area of public open space which would also provide for a dedicated children's play area. The space (0.291Ha) is safe and conveniently accessible to all dwellings in the scheme. This area would be directly overlooked by many of the dwellings including the Maisonette units, which were re-located following the further information request issued by the Planning Authority. I consider this level of passive surveillance to be adequate and I also consider the design and layout provides for an acceptable level of residential amenity to future occupants of the development and yet not adversely impacting upon neighbouring developments.

7.3.3. The density at 25.9 units per hectare is somewhat higher than the prevailing densities within Straffan, however, many of those residential development were



permitted within the last ten to fifteen years. The density is considered to be appropriate given the infill nature of the site, the residential character of the area, the serviced nature of the site, the proximity of the site to the village centre and within 380 metres of a bus stop which serves the local settlement centres such as Maynooth, Celbridge and Dublin. The density is also consistent with the guidance offered within the SRDUA Guidelines and the Kildare County Development Plan.

- 7.3.4. The proposed layout provides a safe, comfortable, and functional living environment for the future residents, and appropriate landscaping is proposed throughout the scheme. Overall, I consider the proposed design and layout will readily integrate onto the subject site with due regard to the existing residential pattern of the area. The proposed residential element supports urban consolidation in proximity to the village centre and local national school, and overall, the proposal provides a diversity of housing to meet with future community needs.
- 7.3.5. The development comprises a mix of detached, semi-detached, and terraced housing units, predominantly two-storey in height. The dwellings are to be set within landscaped grounds with the development of the landscape masterplan as submitted, with a mix of open space amenity areas provided including landscaped meadowed areas, open grass areas, seating areas and a formal children's play area all centrally located within the development and overlooked by many of the dwelling units. The design and layout incorporates the retention of a number of mature trees and hedgerow, particularly along the western boundary. which contributes to the residential and visual amenity of the scheme. I consider the general approach to the layout to be acceptable.
- 7.3.6. Future proposed pedestrian and vehicular links to the east of the site will provide a greater level of permeability through the site than that which currently exists.
- 7.3.7. In terms of detailed design, the quality of finish and materials is high. The materials proposed are a render with some natural stone cladding and a natural slate roof which would require little maintenance.
- 7.3.8. I have also considered the layout in the context of the 12 design criteria set out in Section 28 Urban Design Manual – A Best Practice Guide, I am satisfied that the applicant has appropriately responded to the opportunities and constraints associated with the site and its surrounds. The scheme as presented would ensure

the amenity afforded future residents is of an acceptable level, through the design choices made in respect of high levels of landscaping and communal and private amenity areas, retention and infilling of boundary trees and hedgerows, aspect and orientation of units, quantum, and location of car parking, etc. I am satisfied that the proposed scheme creates a positive residential environment for future residents, within an acceptable mix of unit types and tenures.

- 7.3.9. I am satisfied that the proposed development makes a positive contribution to place-making, legibility, as well as to the urban neighbourhood and streetscape. I am of the view that the proposed development establishes a positive precedence in terms of placemaking and character and also complies with criteria 3.2 of the 'Urban Development and Building Heights Guidelines for Planning Authorities' in this regard, as well as Urban Design Manual – A Best Practice Guide.

#### **7.4. Neighbouring amenities**

- 7.4.1. In designing a new development, it is important to safeguard the amenity of neighbouring properties. The site is bound to the north-west by the Barton Grange residential development, largely comprising two story dwellings, with three single storey dwellings to its south-east closer to the New Road access. I note that no resident within the Barton Grange scheme has made an appeal submission. To the east is the Hammerstone development, which comprises a mix of two and two and a half storey dwellings, the local national school is a two-storey building and a single storey dwelling, Beechtree Cottage to the south-east of the appeal site.

##### Loss of Daylight/Sunlight/Overshadowing:

- 7.4.2. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. Both documents are referenced in the Kildare Development Plan (Section 17.2.5 Development Management Standards), in addition reference to same is made in the Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and

that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines and the Kildare Development Plan.

- 7.4.3. I have also carried out a site inspection, considered the submissions received, that have raised issues in respect of potential impact on their houses and properties as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings relating to the properties to the west and south-east of the appeal site.
- 7.4.4. No Sunlight Analysis was submitted as part of the planning documentation by the applicants. The development is a traditional low density dual aspect scheme where the BRE209/BS2806 targets would generally be met in all instances. There is nothing apparent in the documents and drawings submitted that would highlight any issue here. Therefore, while there is no documentary evidence to demonstrate compliance with BRE209 requirements, based on the planning documentation submitted, I am satisfied that this is not a material or likely potential impact/deficit in information.
- 7.4.5. Regarding potential impact on third parties, no analysis has taken place in terms of loss of light or over-shadowing of neighbouring properties. and no Virtual Sky Component (VSC), Annual Probable Sunlight Hours (APSH), overshadowing assessment or other have been conducted or submitted by the applicants. However, having carried out a detailed assessment of the development in the vicinity of the site, I am satisfied that I have identified those properties that may be at risk – and these include Beechtree Cottage to the south-east of the appeal site and the three single storey dwellings, namely numbers 1-3 inclusive within the Barton Grange Development, immediately west of the appeal site.
- 7.4.6. In respect of house numbers 1-3 Barton Grange – due to distance and orientation and height of proposed development at its closest point to these houses, I am satisfied that there should not be significant impact regarding any potential impact upon the neighbouring residential properties. I am satisfied that due to the back-to-back separation distances of a minimum of 23.73 metres between the proposed development and units 1-3 within the Barton Grange scheme (and with many of the back to back separation distances to Barton Grange exceeding thirty metres) and the orientation of some of the units whereby rear elevations face towards the gable ends of a number of the Barton Grange units, and the two-storey height (max ridge height

9.66 metres) of the proposed dwellings backing onto Barton Grange, that the proposed development would not have any excessive overshadowing impact on properties within Barton Grange or their associated amenity spaces. Therefore, I consider the potential impact to be acceptable.

- 7.4.7. No Sunlight Analysis has been submitted as part of the planning documentation providing an assessment of the potential impact upon Beechtree Cottage. Notwithstanding the absence of this assessment, I am satisfied that due to minimum back-to-back separation distance of 18.17 metres between the cottage and the proposed houses to the south-east of the appeal site for which a maximum ridge height of 8.5 metres is proposed (House Type L) and the location of the development to the west and north-west of the cottage, that the proposed development is unlikely to have any significant overshadowing impact on that residential property or its associated amenity spaces.

Overlooking:

- 7.4.8. The submissions raised the issue of overlooking of neighbouring residential properties, including overlooking of rear garden spaces, in particular of those dwellings immediately west of the site within Barton Grange and Beechtree Cottage to the south-east of the appeal site.
- 7.4.9. The proposed dwellings comprise of traditional two storey dwellings, with 4 x 2.5 storey dwellings centrally located within the scheme. The proposed dwellings along the western boundary of the appeal site, are separated from the rear building lines of the properties in Barton Grange by a distance of between 24 metres up to 37 metres. I note and consider it relevant, that the separation distances exceed 22m stipulated in the Development Plan, and generally accepted by the Planning Authority as being reasonable (as provided for within existing neighbouring residential developments in the area).
- 7.4.10. I consider that the setbacks as proposed are sufficient to ensure that no material overlooking will result from the development. Separation distances to existing dwellings are in accordance with development plan standards, as provided for within the Development management standards (Section 17.24 of the Development Plan). I also note the existing of trees and hedgerow along the western site boundary will be retained, which will provide additional screening during the spring/summer months,

although I concur with the submissions that this will be less effective in winter months. Additional infill planting is proposed along this boundary, as per the landscaping plan submitted as part of the planning documentation. Notwithstanding the current situation with screening associated with existing trees, and time lag for future planting to take effect, I do not consider that the properties to the west will experience such a loss of privacy as a result of this development to warrant a refusal, and that given this urban location, some loss of privacy would be expected and is acceptable and is in accordance with Development Plan standards.

7.4.11. Setbacks from Beechtree Cottage to the south-east of the site range from 18.17 to 24.5 metres. Beechtree Cottage has a north-south orientation and is well set back from the southern and western property boundaries. I am satisfied, given the orientation of the proposed houses, the separation distances, and the proposed boundary treatment of a 2-metre block wall with concrete capping, that no undue overlooking of Beechtree Cottage will occur, and that overlooking of the rear/side amenity space should be minimal and consistent with that expected within an urban setting. The two-metre boundary wall should be conditioned to continue along the full extent of the western boundary of Beechtree Cottage to ensure their amenities are respected.

7.4.12. With regard to the potential for overlooking from the proposed childcare facility. The childcare facility is located forward of the building line of Beechtree Cottage in order to provide a strong urban edge and streetscape along New Road. The nearest point of the childcare facility to Beechtree Cottage is 14 metres. All first-floor windows within the side (eastern) and rear (northern gable end of the childcare facility) would serve circulation areas and/or stairwells. I am satisfied, given the orientation of the childcare facility, the separation distances, and the proposed boundary treatment, comprising a 2-metre block wall, that overlooking of the rear/side amenity space would be minimal and consistent with that expected within an urban setting.

7.4.13. To this end, I am satisfied that overlooking to all properties contiguous to the subject site has been minimised and/or mitigated through design, siting, boundary treatment and screen planting and having regard to siting and orientation of the existing house, overlooking does not occur such as would warrant a refusal of planning permission.

## 7.5. Traffic & Access

7.5.1. The access to the proposed scheme is via an existing agricultural access along New Road. It is located further north along the roadside boundary. There is a new footpath (set back from the carriageway edge) proposed along the site frontage. The sightlines, parking provision and auto tracking are acceptable.

The childcare facility provides for 12 car parking spaces and a number of set down spaces immediately adjoining New Road and the local national school. Overall, I consider the parking and set down areas to represent a planning gain for the local community whereby a number of cars waiting can park off the New Road, and this will ultimately reduce congestion associated with the school times, especially for parents with children attending the local childcare facility with older children attending the local national school. Also, the proximity of new housing to the local national school, would encourage walking/cycling from the proposed housing to the local school.

7.5.2. A Traffic Impact Assessment was submitted as part of the planning documentation. Within Section 12.2 of this report, the following is set out “the traffic associated with the proposed residential development can be accommodated within this road network”. It is further stated that the development has been designed in accordance with the standards as set out within the Design Manual for Urban Roads and Streets (DMURS), 2013. A Road Safety Audit (RSA, Stages 1 and 2) was submitted as part of the planning documentation. A number of issues were identified within the layout and the applicants have revised the layout incorporating the recommendations set out within the RSA.

7.5.3. The Roads Department within the Local Authority originally expressed concerns regarding traffic congestion in the area. I did note during my site inspection, that considerable congestion occurred during school opening and closing times. However, this congestion would occur at the school regardless of the proposed development and is a temporary congestion that is associated with many schools. Families within the scheme can readily access the school on foot and are unlikely to drive to the school as it is located immediately contiguous to the appeal site. In conclusion, I am satisfied that the proposed development would not excessively impact upon traffic safety in the area.

## 7.6. **Childcare Facility**

- 7.6.1. A two-storey childcare facility which would provide care for up to 47 children is proposed to the south-east of the site fronting onto New Road. immediately north of the local national school. The structure would have a maximum ridge height of 9.2 metres and would be finished with a mix of brick and render external finishes. A courtyard external play area is proposed to serve the facility and 12 dedicated car parking spaces as well as 4 set down spaces would serve the facility.
- 7.6.2. The childcare facility would be located at the front of the housing scheme and immediately contiguous to the local national school. The location of the facility is considered acceptable as the traffic accessing the facility would not traverse through the residential scheme and would allow for the generation of a single trip to access the local national school and childcare facility within a single journey. The location would also provide ease of access to/from the neighbouring housing development, both existing and under construction and the permeability proposed with the Hammerstone scheme to the east would allow ease of pedestrian movement to/from the childcare facility. It is considered that the proposal would be of benefit to the local community in terms of providing necessary support to working parents in tandem with the delivery of housing.

## 7.7. Other Matters

- 7.7.1. A Terrestrial Ecology Report Impact Assessment report was submitted as part of the planning documentation. Among its recommendations are that the tall Ash and Elm trees along the western boundary be retained given their potential to support bat roosts. Protective barriers would be put around these trees during the construction phase as recommended within the Arbocultural Impact Assessment Report. This should be included as a condition of a permission. It is also recommended that hedgerow removal occur only outside of the restricted period set out within the Wildlife Acts that is between the 1st September and the last day of February. I am satisfied that no significant residual adverse impact on any ecological receptor within or in the vicinity of the site will arise as a result of the proposed development.
- 7.7.2. It is noted the zoning map in the development plan includes Tree Woodland Preservation Objective, however these trees have not been the subject of a Tree Preservation Order.

- 7.7.3. There are separate foul and surface water drainage proposals. Surface water from the impermeable area will drain to the public system via attenuation. Irish water outlined no objections to the servicing proposals subject to a number of planning conditions.
- 7.7.4. There are fifteen archaeological features located within a one kilometre radius of the appeal site. An archaeological assessment report was submitted as part of the planning documentation which concludes that it is unlikely that any archaeological remains would be found on site and that agricultural practices may have removed any such features. It is recommended that a planning condition be included providing for archaeological monitoring of the site during the excavation works, which I consider to be reasonable.

## 7.8. **Appropriate Assessment-Screening**

- 7.8.1. An AA screening report accompanied the application. It concludes a finding of no significant effects. The development is not in or immediately adjacent to any Natura 2000 site. The development description and receiving environment are as outlined in sections 1.1-1.3 and sections 2.1 and 2.2 of this report and in sections 2.1 and 2.2 of the applicant's AA screening report. One European sites is located within a 15-kilometre radius of the site, the Ryewater/Cartron SAC (Site Code: 001398).
- 7.8.2. The Ryewater/Cartron SAC (Site Code: 001398) is located approximately 12 kilometres to the north-east of the subject site.
- 7.8.3. The River Liffey flows to the south of Straffan village. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the, the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206), the North Bull Island SPA (Site Code: 004006) and the South Dublin Bay and Tolka Estuary SPA (Site Code: 004020). As the crow flies, the separation distance between the subject site and the Natura 2000 sites in question is over 30 kilometres. The distance via the river flow is in excess of this distance.
- 7.8.4. Surface water discharge from the proposed development will ultimately discharge into the River Liffey. Detailed SuDS measures are to be incorporated into the scheme. The surface water management system has been designed to ensure that the quality and quantity of run-off are maintained at a greenfield standard. It is noted



that these SuDS systems are now standard in all new developments and are not included to avoid or reduce the impact on European sites but are mainly designed as flood attenuation measures.

7.8.5. Wastewater from the proposed development will discharge directly into the foul sewer network of the adjoining Hammerstone residential development to the east of the appeal site, prior to discharging to the public foul sewer on the Barberstown Road and outfall into the Leixlip wastewater treatment plant which was upgraded in 2018. The Leixlip Plant discharges treated wastewater into the River Liffey under an existing Waste Discharge Authorisation Licence issued by the Environmental Protection Agency. The development will be the subject of a connection agreement with Irish Water and will be connected once the proposed upgrade is complete.

7.8.6. The European sites referred to above including their qualifying interests are set out in the table below.

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Conservation objectives
<b>SAC</b>			
Rye Water/ Carton SAC (side code:001398)	7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i>	c.12.5km to the north east of the site	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
South Dublin Bay SAC (0210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]	c. 31.1km to the east of the site	To maintain the favourable conservation condition of habitats *See South Dublin Bay SPA also

	Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]		
North Dublin Bay SAC (0000206)	1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 2190 Humid dune slacks 1395 Petalwort <i>Petalophyllum ralfsii</i>	c. 33.7km to the north east of the site.	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ), Fixed coastal dunes with herbaceous vegetation, Petalwort,  To restore the favourable conservation condition of Annual vegetation of drift lines, Salicornia and other annuals colonizing mud and sand, Embryonic shifting dunes, Humid dune slacks.
<b>SPA</b>			
South Dublin Bay and River Tolka Estuary SPA [004024]	Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130]	c.32km to the east of the site.	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

	<p>Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]</p>		
<p>North Bull Island SPA (site code: 04006).</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>	<p>c.33.9km to the east of the site</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>

Knot ( <i>Calidris canutus</i> ) [A143]		
Sanderling ( <i>Calidris alba</i> ) [A144]		
Dunlin ( <i>Calidris alpina</i> ) [A149]		
Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]		
Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]		
Curlew ( <i>Numenius arquata</i> ) [A160]		
Redshank ( <i>Tringa totanus</i> ) [A162]		
Turnstone ( <i>Arenaria interpres</i> ) [A169]		
Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]		
Wetland and Waterbirds [A999]		

## 7.9. Assessment of Likely Significant Effects

- 7.9.1. With regard to direct impacts, the application site is not located adjacent or within a European site therefore there is no risk of habitat loss, fragmentation, or any other direct impacts. I am satisfied having regard to the nature and scale of the proposed development of 65 residential units on zoned serviced lands, the separation distance between European sites, the intervening uses, the absence of direct source – pathway – receptor linkages, that no appropriate assessment issues arise in relation to the European sites listed above.
- 7.9.2. Any potential indirect impacts on European Sites from the development would be restricted to the discharge of surface or foul water from the site. I note the proposed drainage system discharging to the River Liffey ultimately drains into Dublin Bay. The installation of surface water attenuation and SuDS systems will ensure that there will

be no negative impact on water quality or quantity arising from the change in land use from agricultural to residential. I note the proposed SuDS system is a standard system incorporated in all new developments and it is not included specifically to avoid or reduce an impact on a European site. With regard to hydrological pathways via wastewater, I note that water flows to Dublin Bay via the Leixlip Wastewater Treatment Plant and the River Liffey. The Leixlip Plant is licenced to discharge treated effluent to the River Liffey under an EPA Waste Discharge Authorisation Licence No. D0004-01). I consider having regard to the significant distance of over 30 kilometres between the subject site and the European sites identified that the proposal will not impact on any of the qualifying interests associated with the Natura 2000 sites in Dublin Bay. In relation to fish species presence in the River Liffey, I note that they are not listed as species of Special Conservation Interest in any European sites listed above. This aside, I consider proposed connections to the public infrastructure and the proposed treatment of surface water as detailed above will prevent any potential significant negative impact on water quality in the River Liffey.

- 7.9.3. Cumulative impacts have been considered. Future developments in the area are likely to be residential in nature and are unlikely to give rise to cumulative impacts on any European sites in the vicinity.

## 7.10. **Conclusion**

- 7.10.1. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses and distances from other European sites, and lack of direct connections with regard to the source – pathway – receptor model, it is reasonable to conclude 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 site's conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 **Recommendation**

- 8.1. I recommend that planning permission be granted

## 9.0 Reasons and Considerations

Having regard to the zoning of the site, the pattern of development in the area, and the design, form and height of the proposed dwellings and childcare facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national policy and local development policies and objectives for the area, not adversely impact upon the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 7th day of July 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, proposals for increased on-site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

3. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

4. Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenities.

5. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

6. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

(a) Details of boundary setback along New Road providing a recessed shall be provided by the developer, in accordance with the requirements of the planning authority.

(b) Details of the height and specification for the new boundary treatment and recessed entrance to be provided along New Road

**Reason:** In the interests of traffic and pedestrian safety.

7 (a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) A two -metre block wall rendered on both sides with capping along the full extent of the western and northern site boundary with Beechtree Cottage shall be constructed prior to the commencement of construction of the childcare facility.

(c) All existing tree and hedgerow planting identified within the Arbocultural Report submitted to the Planning Authority on the 19<sup>th</sup> day of February 2020 shall be protected for the duration of construction works on site

**Reason:** In the interests of visual and residential amenity

8. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interests of amenity and of the proper planning and sustainable development of the area.

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

- 10 The landscape masterplan shown on drawing number 01, as submitted to the planning authority on the 7th day of July 2020, shall be carried out within the first planting season following substantial completion of external construction works].

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

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

11. All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. 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 –

(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,

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. 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 noise management measures and off-site disposal of construction/demolition waste.

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

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

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

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

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

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the

security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 19 (a) The development shall be carried out on a phased basis. The first phase shall consist of not more than 39 dwelling units, the childcare facility and the large centrally located area of public open space including the dedicated play area. together with their associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

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

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

- 20 The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays, or public holidays.

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

- 21 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 -

(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,

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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Fergal Ó Bric  
Planning Inspectorate  
17th September 2021