



An
Bord
Pleanála

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

Inspector's Report ABP-308943-20

Strategic Housing Development

333 no. residential units (121 no. houses, 212 no. apartments), creche and associated site works.

Location

Capdoo and Abbeylands, Located west of River Liffey, east of the Brooklands Housing Estate and North of the Abbey Park and Alexandra Walk Housing Estates, Clane, Co. Kildare. (www.kda1clane.com).

Planning Authority

Kildare County Council

Applicant

Westar Investments Ltd.

Prescribed Bodies

An Taisce.

Inland Fisheries Ireland.

Irish Water

Observer(s)

Robert and Deirdre Johnson

Adam and Karen Malin

Annette Lee & Cathal O Leidhin

Anthony Martson

Claire & Alan Waters

Cllr Aidan Farrelly

Cyril Creaven

Donna and Karl Barry

Ibar Murphy

Imelda Winters & Mark Winters

John Paul & Ailish Cooney

Liam Reilly

Cllr Padraig Mc Evoy

Paul Carroll

Philip Donnelly

Ronan Connolly

Cllr Tim Durkan

Date of Site Inspection

15th of February 2021

Inspector

Karen Hamilton

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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. The development site (c.10.36 ha) is located to the north east of Clane town, Co Kildare. The River Liffey is located along the east of the site. The site comprises of several agricultural fields and there are a substantial amount of trees and hedging throughout the site. The site is bound along the south and south west by several existing residential areas, namely Brooklands, Abbey Park and Alexandra Walk housing estates.
- 2.2. The site is currently accessed via the R403 Celbridge - Prosperous Road through the Brooklands Housing Estate. The internal road network of the Brooklands Housing Estate has been designed to allow future access into the subject site. An informal pedestrian access is currently possible from Alexandra Walk. There is a formal riverside walk along the open space of Alexandra Walk along the River Liffey.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of 333 no. residential units, the construction of a childcare facility, a communal/community building and the provision of 3 new vehicular/ pedestrian accesses points.

Key Parameters

Parameter	Site Proposal
Gross Site Area	Gross 10.36 ha (Net 7.8 ha minus Strategic Open Space zoned lands)
Residential Units	333 no. units 121 no. dwellings, 20 no. maisonette units, 48 no. duplexes and 144 no. apartments.
Apartment Blocks	5 no apartments blocks (A, B, C, D & F)

Childcare facility	Located on the Ground floor of Apartment Block F (485m ²)
Density	41 units per hectare
Height	4 storeys for apartment blocks
Public Open Space	34% and includes the Strategic Open space along the River Liffey.
Car parking	575 no. spaces 242 for the dwellings & 256 for apartments/ duplex
Cycle Parking	311 no cycle spaces 300 for apartments & 11 for the childcare
Dual Aspect (apartments)	>50% (Block A- 50% , Block D 67%)

Unit Mix

Units	Dwellings	Apartments	Total	Percentage
1-bed	-	37	37	11%
2- bed	23	143	166	50%
3- bed	78	32	110	33%
4-bed	20	-	20	6%
Total	121	212	333	100%

4.0 Submission from the Chief Executive (C.E) of Kildare County Council

- 4.1. A submission to the SHD application was received from the C.E of Kildare County Council on the 19th of February 2021 and includes a summary of the development plan policy, relevant site history, summary of the submissions received, the opinion of the Elected Members, the interdepartmental reports and the planning assessment of the proposed development. A refusal of permission is recommended based on the population allocation and the core strategy, and the location of the vehicular route through F2, Strategic Open Space, zoned lands, further detailed below.

A list of recommended conditions was not received from the PA although the interdepartmental reports include recommended conditions from the different sections of Kildare County Council.

The submission has been summarised below.

4.2. Views of elected members

The views of the elected members are presented in Appendix B of the C.E Report and are summarised below:

- A SHD proposal has been previously refused by ABP and this reason has not been addressed.
- The Core Strategy figures have changed since the previous application.
- There are two separate current planning applications for the site.
- The carbon effect and lack of public transport is a major concern.
- The bus service does not have the capacity to serve Dublin.
- The highest density apartment blocks are located furthest from the town centre and would cause additional traffic in an already congested town.
- The councils report and members comments were never commented on by ABP.
- The creche would attract additional traffic from other estates.
- The density is too high.
- The surrounding estates will be impacted on by the movement of traffic.
- The school's assessment capacity is poor and the schools in the area are oversubscribed.
- The woodland area on the site was removed before the submission of the application.
- Query if the material contravention statement referred to the Core Strategy.
- There are flood risk measures in relation to the linear park.
- A train station is needed in Clane to assist the public transport.

- The rate of population growth for the application goes against the CDP.

4.3. C.E recommendation for refusal

The PA considers the proposed development is contrary to the policies of the Kildare County Development Plan 2017-2023 and the Clane Local Areas Plan 2017-2023 and recommend two reasons for refusal detailed below:

1. Having regard to the status of Clane as a Town in the Settlement Hierarchy of Kildare County Development Plan 2017-2023 (as varied), the Housing Unit Allocation is 145 no. dwellings for all of Clane in the Kildare County Development Plan and the density indicated within the Clane Local Area Plan 2017-2023 for the application site (Key Development Area 1), the density and number of residential units proposed would distort the Core and Settlement Strategy figures set out in the Kildare County Development Plan 2017-2023, would be contrary to the planned housing provision for Clane as set out in the Plan, would contravene the development strategy of Clane and projected residential capacity outlined for this Key Development Area as set out in the Clane Local Area Plan 2017-2023. The proposed development would be contrary to Section 4.3 of the Eastern and Midland Regional Assembly's Regional Spatial Economic Strategy which seeks a graded reduction in residential densities in towns and villages commensurate to the existing built environment to the proper planning and sustainable development of the area.
2. A section of the proposed development site is located in an area zoned "F2" Strategic Open Space, the objective of which is *"to preserve, provide for an improve recreational amenity, open space and green infrastructure networks"*. The proposed layout includes the provision of a vehicular access route through this F2 zoned lands. In this regard it is considered that the proposed development would materially contravene the F2 zoning objective and would undermine the objective of this F2 zoned lands as per the Clane Local Area Plan 2017-2023. Furthermore, the proposed vehicular access route across Strategic Open Space lands would contravene Green Infrastructure Objectives GIO1.2 and GIO1.3 which seeks to protect, reduce fragmentation, and enhance Green Infrastructure in Clane. Furthermore, the location of proposed vehicular route in the Strategic Open Space contravenes GIO1.6 of

the Clane Local Area Plan 2017-2023 which seeks to provide a biodiversity protection zone of 80m from the top of the bank of the River Liffey. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4.4. Planning Assessment

Variation No. 1

- The variation incorporated the objectives of the RSES and came into force on the 09th of June 2020.
- Table 3.3 of Variation No 1 includes a housing allocation for Clane for 145 no units up to 2023.
- Clane is identified as a Town in the Core Strategy.

Zoning

- The site is zoned mostly for residential although the eastern part of the site is zoned as F2 Strategic Open Space.
- The uses permitted for the F2 zoning are very restrictive.
- The proposed vehicular access does not provide for the preservation or improved recreational amenity and therefore the proposed development materially contravenes the F2 zoning.
- A pedestrian/cycle lane could be facilitated.

Key Development Area and Density

- Design briefs have been prepared to guide this development.
- The proposed density is 41 units per ha. The KDA requires 25-30 units per ha.
- The density is excessive and would result in a distortion of the Settlement Hierarchy for the county development plan and the residential capacity for Clane LAP.
- Fig 4: KDA 1- Analysis Map is supported Section 12.2.1 and the vision for the site.

Housing Mix

- Section 17.4.3 of the development plan requires a housing mix statement, which has been submitted.
- The proposal appears to comply with SPPR 1 of the apartment guidelines.
- The proposed mix of exceptionally high 2-bedroom units and poor mix of apartments is not acceptable.
- A more sustainable mix of apartment tenure is required to accommodate a sustainable and integrated demographic.

Public Open Space

- The development plan requires 15% public open space.
- The proposed development includes 34% where 22% is within the new residential zoned lands.
- There are concerns with the access road over the F2 zoned lands.

Green Infrastructure

- The access into the site, traverses the F2 zoned lands.
- The access will fragment the provision of green infrastructure on the site.
- The access encroaches significantly on the biodiversity zone of 80m from the top bank of the River Liffey and is therefore contrary to the green infrastructure policies in the Clane LAP.

Apartments

- The dwellings conform to those minimum standards required.
- Appendix 1 indicates that c.13 of the apartment's units has bedrooms which do not meet the minimum standards of 13m² and therefore do not comply with SPPR 3 of the apartment guidelines.
- 50% of apartment units must be dual aspect. Section 3.18 of the apartment guidance deals with orientation of single aspect unit. The orientation of the single aspect units is south, east and west facing. The proposal does not comply with SPPR4.

Childcare Facility.

- The childcare facility is appropriate to accommodate the spaces required and complies with the phasing in the LAP.

Overlooking

- Having regard to the separation distances there will be no undue overlooking on existing dwellings or internal rooms.

Overbearing and Overshadowing

- There will be no undue overshadowing of adjacent third parties or internally having regard to the design and orientation.

Car parking

- The Transport Section of Kildare County Council notes a shortfall of 16.5 no. spaces assigned to the apartment / duplex units.
- The distribution of parking throughout the development is inappropriate and would have a negative impact on the residential amenity of the northwest at the apartments/ duplex.
- The car parking generally accords with the requirements set out in Table 17.9 of the development plan and the apartment guidelines.

Qualitative Assessment

- Overall, the layout is acceptable.
- There is concern with the interface and open space between the houses and the apartment blocks particular in relation to Block C and the dwellings west.
- The 3 storeys height restriction for KDA1 is noted although the location of the apartments and the Section 28 guidance for building heights is noted and the height are considered acceptable.

Phasing Plan.

- The phasing for KDA1 requires the riverside footpath to be completed prior to unit 101.

- The applicant proposes the riverside walk after 109 units which is unacceptable.

4.5. Interdepartmental Reports

Water Service: No objection subject to conditions.

- It is noted that the drainage system ultimately discharges to the River Liffey which is a public water supply source at Leixlip and an important fishery.

Park Section: No objection subject to conditions.

Roads & Transport Section: No objection subject to conditions.

Housing Section: No objection subject to conditions.

Environment Section: No objection subject to conditions.

Heritage Officer: Raises concern over the previous removal of the immature woodlands on the site, the impact on green infrastructure, the location of the retained hedgerows and the necessity to protect and enhance biodiversity.

5.0 Third Party Submissions

- 5.1. 20 no. submissions were received in relation to the proposed development, of these 3 no. are from prescribed bodies, as summarised below in Section 9.0. A number of the submissions are from residents who live in the vicinity of the site. The Alexandra Walk Residents Association have commissioned a planning consultant to submit observations on their behalf. Submissions received from Elected member's has been highlighted below separately although in addition to these issues, similar issues have been raised in all other submissions; therefore, I have further collated these into themes.

5.2. Cllr Aidan Farrelly

- This SHD application should not be considered in isolation as the population could increase by 25% if other applications are successful.
- The site falls within KDA 1 and the estimated density is 41 units per ha, higher than the identified density of 26 units per ha.

- The national guidance only allows higher density development where the “*necessary social infrastructure*” is in place.
- The increased traffic levels in Alexandra Walk and Brooklands poses a threat to the safety of children at play.
- The road is too narrow to accommodate two-way traffic.
- The construction traffic will go through the residential estates.
- The school’s capacity analysis is incorrect as there are children in the current area who cannot get space in Scoil Mhuire for 2021 and Clongowes Wood College is a fee-paying school.
- It is unclear as to the delivery of the crèche in Block F. The calculation of 76 spaces appears far reached.

5.3. Cllr Padraig Mc Evoy

SHD process

- The public are not permitted to participate in the pre application process and therefore the process is not compatible with the EIA Directive.
- The Board is not entitled to request additional information following the submission of public observations.
- The applicant has no opportunity to respond to any issues raised by the public.

Density

- The density at 41 units per ha is above the prescribed density for KDA1 (26 units per ha) and is therefore not in compliance with the zoning. The Board is precluded from granting permission.
- The proposed density, above that maximum permitted, is contrary to the development plan, LAP and therefore the SEA which set the framework and accompany the plan. The proposal is therefore contrary to EU law.

Core Strategy, Variation No 1 and Core Strategy

- There is a lack of justification for the proposal having regard to S.37 of the Act and any material contravention.

- The Stay on Variation No 1 is limited to developer lands in Celbridge and Johnstown only.
- The densities applied will only widen the gap between local employment functions and the number of houses.
- The only lands zoned E (community and institutional) have been developed for housing.
- The proposal does not support the hierarchy of the settlement strategy.
- Variation No 1 of the plan has been introduced to comply with the EMRA RSES and the population targets.
- The applicant made a submission to the Variation of the development plan requesting the designation of Clane as a self-sustaining town similar to Kilcock and considered the variation contravened the RSES. The CE response refers to the high commuter levels and lack of access to “high quality” public transport. Clane was designated as a small town. Objective SO 3 key infrastructures is quoted.
- The new set of housing targets set by the Department of Housing in 2020 have reduced the target for the County from 2,007 units to 1,535 (Table 5). The +25% has been removed to prepare the Core Strategy. Using the 2.4% of growth for the county 37 units per year or 108 units for Clane for 2020-2023 are provided.
- A breakdown is provided of the permissions granted in Clane, since the start of the LAP in 2017 726 dwellings have been approved.

Biodiversity

- The WS2 (Immature Woodland) habitat was found at 2 locations during the survey. This habitat can support Common Spotted Orchids during the summer.
- There is no licence for clearing of trees from Ariel photography in 2010. This is against development plan policy to take into account biodiversity.

- The EIAR does not include reference to the WS2 or recently felled woodland WC5 (included as scrub WS1 in the maps). These are referenced in Table 5.6 and Section 5.10. They have not been fully addressed in the EIAR.
- The Immature woodland was removed between 7th of Dec and 09th of Jan 2019. The first biodiversity survey was in August 2018 prior to the clearing and should have captured the presence of native wild orchid and WS2 woodland.
- The loss of biodiversity since the first EIAR has not been considered in the report and a list of references to the woodlands are included.
- The protection of non-designated sites for steppingstones is also a requirement of the Habitats Directive.
- The Kildare County Development Plan (Policy G18 & G1 11) require the protection of natural heritage.
- The Clane Local Area Plan (Policy GIO1.1, GIO1.2, GIO1.4 & GIO1.6) requires the protection of the natural heritage.
- There is no mitigation for the clear-felled woodland.
- There is no reference to any maternity roots, bat boxes, bat roofing tiles and swift boxes.
- Given the location beside the river there should be a detailed lighting plan for the protection of bats (e.g. location, lux, no. of lights, spill etc).
- Appendix 1- Copy of article from paper relating to the housing targets in Kildare County.

5.4. Cllr Tim Durkan

- The use of two estates for access would have a negative impact on pedestrian safety.
- The density and large apartment blocks are inappropriate at this location and will lead to car dependency.
- Apartment Block A, B & C will overlook other houses in the development.

- The apartments blocks should be reduced to 2 storeys in order to prevent overshadowing.
- The building heights do not comply with the requirements of the KDA and should be reduced to 2 storeys.

5.5. Previous permission – ABP 305905-19

- This proposal makes no changes to the previous permission apart from an additional 28 units.
- The proposal has no regard for the Inspector's previous reasons for refusal.
- The previous Inspectors Report stated that the Alexandra Walk access is impractical and undesirable.

5.6. Transport and Access

- Alexandra Walk is classified as a "Local Street" under DMURS and cannot accommodate the level of traffic (TIA states 43% of the overall scheme).
- Alexandra Walk cannot accommodate and additional 700-800 car trips per day.
- There are no traffic control measures through Alexandra Park.
- The traffic report fails to identify the impact of the traffic flow on the Alexandra Bridge, the congestion at peak times and the other SHDs currently in approval.
- The traffic survey was undertaken in April 2018 and March 2019 and should therefore be discarded as it is outdated.
- The rate of growth would lead to unsustainable commuting patterns.
- Changes to the existing cul-de-sac at Alexandra Walk would be unsafe for the children playing on the common areas and parklands adjacent to Alexandra Walk.
- The roads network is already operating at capacity.
- Alexandra Walk was only ever planned as a cul-de-sac.
- There is one unreliable bus service which doesn't link to the train services.

- There is one private operator running to Naas although this is infrequent and unreliable.
- Once the Sallins by-pass is completed there will be more traffic though Clane Village.
- The existing Alexandra Walk will become a rat run for non- residents to avoid the village. (Images of Alexandra Walk submitted).
- There is already double parking within the Alexandra estate with people walking in the vicinity.
- The existing road will change from an estate road to a busy through road.
- The submitted TIA or Road Safety Audit did not consider the 3 acute low radius bends on the proposed route to link the R403 Alexandra Walk/ The Avenue Roundabout to the natural chicane entering Alexandra Walk.
- Access to the site should be via the Strategic Reserve Lands to the north rather than directly though the residential estates.
- There no details of the EC charging points.
- The proposal does not comply with DMURS.

5.7. Proposal contrary to the F2 open space zoning and KDA

- The density proposed is above the KDA zoning and therefore a contravention of the plan.
- The access road from Alexandra Park, the eastern internal access road and car parking are located on the F2 open space zoning and the proposal cannot be granted.
- The proposal does not comply with the requirements of the KDA1.
- There is no overlay of the SHD application on the zoning map.

5.8. Scale and Density

- The population of Clane has already exceeded the 780 allocation in the development plan.
- There are concerns in relation to the density proposed.

- Reference is provided to Development criteria 3.2 where development is not appropriate at a scale relevant to the city/town.
- The 4 storey apartment blocks are not appropriate.

5.9. Design and Layout

- There is no relationship with the adjacent areas.
- The design of the apartment blocks is generic and does not have a high-quality finish.
- The treatment along the River Liffey is of a poor standard.
- There is no distinctiveness and therefore contrary to the Urban Design Manual and Policy HD1 and Objective HDO 2 of the development plan.

5.10. Impact on Residential Amenity

- There is already a significant amount of anti-social behaviour in the area and this proposal will add to it.
- The proposed layout will cause overlooking and the boundary treatment will be removed.
- The proposed development could have damage to boundary walls on the perimeter.

5.11. Social Infrastructure

A submission was received from the Education Welfare Officer (EWO) for North Kildare who has raised, *inter alia*, a number of issues relating to the applicant's calculation of required spaces and the delivery of educational facilities in Clane necessary for a growing population.

- Kildare has the highest rate of young people in the state and the EIAR incorrectly states that primary school enrolment peaked in 2019 and is set to fall while post primary will peak in 2024. The ESRI and central bank figures indicate that with net inward migration, populations will increase.
- The proposal will contravene the core strategy of the development plan as per the *Heather Hill Management Company v. An Bord Pleanala*.

- The LAP requirement for 0.1 childcare space per dwelling is outdated and inadequate.
- The schools are already at capacity and children in the area must travel out of the catchment.
- The school's assessment is flawed. It stated there will be additional capacity in the boy's school due to the new build. This is incorrect as no additional capacity is proposed.
- Clongowes Wood School cannot be used for available capacity as it is a fee-paying school and not an accessible option for most new residents.
- The School demand analysis is based on old enrolment figures from 2015-2019.
- A communal facilities block (c.300m²) is proposed although the uses have not been included and there is no justification or viability and if unoccupied will lead to vacancy and detract from the area.

5.12. Wastewater

- There are currently problems with the Alexandra Walk sewerage system because of capacity issues.

5.13. Flooding

- Alterations to the access at Alexandra Walk would have a negative impact on the flood defences built into the original estate by the developer.
- There is a storm channel to the rear of a private property in Alexandra development, there is concern over the impact on same
- Insurance companies refuse to cover properties in the vicinity of the River as it is perceived to be a flood risk.
- The fields on the site are often flooded.
- The flood mound along the river will need to be removed to accommodate the entrance.

5.14. Biodiversity

- There is a variety of wildlife which will be affected by light pollution from this development
- 1.65ha of woodland was felled before the applicant submitted the first application
- The Bat assessment indicate no lighting over 3-lux level will be used and no lighting will be directed towards any area where bats are commuting, although Figure 6 of the same report states that artificial lighting levels on the band between the road fronting Block F and the tree line adjoining Brocklands Estate is in excess of 3 Lux Limitation.
- The removal of hedgerows of moderate value

5.15. Other

- The Building Lifecycle report does not include details to demonstrate compliance with Building Energy Rating (BER).
- No artificial lighting details are provided for Blocks A/B & Block C.
- There was no access to the OS Map-Site Location Map on the project website which is contrary to the spirit of the Aarhus Convention.

6.0 Planning History

ABP 309367-21 (Reg Ref 20-808)

Permission granted to Westar for 91 no residential units and a crèche on part of the site along the west of the site. The permission has been appealed by a third party and is with the Board for decision.

ABP 305905-19 SHD Application

Permission refused by An Bord Pleanála for 305 no. residential units for one reason listed below. The Board Direction included a note stating that it was considered that the proposed development would materially contravene the provisions of the Clane Local Area Plan 2017-2023 in relation to KDA1 and the application should have included a Material Contravention Statement and accompanying newspaper notice as required under section 8 (1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act, 2016

- The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness.
- It is considered that the proposed development is **dominated by roads and surface car parking** and results in a poor design concept for the site that is substandard in its form and layout, fails to establish a sense of place, would result in a substandard form of development that **lacks variety and distinctiveness and includes a poor quality of urban and architectural design**, all of which would be seriously injurious to the residential amenities of future occupants and **contrary to the provisions of the Urban Design Manual – a Best Practice Guide in particular criteria no. 6 Distinctiveness and no. 7 Layout and to Policy HD1 and Objective HDO 2 of the Kildare County Development Plan 2017-2023.**
- In addition, the development **fails to respond** satisfactorily to the requirements of the **Design Manual for Urban Roads and Streets** issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, **Community and Local Government** in 2013 as it does not promote a **high quality** street layout that priorities people rather than vehicular movement.
- It is also **considered that** the development **fails to integrate existing hedgerows** satisfactorily into the layout of the development and, as such, **would be contrary to objective GIO1.4 of the Clane Local Area Plan 2017-2023 which seeks to integrate hedgerows and trees into the design of new development.**
- The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Reg Ref 06/2674

Relating to the western part of the development site including lands along the River Liffey. Permission granted on 21st October 2008 for a nursing and convalescing

centre, retirement complex and associated site works. A third-party appeal was withdrawn (PL09.231741). The permission was extended under Reg. Ref. 13/705 until 19th July 2019.

Lands at Capdoo North West of Development Site (KDA 2)

ABP-304632-19 SHD application

Permission granted by ABP on 26th September 2019 to Ardstone Homes Limited for 366 no. residential units (184 no. houses, 182 no. apartments), creche and associated site works.

The development had a stated net residential density of 37.82 units / ha and included a new Link Road connecting the R407 to Capdoo Park and the R403 beyond, incorporating cycle tracks and footpaths on both sides of the carriageway, together with a new roundabout on the R407.

Lands to the south of Clane Town within KDA 5

ABP-309087-20 SHD application

Permission is sought by Debussy properties for 192 no. units and a crèche on the western side of Millicent Road and the southern side of Prosperous Road. The decision date is 27th of April 2021.

7.0 Section 5 Pre-Application Consultation

7.1. A pre application consultation (ABP 307465-20) took place via Microsoft teams on the 08th of October 2020 and following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála.

7.2. The prospective applicant was advised that the following **specific information** should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate / justify the suitability of the proposed site to accommodate the **proposed height and residential density with regard to**

the provisions of the current Kildare County Development Plan, and any variation that may be in place at the time of making the application, and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).

2. A report that addresses and provides a clear **design rationale for the proposed design, scale and character of key buildings/street frontages, materials and finishes** of the proposed development including specific detailing of finishes and frontages for the proposed apartment blocks, and the maintenance of same. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
3. A report detailing the extent, **location and visual dominance of car parking** proposed, having regard to the location of the site and its proximity to public transport services.
4. A site layout plan indicating what areas, if any, are to be **taken in charge** by the planning authority.
5. A report that addresses and provides a **justification for the proposed housing mix**.
6. A report that address and provides a clear rationale **for connectivity and permeability** within and through the site.
7. **Childcare Demand and Concentration Report**, which identifies demand for childcare places likely to be generated by the proposal and the capacity of the childcare facility previously granted on the subject site and existing facilities in the vicinity to cater for such demand.
8. **School Demand and Concentration Report**, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

9. Address issues raised in the report of Irish Water to An Bord Pleanála dated 5th August 2020 and in the Report of Drainage Division of planning authority dated 15th July 2020.
10. A **phasing plan for the proposed** development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
11. A **material contravention statement**, in respect to any and all elements of the development that may materially contravene the Development Plan objectives or policies applicable to the site, whether, core strategy, density, housing typology, car parking, open space or other

7.3. Applicant's Statement of Response

The applicant's statement of response addresses those points raised above, as summarised below:

1. A Statement of Material Contravention accompanied the application to demonstrate and justify the height and density proposed.
2. An Architectural Design Statement provides a full rationale for the design proposed.
3. The proposed development is accompanied by a Traffic Impact Assessment and a Mobility Management Plan.
4. The application is accompanied by a map of areas to be taken in charge.
5. A Housing Mix Report provides justification for the housing mix proposed.
6. The Landscape Design includes a clear rationale for the connectivity and permeability within and through the site.
7. A Childcare Demand and Concentration Report provides a breakdown of capacity in the vicinity.
8. A Schools Demand and Concentration Report demonstrates the proposed development can be accommodated within the existing educational facilities in Clane.
9. The application addresses the issues with Irish Water and the Drainage Division.

10.A Phasing Plan includes the phasing arrangements for the delivery of the public open space and Part V.

11.A Material Contravention Statement has been submitted.

8.0 Relevant Planning Policy

8.1. National Planning Framework (NPF): Ireland 2040

A number of key National Policy Objectives (NPOs) are noted as follows:

- **NPO 3(a):** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **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.

8.2. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA). (June 2019)

- Section 4.7: Clane is designated as a Self-Sustaining Town.
- Clane has seen a growth of over 32% in the last 10 years.
- Table 6.1: Clane is one of 6 towns in Kildare, designated for Level 3 retail (Town Centre/ District Centre & Sub- County Town Centre (Key District Centres KDS))
- Appendix 1: Figure 2: Environmental Capacity- Osbertown WWTP has capacity of 130,000 PE with additional 39,144 headroom PE. (serves Newbridge, Naas, Clane & Sallins).

8.3. Section 28 Ministerial Guidelines

- Housing Supply Target Methodology for Development Planning; Guidelines for Planning Authorities (Dec 2020)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2020)
- Design Manual for Urban Roads and Streets- (DMURS)
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Childcare Facilities Guidelines for Planning Authorities and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- Urban Development and Building Heights – Guidelines for Planning Authorities', (2018)

8.4. Kildare County Development Plan 2017-2023

Variation No 1 of the CDP – Core Strategy

The changes in Variation no 1 reflect the changes in the national and regional policy and the information relevant to Clane is summarised below:

- Clane is defined as a Town in the settlement hierarchy for Kildare.

- Table 3.1: Settlement Hierarchy: Clane is 4th in the settlement hierarchy.
- Table 3.3: Population and Housing Unit Allocation 2020-2023
 - Allocated growth of County 2.4%
 - NPF 2026 pop growth in persons - 945
 - NPF 2026 pop growth in units - 337
 - Dwellings target 2020-2023 – **145** (previously **780** 2016—2023)
- Table 5.2: Economic Development Hierarchy: Towns support small scale industry, diversification of the rural economy, new economic opportunities.

Policy CS4- 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.

Density

- LUDO 1- Ensure densities in line with the national guidance for sustainable residential developments.
- LUD 1- Promote residential densities appropriate to its location and surrounding context.
- Table 4.1- Guidance on appropriate locations for new residential developments.
 - Outer Suburban or Greenfield at the edge of large towns should make efficient use of lands.
 - Edge of sites within small towns should be in the range of 20-35.
- Table 4.2- Indicative Density Levels
 - Large towns (population > 5,000) Outer Suburban/ Greenfield 30-50 units per ha
 - Small Towns & Villages (population 2,000-5,000)

8.5. Clane Local Area Plan 2017-2023

Zoning

The majority of the site is zoned 'Objective C – New Residential Infill':

- *To provide for new residential development.*

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

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

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

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

Key Development Areas (KDA1)

The development site makes up a significant portion of one five Key Development Areas (KDAs) that are to accommodate growth in Clane during the plan period

- 'KDA1 New Residential / Open Space & Amenity Lands at Capdoo Commons, south-east of Dublin Road'
- The remainder of the lands within KDA1, to the north of the site, are zoned 'SR Strategic Reserve'.

Section 12.2.1 & Fig 12.2 provides an analysis of the potential development in KDA1:

- **Vision:** The extension of the urban area of Clane through new residential development and open space and amenity, with a high quality permeable urban form, which protects natural heritage and delivers important connectivity to the River Liffey and to the future town park.
- Access from existing residential developments to the south.
- Provide for future access in conjunction with future development to Strategic Reserve lands.
- Provide Strong pedestrian and cycle links at desire lines to the future town park and River Liffey.

- Passive surveillance of roads, open space etc.
- Use of perimeter bloc form at unsupervised edges.
- Have regard to the residential amenity of existing dwellings along the south.
- Buildings 2-3 storeys in height with transition in scale.
- Lower to medium density residential development (25-30 units per ha).
- Min of 15% as public open space.
- Retain natural heritage and green infrastructure features.

Density

- Table 4.1: Estimated density for KDA1 26 per ha, 6.2 ha for housing and an estimated residential* capacity of 161 (*final figures to be determined at design stage)

Core Strategy

- Strategic Objectives (SO) - 2.4% of Kildare's allocated housing growth will be for Clane.
- Table 3.3 of the development plan a target population of 7,668 of housing unit target or 3,483 units.
- CS01.1: To support and facilitate sustainable intensification and consolidation in the town centre and in established residential and industrial areas.
- CS01.2: To focus new residential development into the Key Development Areas.

Residential Development

- HCO1.1: To require new development to comply with the national guidance and standards.
- HCO1.2: To facilitate the phased development of the KDAs in accordance with the guidance set out in Section 12.
- HCO1.3: To secure the provision of social infrastructure and community and recreational facilities in tandem with residential development, in accordance with the implementation strategy (Section 13 of the LAP).

Childcare

- Objective HC03.2: To require a minimum of 0.13 childcare spaces per dwelling on a pro-rata basis in the Key Development Areas.

Open Space

- Objective OSO1.5 To secure the delivery of a neighbourhood park in conjunction with development at KDA 1, including a multi-use games area.

Schedule of Phasing

Section 13.2.1 provides the following phasing strategy for KDA1:

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

Roads and Transport

Table 8.1 & Map 8.1: Roads, Walking and Cycling Projects

- MTO1.1 To secure the implementation of walking and cycling projects identified in Table 8.1 and on Map 8.1.
- Upgrade at Capdoo link road and Brooklands junction on Celbridge Road including pedestrian crossing points and refuges; manage speed of turning movements.

Flooding

- IO3.1 To ensure development proposals within the areas outlined on Map 9.1 are the subject of Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed.

Landscaping and Biodiversity

- HO3.2 To preserve the amenity of the River Liffey Valley including its landscape and biodiversity value. In this regard, planning applications must identify all ecological habitats and corridors present in a proposed

development site and demonstrate that any habitat or corridor affected by the proposal is not of local importance, or that its loss will be offset, should the application be granted.

- GIO1.1 To reduce fragmentation of the Green Infrastructure network and strengthen ecological links within Clane and to the wider regional network.
- GIO1.4 To ensure key trees, woodlands and hedgerows identified, and the linkages they provide to larger areas of green infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments.
- GIO1.5 To promote a network of paths and cycle tracks to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes responds to the ecological protection needs of each site.
- GIO1.6 To maintain a biodiversity protection zone of 80 metres from the top bank of the River Liffey and of not less than 10 metres from the top bank of smaller watercourses in Clane, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.
- OSO1.1 To secure the provision of a hierarchy of open spaces able to cater for a range of functions, to meet the needs of the population of Clane.
- OSO1.2 To protect lands zoned Amenity and Open Space and Strategic Open Space on Map 13.1 for a variety of passive and active uses.
- OSO1.3 To secure the development of a Liffey walkway on lands to the north and south of the river and to ensure protection of the river corridor environment.
- OSO1.4 To secure the provision of a public park (> 16 ha) on the eastern boundary of Clane on lands that are located between the River Liffey and the Dublin Road.

- OSO1.5 To secure the delivery of a neighbourhood park in conjunction with development at KDA1, including a multi-use games area.
- OSO1.6 To provide a range of opportunities for active and passive recreation within public open spaces.
- OSO1.7 To ensure that the provision of open space for all new developments seeks to incorporate and enhance any existing landscape features such as hedgerows and trees within the receiving environment.

8.6. Applicant's Statement of Consistency

The application is accompanied by a Statement of Consistency and Planning Report.

- The report notes the planning history on the site and includes a response to those reasons for refusal ABP 305905-19 for an SHD application on the site.
- A list of S.247 meetings and other correspondence with the PA is detailed.
- An overview of the proposed development is submitted.
- It is submitted that the proposal complies in general with the national, regional and local policy.
- A Material Contravention Statement accompanied the application relating to the population allocation, density, height and car parking which the applicant considers a contravention to the Clane LAP.

8.7. European Designated Sites

There are no European designated sites directly connected with the site.

9.0 Prescribed Bodies

9.1. Inland Fisheries Ireland (IFI)

- The site is in the catchment of the Gollymochy River and adjacent to the River Liffey. The Gollymochy has resident brown trout, lamprey species and Freshwater Crayfish (Annex II) and is an important spawning tributary of the River Liffey. The River Liffey supports Atlantic Salmon (Annex II and V), Sea Trout and Brown Trout.

- All works should be completed in line with a Construction Environmental Management Plan (CEMP).
- A suitably qualified Ecological Clerk of Works (ECoW) should be appointed to oversee the set-up and construction.
- Comprehensive surface water management measures (GDSDS study recommendations) must be implemented at construction and operation stage to prevent pollutions to the surface waters.
- Drainage from topsoil area should be directed towards a settlement area before treatment.
- Wheel wash should be used to prevent contamination.
- The receiving storm water infrastructure should have adequate capacity to accept predicted volumes.
- A condition should be included on any grant of permission requiring annual maintenance checks for the petrol/oil interceptors, grease and silt traps.
- The results from onsite infiltration testing indicate the soils in large parts of the site are relatively impermeable which can lead to sediment laden runoff to the River Liffey. Adequate mitigation measures should be put in place before construction begins.
- The Abbey Park pumping station must have sufficient capacity to accept the proposed new residential development.

9.2. An Taisce:

The submission from An Taisce highlights a previous court case linked to the principles of the pre application consultation process. The remaining issues are summarised as follows:

- The proposal must be considered in conjunction with SHD ABP 304632-19 (366 units) and a current SHD application before the Board (192units).
- The combined quantum and density of development is not in accordance with the Clane LAP.
- The proposal is for a car-based commuter type development.

- There is not sufficient school, public transport, recreational, park or other service provisions in Clane.
- The OPR annual report highlights the growth of commuter counties.
- The submission from Clane Community Council is highlighted, the excessive increase in population of Clane in the past 30 years and the existing pressures of local services.

9.3. Irish Water

Irish Water noted that a confirmation of feasibility was issued at pre-consultation stage:

Water

- Water connection feasible without upgrade, however on-site storage for the average day peak week demand for the crèche is required to supply this demand for 24hrs and have a re-fill time of 12 hrs.

Wastewater

- Upgrade works are required to increase the capacity in the Irish Water Network.
- Irish Water have a project underway to relive capacity constraints in Clane (Upper Liffey Valley Sewerage Scheme Contract 2B- ULVSS).
- The expected connections for the development can be facilitated on completion of this project, scheduled for end of 2021/2022.
- Where a connection is via the private wastewater infrastructure in Abbeylands Housing Estate, the applicant is required to provide additional information including evidence of 3rd party permissions to connection, connection feasibility and compliance with IW standards.

10.0 **Oral Hearing Request**

10.1. An Oral Hearing Request was submitted by Liam Reilly, a member of the Alexandra Walk Residents Association. A separate observation is submitted on behalf of the residents associated by a Planning Consultant. The issues raised in Mr Reilly's submission are summarised as follows:

- Impact on Alexandra Bridge,
- Traffic and Entrance to the new development via Alexandra Walk estate,

Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. In this instance, it was decided there were no exceptional circumstances and therefore the request for an oral hearing was refused.

11.0 Appropriate Assessment

AA Screening

11.1. An AA Screening Report accompanied the application. The report states that are no habitats present at the site which are examples of those listed in Annex I of the Habitats Directive and there is no evidence that species listed in Annex II of that directive are present. The development site is not in or immediately adjacent to any Natura 2000 site. Four European sites are located within a 15km radius of the site, Ballynafagh Lake SAC (side code: 001387), Ballynafagh Bog SAC (side code: 000391) Rye Water/ Carton SAC (side code: 001398) Mouds Bog SAC (side code: 002331).

11.2. The River Liffey flows along the eastern site boundary. The River Liffey is subject to no Natura designations, however there are a number of such areas where it discharges to the Irish Sea at Dublin Bay including the South Dublin Bay and River Tolka Estuary SPA (site code: 4024), the South Dublin Bay SAC (site code: 0210), the North Dublin Bay SAC (site code: 0206) and the North Bull Island SPA (site code: 4006) and South Dublin Bay and Tolka Estuary SPA (site code: 004020). The distance to the boundary of these SACs/SPAs is over 30km as the crow flies. The

AA Screening Report also considers the features and interest and conservation objectives for these sites.

- 11.3. Surface water is proposed to discharge via attenuation storage tanks into two catchments which ultimately discharge to the River Liffey. SUDS measures are 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 'green field' standard. 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.
- 11.4. Waste Water from the development will pass to the Osberstown wastewater treatment plant (also known as the Upper Liffey Valley Regional Sewerage Scheme), which is being upgraded at present under the project Upper Liffey Valley Contract 2B, with works on site and due for completion by 2021 (as stated in Irish Water submission). Osberstown plant discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA). The development will be subject to a connection agreement with Irish Water and will be connected once the proposed upgrade works are complete.
- 11.5. The development will connect to a mains supply which originates from reservoirs at Ballymore Eustace, along the River Liffey. The reservoirs at Poulaphouca are designated as the Poulaphouca Reservoir SPA (site code: 4063).
- 11.6. The Inland Fisheries Ireland submission notes that the site is in the catchment of the Gollymochy River and adjacent to the River Liffey. The Gollymochy has resident brown trout, lamprey species and Freshwater Crayfish (Annex II) and is an important spawning tributary of the River Liffey. The River Liffey supports Atlantic Salmon (Annex II and V), Sea Trout and Brown Trout.

European Sites

- 11.7. The European Sites identified in the AA screening report within the Zone of Influence and with potential pathways are listed below.

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Conservation objectives

SAC			
Ballynafagh Lake SAC (side code: 001387)	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]	c.7.1km to the north west 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
Ballynafagh Bog SAC (side code: 000391)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	c.6.1km to the west of the site	To restore the favourable conservation condition of Active raised bogs in Ballynafagh Bog SAC The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Ballynafagh Bog SAC
Rye Water/ Carton SAC (side code:001398)	7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail Vertigo angustior 1016 Desmoulin's Whorl Snail Vertigo moulinsiana	c.12.3km 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
Mouds Bog SAC (side code: 002331).	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	c. 11.4km south west of the site	To restore the favourable conservation condition of Active raised bogs in Mouds Bog SAC, which is defined by the following list of attributes and targets The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate

			conservation objective has not been set in Mouds Bog SAC
South Dublin Bay SAC (0210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	c. 31.1km to the east of the site	To maintain the favourable conservation condition of habitats *See South Dublin Bay SPA also
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 colonising mud and sand, Embryonic shifting dunes, Humid dune slacks.
SPA			
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] 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]	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

	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]		
Poulaphouca Reservoir SPA (site code: 4063).	A043 Greylag Goose <i>Anser anser</i> A183 Lesser Black-backed Gull <i>Larus fuscus</i>	c.16.9km to the south east of the site	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Assessment of the likely Significant effects

- 11.8. 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 residential development of 333 units on zoned and serviced land, the separation distance from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that no Appropriate Assessment issues arise in relation to the European sites listed above.
- 11.9. Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface and foul water from the site. I note the proposed drainage system discharging to the River Liffey ultimately drains to Dublin Bay. The installation of surface water attenuation and SUDS systems will ensure that there will be no negative impact to water quality or quantity locally arising from the change in land use from agricultural to residential. I note that the proposed SUDS system is standard in all new developments and are not included here to avoid or reduce an impact to a European site. With regard to hydrological pathways via wastewater, I note the water flows to Dublin Bay via the Osberstown wastewater plant and the River Liffey. The Osberstown plant is licenced to discharge treated effluent to the River Liffey by the EPA (licence no.: D0002-01). I consider that the significant distance of over 30km between the application site and the European Sites identified within Dublin Bay, ensures there is no pathway for loss or

disturbance of species listed associated with these European sites or habitat loss, fragmentation or any other direct or indirect impacts.

11.10. In relation to the fish species present in the River Liffey, I note they are not listed as a species of special conservation interest in any of the 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 significant negative impact on the water quality of the River Liffey.

11.11. 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 site.

Conclusion

11.12. 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.

12.0 Environmental Impact Assessment (EIA)

12.1. Statutory Provisions

The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

(i) Construction of more than 500 dwelling units

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

The development would provide 333 no dwellings on a site of c. 10.36ha in a town. The proposal is below the threshold of 500 dwellings although exceeds the threshold of 10 ha stated in b (iv) and therefore an EIA is mandatory.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out previously in this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR provides a non-technical summary of its content.
- Volume 2 includes the Written Statement of the EIAR, and
- Volume 3 includes the Technical Appendices (consideration of alternatives, Site Specific Flood Risk Assessment (SSFRA), Traffic Impact Assessment (TIA) and archaeological testing).
- Section 1.6 describes the expertise of those involved in the preparation of the report.
- Mitigation and Monitoring measures described throughout the report are summarised in Chapter 14.
- The Screening for Appropriate Assessment is detailed above, as a separate assessment.

12.2. The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;

- material assets, cultural heritage and the landscape; and
- the interaction between those factors.

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

12.3. Alternatives.

Chapter 2 of the EIAR includes a background of the overall development and the alternatives investigated. An evolution of the design concept is elaborated in detail in Appendix 2.1.

Three reasonable alternative solutions have been assessed in the report as summarised below:

1. Alternative locations for residential development

The zoning for the site as residential use and the “do-nothing” approach is not considered, having regard to the consideration of a statutory plan. Other alternatives for appropriate design and process are put forward.

2. Alternative Uses

The provision of the site for residential is considered the best use of the lands as the inclusion of commercial would be inappropriate having regard to the location of existing housing.

3. Alternative Design/ Layout

The layout of the design considered polices of the development plan and is determined by the consideration of three alternative layouts, included in Appendix 2.1, which have regard to the environmental considerations on the site. It is stated that the final preferred option has a positive or neutral impact on the environmental considerations.

I consider the proposed preferred alternative is deemed the most appropriate having regard to the land zoning and incorporating the environmental issues, as further detailed below.

12.4. Population and human health

Chapter 4 deals with the impact on population and human health.

In relation to **population**, the electoral division of Clane has experienced considerable growth between 2006 and 2016. The percentage change was 228% more than the state. The profile of the population in 2016 was mostly 25-44 (33%) and 45-64 (22.4%) which indicates a high working and young population. The population increase is considered to be attributed to the location of Clane close to Dublin City Centre and other employment locations such as Naas and Celbridge. The national reduction in unemployment is noted as is the potential for short term local employment from the construction activity. Community facilities in the form of recreation and sporting facilities are noted as is the number of schools and associated pupil numbers. Having regard to the phasing programme and the inclusion of childcare, the proposal is considered appropriate. The impact of the proposal on population is considered significant and positive.

In relation to **human health**, the absence of specific guidance on the assessment is noted. This aside, the proposal will not lead to any major accidents or disasters and a SSFRA indicates no impact from flooding. The disturbance from construction on the adjoining residents will be mitigated. It is stated there will be no impact on the human health.

Several of the **observations** submitted consider the increase in population in Clane is not appropriate and the impact on the community will be negative. The existing limited community infrastructure and school capacity is raised as an issue against additional population in Clane. The CE submission notes the proposed population increase, which it considers inappropriate having regard to the Core Strategy allocation for Clane. The PA note the current population, as amended under Variation No 1 of the development plan, has been amended to align with the NPF and the RSES objectives.

I note the submitted EIAR has not specifically addressed the population allocation, the amended allocation, and the impact on the settlement strategy of County Kildare. This aside, I note the application was accompanied by a Statement of Material Contravention. This Statement includes the applicant's justification for the inclusion of 333 no. dwellings, which is more than the 145 no units allocated to Clane up to the period 2023. The applicant considers the location on the edge of Clane and

population allocation of 337 no dwellings until the year 2026, sufficient to accommodate the prospered development in Clane.

I have addressed the issue of the **material contravention** of the Core Strategy in detail below. The Board will note that it my opinion that whilst the proposed development exceeds the 145no. dwelling allocation from 2020-2023 the justification for housing on lands serviced and contiguous to a town is justification for additional residential growth. An analysis of the **childcare and schools capacity** indicates an appropriate level of planned capacity, as further detailed in the assessment below, which again may require further investment from the Department of Education and the Local Authority for investment to support the planned growth of housing in Clane as per those lands zoned and designated for residential. The proposal includes additional childcare and communal facilities which may aid to support both the future residents and the existing community.

Conclusion

In this regard, I consider the applicant has successfully indicated in both the EIAR and supporting documentation that the proposal will not have a negative impact on the population and human health. Having regard to the cumulative impact of the proposed development it is consider that the proposal will have a positive long-term impact on the community of Clane.

12.5. **Biodiversity**, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

Chapter 5 deals with the impact on Biodiversity.

A **habitat survey** was undertaken in March 2019 and November 2020. No habitats or species associated with the following European Sites were identified:

- South Dublin Bay and Tolka Estuary SPA
- North Bull Island SPA
- South Dublin Bay SAC
- North Dublin Bay SAC

The birds recorded on the site are detailed as Low conservation concern (Birdwatch Ireland) and having regard to the habitat on the site it is not considered any other species of importance can be supported.

Separate Bat Surveys were undertaken in August 2018 and again in June 2020 and the recordings incorporated into the EIAR. The survey concluded no evidence of bats roosting on the site and five species were recorded foraging or commuting.

The River Liffey runs along the east of the site.

The **potential impacts** from the construction and operation include disturbance to birds, bats, other species on site and pollution of the River Liffey.

Mitigation measures include the integration of a "woodland regeneration area" within the landscaping plans and the removal of trees and hedgerows outside any bird breeding season. It is stated that the foul water can be treated at the Oberstown WWTP and the surface water runoff will be treated via attenuation tanks. In relation to the bats, a detailed lighting plan is proposed in combination with the erection of 3 by bat boxes. Any works on site will be supervised by a bat specialist.

In general, including the landscaping works included in the proposed development and having regard to the cumulative impacts, it is stated there will be no significant negative impact over time and the impact on bats will be "slight negative".

Third party submissions note an area of 1.65ha of immature woodland was removed between the submission of the last application and this proposed development. The impact of the lighting on the bats and wildlife is raised as a concern.

The report from the **Heritage Officer** of Kildare County Council notes the removal of the Immature Woodland (WS2) from the site prior to the application and the absence of any reference to this in Chapter 5. The Heritage Officer notes this woodland was included in the Green Infrastructure for Clane and was included in a 2014 Habitat Survey. In relation to the hedgerow retention, which is deemed as moderate ecological value, the location of these hedgerow at the back of developments may be negatively impacted. Reference is also provided for the need to discourage culverting of ditches where possible, the fact that the increased recreational activity

along the river has not been assessed. It is requested that a CMP plan should be submitted along with any preconstruction surveys, derogation licences.

I note these references to the **immature woodland** on the site and other third-party submissions that additional important species may have been present. In this regard, the Board will note that although the woodland was noted in previous surveys as containing some moderate ecological value, the area had no protections to prevent the removal. In addition, I note no evidence has been submitted to suggest that there were any species worthy of protection present on the site. I note the applicant has proposed a "woodland regeneration area" which should assist in the enhancement of biodiversity on the site. The **hedgerows** on the site are to be retained in majority and although the Heritage Officer notes the location to the rear of development, the Board will note many of these are along the site boundary and proposals to enhance with native planting will ensure sufficient integration and protection.

In relation to the **impact on the bats**, the Board will note a bat assessment accompanied the application, separate to the EIAR, and noted no roosts and five species were recorded foraging or commuting. No issues were raised by the Heritage Officer in relation to mitigation measures although I note a third-party submission queried the lighting plan proposed. A detailed submission notes the use of lighting more than 3 lux whereas other references note the use under 3 lux. The mitigation measures listed in Section 5.9 of the EIAR note the final installed lighting for the site shall be examined by a bat specialist and modifications implemented as required. I note the information submitted in both the EIAR and the bat assessment, which I consider reasonable to assess the impact on bats. In this regard, I consider the works proposed in conjunction with the mitigation measures are sufficient to address the issues raised in the third-party submissions. A final lighting plan can be reasonably conditioned as a grant of permission.

Conclusion

I have considered all the written submissions made in relation to biodiversity. I am generally satisfied with regards the information in relation to biodiversity, I have considered the cumulative impact and I am satisfied that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

12.6. Land, Soils, Geology & Hydrogeology

Chapter 6 deals with the Land, Soils, Geology & Hydrogeology.

The national database www.gsi.ie indicates that the groundwater vulnerability is high and the groundwater recharge is good with high permeable subsoil, overlain gravels and well-drained soil. Site infiltration tests in the EIAR indicate sub soils of mainly brown sandy soils are mainly impermeable. It is noted this is different to the national database.

The proposed development will include the **movement of soil** on the site with approximately 19,335m³ of sub-soil moved within the entire development. Up to 8,563m² of mainly granular material will be imported for structural fill. It is expected dewatering will be required to install the attenuation tanks.

The surface **water** is to be treated, via attenuation tanks, foul water will connect to the public treatment system. Water supply will be through the mains and not via groundwater.

The **impact** of construction on the land, soils, geology and Hydrology will be mainly through the cut and fill and movement of construction traffic. Mitigation measures include the controlled import of materials and the management of accidents, spill and leaks to prevent contamination of water or soils. Monitoring will be required during construction as part of the CEMP. The operation of the site does not require any additional mitigation measures.

No significant residual or cumulative impacts are identified through the construction or operation of the site. There are no significant potential impacts on soils, subsoils or hydrogeology during the operational phase.

Conclusion

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

12.7. Water (Hydrology)

Chapter 7.0 deal with the water.

The River Liffey is located to the east of the site along the boundary. Two drainage channels are present on the site. The first stems from the vicinity of Alexandra Walk/ Abbey Park Orchard to the south of the development to the River Liffey. The second channel lies to the northeast of the site and eventually discharges to the River Liffey via the Gollymochy River. The WFD status of the River Liffey adjacent to the development site has improved from Moderate in 2007 – 2009 to Good in 2010– 2015. The water is not considered at risk in any WFD Areas for Action Plan in the review of the RBMP 2018-2021.

The River Liffey is classed as nutrient sensitive and is within a nutrient sensitive area (downstream of Osberstown Wastewater Treatment Plant to Leixlip Reservoir) under the Urban Waste-Water Treatment Regulations, 2001–2010. Irish Water has recently completed upgrades to the Osberstown WWTP in compliance with regulatory requirements under the UWWT Regulations. The latest results of EPA water quality monitoring upstream and downstream of the site indicate Good water quality.

A **Site-Specific Flood Risk Assessment (SSFRA)** is in Appendix 4.1. Figure 10 indicates that an area to the east of the site falls within a predicative 1% AEP (1 in 100 year) and 0.1% AEP (1 in 1,000 year) fluvial flood zone. No development is proposed within any area delineated as a flood zone. As assessment of the potential residual effects and including the climate change effect. The SSFRA has determined that the majority of the area of the development site is not at significant risk of flooding and therefore falls within Flood Zone 'C'. It is concluded that a justification test is not required.

A third-party submission has raised the capacity of the treatment system to accommodate additional loading. Concerns are also raised in relation to the impact of flooding, inter alia, impact on flood defences built into the original estate, the storm channel at the rear of Alexandra Walk and the flood mound along the river. The Heritage Officer has raised concern in relation to the culverting of the drainage channels.

In relation to the third-party submissions, I note the proposal does not include any works to adjoining estates and/or any **flood defence** works referenced. Detailed

layouts and cross sections have been submitted to illustrate the modelling on the site. The part of the site proposed for development (FFL 65.68m) sits above the River Liffey and no works are proposed within a delineated flood zone. This is in line with the recommendations of the SSFRA which recommends FFL a minimum of 0.30m above the maximum predicted 0.1% AEP fluvial level upstream.

With regards to the **drainage ditches**, Fig 7.1 of the EIAR illustrates the channel to the south mostly outside the site. A section of the channel will have to be culverted as it runs under the access from Alexandra Walk. No exact details for this culvert are included in the proposal. I note the policy in the plan relating to culverting (GI 23) states that watercourse should remain in an open state wherever possible.

Compliance with other policies of the LAP requiring connectivity from Alexandra Walk into the subject site would require access across the watercourse. I consider any final details of this culvert are minor in nature and will not have a significant impact on any important water features. These can be reasonably submitted for agreement prior to any commencement of development. The northern channel runs along the site and should not be significantly impacted by the proposed development.

With regards the **capacity of the WWTP**, I note the Wastewater will pass to the Osberstown wastewater treatment plant (also known as the Upper Liffey Valley Regional Sewerage Scheme). The submission from Irish Water notes this upgrade is currently underway (Upper Liffey Valley Contract 2B) with works on site and due for completion by 2024. The IW submission notes third party consents may be required from the Abbey lands pump station. The applicant states they have full ownership and access to the pump station. I am satisfied the applicant has sufficient interest to service the site, this aside, any grant of permission can reasonably include a condition relating to compliance with **Irish Water** standards. The Board will note that the development will be subject to a connection agreement with Irish Water and will be connected once the proposed upgrade works are complete.

The submission from the **IFI** notes the location of the site within the catchment of Gollymochy River which is an important spawning tributary of the River Liffey. It is recommended that works are undertaken in line with a CEMP, supervised by a qualified Ecological Clerk of Works (ECoW) and other mitigation measures to prevent sediment runoff from the site. The EIAR has not specifically addressed the

impact on any fish species although I note the CEMP is referenced throughout the EIAR. A number of those concerns raised by the IFI, inter alia, sedimentation control methods are dealt with in Chpt 7 and includes mitigation measures. The applicant includes a Construction Method Statement as part of the CEMP to incorporate all of the avoidance and mitigation measures. I consider a condition to reinforce those mitigation measures is reasonable and can include the supervision of a ECoW.

The potential impacts relate to direct and indirect contamination of watercourses through direct and indirect contamination.

Mitigation measures such as interceptors are included in the design of the surface water systems and the attenuation system is sized to accommodate climate change. The CEMP includes a range of measures to prevent any accidental spills during construction. No cumulative impacts are identified.

Conclusion

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

12.8. **Noise and Vibration**

Chapter 8 deals with Noise and Vibration.

The **potential impacts** from noise and vibration stem in the most part from construction activity. The report also notes the potential impact from the increased traffic generated from the operation of the site.

An assessment of the potential for noise disturbance was taken at specific **Noise Sensitive Locations (NSLs)** which are considered representative of those closest to dwellings. The locations chosen for monitoring include the western side, northwest site boundary and the southwest, all of which adjoin the Brooklands Estate.

Reference is provided to the Kildare County Council Noise Action Plan 2019-2023 along with relevant British Standards used as a benchmark for assessment. The standard BS 5228:-1:2009+A 2014 *Code of practice for noise and vibration control*

on construction and open sites – Noise, provides the following limits for daytime noise levels outside the nearest window of the occupied room closest to the site boundary:

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

The proposed development is not within the zone of influence of any roads and Clane is not identified in the Plan as one of the population centres potentially affected by rail noise. The predicted noise from the construction traffic is 59 L_{Aeq, 1hour} d B at the greatest on a continuous basis. It is stated that this may increase for specific activities such as piling etc although these will be short term. In relation to the impact from vibrations the scenario is considered to be similar where impacts from construction activities such as piling etc will be short term.

A **cumulative impact** is considered, and the increased traffic generated from a proposed SHD development by Ardstone Homes is considered in the assessment. No other developments are considered relevant during the operation stage in relation to the impact arising from vibrations.

Mitigation measures during the construction phase relate to the restriction of noise levels to limits set out in the British Standards on Noise Control on Construction sites. Vibration monitoring will be undertaken during construction and included as part of the CEMP. Test monitoring will be carried out at the NSLs during construction.

Conclusion

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

12.9. Air Quality and Climate

Chapter 9 deals with Air and Climate.

The site is in a location classified as Zone D as defined by monitoring data in the EPA 'Air Quality in Ireland' reports 2015-2017. The potential impacts from dust emissions are generally restricted to construction activities. Operational phase emissions would likely arise from operational traffic generation and the energy consumption generated by the buildings.

Dust deposition at the high sensitivity receptors and the levels of PM₁₀ and PM_{2.5} dust suspended matter in the water are listed as receptors for high levels of dust and are included in the CEMP. A monitoring programme is proposed in the CEMP.

In relation to the **climate emissions**, the national target of compliance for 2030 as per the Climate Action Plan. The primary sources of climatic emissions in the operational context are deemed long term and will involve the change in traffic flows or congestion in the local areas which are associated with the development and overall impact is deemed to be imperceptible. A Mobility Management Plan and high energy efficient building is proposed as mitigation against increase in CHG emissions.

The potential **cumulative** impact from the dust and climate has been considered, including the SHD permission granted. No significant impacts are identified.

Conclusion

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

12.10. Material Assets (Traffic and Transport),

Chapter 10 deals with Material assets relating to traffic and transport, electricity, telecommunications, gas, water supply infrastructure and sewerage (built infrastructure).

A large amount of submissions was received from residents in the vicinity of the site in relation to the impact of the increased traffic through Alexandra Walk, the layout of the proposal and the absence of sufficient public transport. The assessment in

section 13.0 below, includes an additional analysis of the traffic and transport proposals including reference to DMURS compliance. The proposed development includes 639 car parking spaces for the entire development. Pedestrian and cycle connectivity are included in the proposal.

A Traffic Impact Assessment (TIA) has been prepared and attached to the EIAR as Appendix 10.1. A traffic survey of four closest junctions was undertaken over a 3-day period between 05th of March 2019 to 08th of March 2019. Appendix C of the TIA contains predicted AM to PM peak house traffic flows at the two existing junctions- the R403/Brooklands/ Capdoo Park junction (No.1) and the R403/Alexandra Walk/The Avenue roundabout (No.2). Based on the traffic survey it is assumed that 57% of the development traffic will arrive/depart via the R403/Brooklands.Capdoo crossroads and 43% will arrive/depart at the R403/ Alexandra Walk/ The Avenue roundabout.

Traffic predictions have been completed for 2022, 2027 and 2037 (low, medium and high growth scenarios) at the junctions with the development in place and also taking into account of increases expected in future base flow traffic using the Transport Infrastructure Ireland (TII) medium growth factors.

The TIA notes proposed upgrade to the signalised junctions at the R403/Brooklands/ Capdoo Park crossroads to ensure no queues or delays in 2022, 2027 and 2037. The TIA assessed the impact of the proposed works required under SHD permission (ABP 304632-19) and the works required in this permission for a new inner relief road and the upgrade of the R403/Brooklands/ Capdoo Road crossroad. The TRICS generated data of the inner relief road includes a change of traffic flow along the R403 and no major changes at Alexandra Walk. Sensitivity testing indicates a reduction in the traffic along Alexandra Park once the works are undertaken (c.2037). The capacity of the junctions is considered acceptable until 2037.

Public transport services are mostly confined to bus services operated by national and private transport companies on behalf of the national agencies. The frequency of these services is further discussed below in the discussion on Core Strategy. I concluded that there was an available frequent service. In addition, the pedestrian and cycle infrastructure are highlighted which links into the town and available

services. The PA submission requested that a revised Mobility Management Plan is submitted as a condition on any grant of permission.

The **potential impacts** from the construction activities will be controlled by the CEMP. No mitigation measures are considered necessary for the operational phase. The cumulative impact and the recently permitted SHD to the north of the site (ABP 304632-19) have been included in the TIA.

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

Conclusion

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

12.11. Archaeology, Architectural and Cultural Heritage

Chapter 11 deals with Archaeology, Architectural and Cultural Heritage.

Field surveys were undertaken at the site in June and August 2019. The site is outside the Zone of Archaeological Potential identified for Clane (SMR No: KD014-026). There are no previously identified monuments/areas of archaeological interest within, or in the immediate environs of, the development site. The nearest recorded monument is 'St. Brigid's' Well, c. 310m east of the site. Licenced archaeological testing was carried out at the site from 12th to 14th August 2019. A total of 30 no. trenches were excavated. No subsurface features of archaeological interest/ potential were uncovered, and no artefacts of interest were recovered. It is therefore considered that the development site is of very low/ negligible archaeological potential.

There are no protected structures within or in the immediate vicinity of the development site. A number of the existing field boundaries within, and along the

extent of, the subject proposed development lands act as townland boundaries, however they have no intrinsic elements which mark them out as such. The Board is referred to my assessment on biodiversity in relation to the integration of hedgerows into the proposed landscaping scheme. Proposed mitigation measures include the retention of these hedgerows where permissible, save for access requirements.

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

Conclusion

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

12.12. Landscape & Visual Impact

Chapter 12 deals with Landscape and Visual Amenity.

The assessment includes a **Landscape Impact Assessment (LIA)** and a Visual Impact Assessment (VIA). Photomontage drawings and a Landscape Design Rationale accompanied the application. The impact on the overall height and scale of the apartments is addressed in detail in my assessment on the design and layout.

The site is generally flat and falls down towards the River Liffey to the east. The Clane LAP includes part of the site in the "River Valley" Character Area with a sensitivity rating of Class 4, i.e. High Sensitivity. The Visual Impact Assessment uses 5 points to assess the overall impact of the proposal on the surrounding area and concludes that the magnitude of change will be negligible.

Mitigation measures in the form of landscaping. These will lead to a residual positive impact.

I have considered all of the written submissions made in relation to the landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme,

the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of landscape and visual impact.

12.13. Significant Interactions between those factors,

EIAR Chapter 13 provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters. Table 13.3 summarises the interaction and the significance of any impact. Briefly they comprise an interaction between the following:

- Population & Human Health, Air Quality & Climate, Biodiversity and Water,
- Lands, Soils, geology & Hydrogeology, Air Quality & Climate.
- Traffic & Transport, Air Quality & Climate, Human Beings-Safety, Noise
- Water, Population & Human Health, Biodiversity, Soils, geology & Hydrogeology.

No significant impacts have been identified.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of interactions between environmental factors.

12.14. Cumulative Impacts

I have addressed the cumulative impacts in relation to each of the environmental factors above. I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impacts.

12.15. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR including Chapter 14 EIAR Mitigation and Monitoring Measures, to supplementary information which accompanied the application, and the submissions from the planning authority and prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** Positive impacts due to the increase in the housing stock and subsequent population within Clane.
- **Biodiversity impacts:** Potential impacts mitigated by landscaping, hedgerow enhancement, tree protection measures; survey of trees that are potential bat roosts; Construction Management Plan; surface water management measures during construction and for the completed development and additional bat mitigation measures as outlined in the bat assessment on file.
- **Land and soil impacts:** Potential impacts on water quality will be mitigated by the implementation of a CEMP.
- **Water impacts:** Potential impacts on water quality in the area will be mitigated by construction management measures and implementation of SUDS measures.
- **Traffic and transportation impacts:** The development will give rise to short-term construction traffic impacts. Longer-term operational traffic impacts will be mitigated by the integration of a Mobility Management Plan, proposed new road infrastructure in the area and creation of new pedestrian/cycle linkages for the benefit of the wider area.
- **Landscape and visual impacts,** which will be mitigated by the retention and enhancement of existing trees and hedgerows, new landscaping, and the overall design of the proposal.

12.16. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

13.0 Assessment

13.1. 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 appeal are as follows:

- Principle of Development and F2, Strategic Open Space Zoning
- Core Strategy and Material Contravention of Variation No 1 of the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023
- Density and Material Contravention of the Clane Local Area Plan 2017-2023
- Social Infrastructure Assessment
- Green Infrastructure and Open Space
- Urban Design and Phasing
- Building Height, Impact on Visual Amenity and Material Contravention of the Clane Local Area Plan 2017-2023
- Quality of Residential Accommodation
- Impact on Residential Amenity
- Traffic & Transport and Material Contravention of the Kildare County Development Plan 2017-2023 for Car Parking
- C.E Submission
- Other

Principle of Development and F2, Strategic Open Space Zoning

- 13.2. The site is located within the settlement boundary of Clane. Clane is designated as a Town in the settlement hierarchy for County Kildare. The function of a town is to provide a *“local service and employment functions in close proximity to higher order urban areas”*.
- 13.3. The site is zoned for both residential and open space, where the lands along the east, adjoining the River Liffey are designated as F2 Strategic Open Space with an objective *“to preserve, provide for and improve recreational amenity, open space and green infrastructure networks”*. The proposed vehicular access into the site is via Brooklands estate, to the west and Alexandra Walk estate to the south. The vehicular access from Alexandra Walk estate to the south connects to an existing access road and traverses the area currently zoned for strategic open space. Thereafter, the proposed road connects into the southern end of the proposed estate located on lands zoned as C, New Residential. Part of the internal through road which runs north to south along the east of the estate, overlays onto the F2 Strategic Open Space zoning, as does a c. 4 no parking spaces along the south of the site.
- 13.4. The location of the access road over the F2 Strategic Open Space has been raised by a number of third-party observations. In addition, the submission from the PA considers the vehicular access across the F2 lands does not provide for the preservation or improved recreational amenity as it cuts through the area of open space. The PA considers the access undermines any amenity, open space or green infrastructure on this section of the site and therefore it considers a material contravention of the F2 Strategic Open Space. The CE report included this as the first reason for refusal for the proposed development.

Previous SHD ABP 305905-19

- 13.5. An SHD application was previously refused by the Board for 305 no. dwellings. The reason for refusal related to design and layout of the proposal and the impact on the protection of green infrastructure. The location of the access road across the lands zoned F2 Strategic Open Space was not cited in the reason for refusal, although the Inspector's Report noted the access road was located within the 80m buffer to the River Liffey and traversed the F2 Strategic Open Space. This aside, I have highlighted the issues which, in my opinion, the Board should consider. A full

assessment of the principle of integrating the access over the F2 Strategic Open Space zoning is detailed below.

F2, Strategic Open Space Zoning

- 13.6. As stated above the objective for the F2 Strategic Open space zoned lands is “to preserve, provide for and improve recreational amenity, open space and green infrastructure networks”. The PA submission notes the width of the road which is c.65m of a 6m wide carriageway with footpath at either side will not comply with the zoning objective. Specific reference is provided to the amenity value of the southwestern corner of the F2 zoned lands. Whilst the PA consider the access road conflicts with the delivery of the amenity, open space and green infrastructure on the site, they consider the pedestrian/cycle desire line at this location should be facilitated. The location of the internal access road and c.4 no. parking spaces within the Strategic Open Space zoning was not raised in the PA submission although is noted by third party observations.
- 13.7. Table 13.3 of the Clane LAP lists those uses permitted in the F2 zoned lands. Residential is not permitted. The LAP further elaborates on the other uses and states “Uses other than the primary use for which an area is zoned may be permitted provided they are not in conflict with the primary use”. I consider this caveat attached to the zoning matrix allows for certain limited development works, such as an access road, which are not included in the permitted uses so long as they are not in conflict with the primary uses related to the Strategic Open Space Zoning. Therefore, having regard to the PA concerns and other third party submissions, I consider the issue of compliance with the zoning relates to the impact on the zoning objective which in this instance is the impact on the delivery of amenity, open space and green infrastructure along the south west corner of the site.
- 13.8. As discussed in detail below, the use of this location for an access into the site is delineated as an objective for KDA 1 in the Clane LAP. The Board will note the PA submission does not consider the access route for pedestrian or cyclist unreasonable, rather they note the size of the carriageway with a footpath at either side.
- 13.9. In relation to impacts on Green Infrastructure, I note the application was accompanied by habitat surveys and the Capdoo Tree Constraints map illustrates

Hedge 12 and Hedge 13 at the approximate location of the proposed access from Alexandra Walk. The landscaping plan indicates retention of a significant amount of both hedgerows. The submission from the Heritage Officer notes the value as these as moderate and raised concern over the location of hedgerows for retention rather than impact of any hedgerow removal at the proposed location for the access. I consider the inclusion of either a pedestrian route or a vehicular route will require some removal of Hedge 13, along the south of the site. This aside, I note no specific concerns in relation to the impact on this hedgerow and it is my opinion that the scale of works at this location will not significantly impact on the green infrastructure networks. In addition, the proposed development includes the enhancement of Hedgerow 12 and 13 with native planting. In relation to the internal access road and c. 4 no parking spaces, which overlap the residential and strategic open space zoning, those existing stands of trees and mature hedgerows which have been identified in the vicinity are to be retained. I do not consider the location of the access, internal road or any other works in the proposed development would have such a negative impact on the green infrastructure on the site which would render the proposal a contravention of the F2, Strategic Open Space zoning.

13.10. In relation to the impact on the recreational amenity and open space, the landscaping proposals illustrate a proposal for both formal and informal recreation on F2 lands for a Neighbourhood Park. Three access routes run, north to south to allow permeability, hedgerows and trees will be retained and enhanced with planting and a formal play area is proposed in a central location. In this instance I consider the recreational amenity and public open space will overwhelmingly be delivered.

13.11. Therefore having regard to the retention of the trees and hedgerows, the location of the access from Alexandra Walk and the design of the internal road and the proposed delivery of a Neighbourhood Park along the River Liffey, I do not consider the proposed development conflicts with the F2, Strategic Open Space land use zoning objective. I consider that caveat attached to Table 13.3 which allows uses other than the primary use for which an area is zoned, may be applied in this instance.

KDA 1 of the Clane Local Area Plan (LAP) 2017-2023

13.12. The site has been identified as Key Development Area (KDA) 1 in the Clane LAP.

Section 12.2.1 & Fig 12.2 provides an analysis of the potential development in KDA1. In relation to access into the lands Section 12.2.1 requires “*vehicular, pedestrian and cyclist permeability throughout the development area, with access from existing residential developments to the south*”. Fig 12.2 (b); KDA 1 Analysis Map, includes illustrations for potential access from the same location of the proposed vehicular access into Alexandra Walk, in addition to four other access points from Brooklands estate. The applicant’s DMURS statement of compliance noted the street layout and access was derived from, *inter alia*, the information contained in Figure 12.2. The Transport Section raised no issue with the access routes provided.

13.13. I note no differentiation between vehicular and/ or pedestrian/cycle is specified in Section 12.2.1 of the LAP. I consider it is reasonable to assume from the wording in Section 12.2.1 “*with access from existing residential developments to the south*” that access could be for both vehicular and/or pedestrian. As stated above, the submission from the PA requires that pedestrian/cycle access is provided from Alexandra Walk. I note the submission does not refer to these requirements of the LAP.

13.14. Therefore, having regard to that information in Section 12.2.1 and FIG 12.2, the Analysis Map, it is my opinion that overall vision for development of KDA included vehicular, pedestrian and cycle connectivity into Alexandra Walk, through the F2, Strategic Open Space. In this regard, the proposed access complies with the Clane LAP.

Conclusion

13.15. The proposed development is located on lands zoned for New Residential Infill (C), Strategic Open space (F2) and existing Residential (B). Whilst much of the residential development is located on the residential zoned lands the access from Alexandra Walk, internal through road and 4 no parking spaces are located on the Strategic Open Space lands. The PA submission and third-party observations note the location of these works across the strategic open space zoning. As stated above the PA submission considers this a material contravention.

13.16. In the first instance, it is my opinion, that those works proposed through the Strategic Open Space are of such a scale that they will not have a negative impact on the zoning objective for the lands which is *"to preserve, provide for and improve recreational amenity, open space and green infrastructure networks"*. In addition, the Board will note the caveat in the Clane LAP which allows for uses other than the primary use which are not in conflict with the primary use. The extensive provision of public open space along the River Liffey in conjunction with the proposed development ensures the delivery of the recreation, amenity, and open space at this location.

13.17. In the second instance, the Board will note the Clane LAP has identified a potential access from Alexandra Walk in Fig 12.2 which traverses the F2 Strategic Open Space Zoning. It is my opinion that the intended development of the KDA1 lands included a vehicular access from Alexandra Walk and the applicant was required to provide this access to comply with the requirements of the LAP.

13.18. Therefore, I consider the proposed development is not in conflict with the primary uses identified on lands zoned for New Residential Infill (C), Strategic Open space (F2) and existing Residential (B) and is not a material contravention of any zoning objective of the Clane Local Area Plan 2017-2023.

Core Strategy and Material Contravention of Variation No 1 of the Kildare County Development Plan 2017-2023

13.19. The proposed development of 333no. dwellings has been advertised as a material contravention of the Kildare County Development Plan 2017-2023 for reasons of core strategy, density, height and car parking. In relation to the Core Strategy the PA recommend a refusal of permission as they consider the proposed development would distort the overall settlement strategy of Kildare based on the overprovision of dwellings in Clane. A number of third party submissions have also raised the impact of the proposal on the Core Strategy, mostly in relation to the absence of sufficient public and social infrastructure in Clane.

13.20. In relation to the impact on the Core Strategy, I believe there are a number of recent changes in national (Housing Supply guidance) and local policy which the Board may consider, in addition to other factors, *inter alia* planning history on the site and service level provision in Clane. The following assessment includes a background

on the individual components relating to the impact on the Core Strategy. Thereafter, I have provided a detailed assessment and conclusion of those cumulative impacts.

Section 28 Guidance on Housing Supply

- 13.21. Housing Supply Target Methodology for Development Planning (Dec 2020) are Section 28 guidance intended to assist planning authorities to integrate national and regional population parameters into their development plans. The publication of this new guidance has been raised by third parties as a reason to refuse additional housing in Clane.
- 13.22. This guidance was accompanied by additional assistance on application of NPF figures and/or the potential justification for permitting developments which do not comply with the NPF targets, considering other factors including recovery from the COVID-19 pandemic. These new target figures are raised by third parties who note the figures for the County have been reduced. The guidance acknowledges that many local authority areas already exceed annual average NPF targets and in justified circumstances and within specific limitations permission may be permitted. The attached information with this Section 28 highlights the need to locate housing where demand is greatest or where there is good accessibility to employment, education, public transport and other services and amenities.
- 13.23. I note the calculations from Table 3.3 of Variation No .1, further discussed below, anticipate c. 2,000 units per year over the 7-year period until 2026. Table 5 of Appendix 1: Projected Housing Demand by Local Authority Areas 2020-2031 amends this projection downwards to c. 1,535 units per year. This information is highlighted within a third-party submission. The Board will note these calculations are based on the entire County and no amended figures are provided for Clane. I consider these are high level supply figures for the County. The implementation of this information at a County Level should be integrated into the Core Strategy with strategic objectives incorporated into city and county development plan. In this regard, I do not consider this amended target figure provided within these newly published Housing Supply Section 28 guidance applicable in this assessment relating to compliance with the Core Strategy.

Previous SHD ABP 305905-19

13.24. The proposed development consists of 333 no. residential units, crèche and associated works on lands identified as a Key Development Area 1 (KDA) in Clane. A previous SHD application (ABP 305905-19) was refused for reasons of poor design and impact on green infrastructure. A note on the Board direction referred to the potential material contravention in relation to KDA1 in the Clane Local Area Plan 2017-2023. The Inspector's Report noted the proposed quantum of development and residential density did not comply with the provisions for KDA1. The Inspector concerns related, in the most part, to the quantum of 161 no. units designated for KDA1 in the LAP, having regard to the density allocation. The Inspector's Report noted that the overall quantum for housing growth in Clane Town was 780 no. units and Variation No.1 of the Kildare County Development Plan 2017-2023, was a draft plan at the time of decision. Therefore, any issues relating to the quantum of development, in the previous SHD, were confined to the exceedance of units for KDA1 within the LAP (161 no.) and not the housing allocation for the town.

Variation No. 1 of the Kildare County Development Plan (KCDP) 2017-2023 and PA submission

13.25. Since the previous SHD application Variation No. 1 of the Kildare County Development Plan 2017-2023 has been adopted and came into effect on the 09th of June 2020. This variation amended the Core Strategy and those population projections for County Kildare. In relation to Clane, the dwelling allocation for the town was reduced from 780 no. dwellings to 2023 (lifetime of the plan) to 145 no. dwellings up to 2023 (remaining lifetime of the plan 2020-2023). These alterations were implemented so that the growth of Kildare County aligned with the planned growth set out in the National Planning Framework (NPF) and the Eastern and Midlands Regional Spatial and Economic Strategy.

13.26. The PA submission notes Variation No. 1 is currently in effect. The PA submission considers that the number of residential units proposed would distort the Core and Settlement Strategy Figures set out in the KCDP and would be contravene the development strategy for Clane. A refusal of permission is recommended having regard, *inter alia*, the Core Strategy.

13.27. The population and housing unit allocation for the remaining development plan period (2017-2023) for Clane are listed below.

Table 3.3 Settlement Hierarchy- Population and Housing Unit Allocation 2020-2023

2016 Census Pop	2016 Dwellings	Allocated Growth (%) 2020- 2023	NPF 2026 Pop Growth in persons	NPF 2026 Pop Growth in housing units	Population Growth 2020 to 2023 (annualised from 2026 NPF Figures) ¹	Dwellings Target 2020 to 2023
7,280	2,741	2.4%	945	337	405	145

13.28. The proposed development of 333 no. units exceeds the dwellings target for the lifetime of the plan by 188 no. units. I consider this a significant exceedance and constitutes a material contravention of the Core Strategy. The submission from the PA does not include a detailed assessment of extant permissions and/or capacity for additional housing although it is noted that a SHD permission (ABP 304632-20) was permitted prior to the variation date and this number is not included in the housing allocation of 145 no units. A current SHD application in KDA 5 is also before the Board. This proposed development is for 192 no units and due for decision on the 27th of April 2021. Third Party submissions note those permissions granted and/or completed since the beginning of the LAP although having regard to the PA submission I do consider it necessary to provide an analysis of any other proposals. In this regard, I consider the proposed development should be assessed against the current dwellings target.

13.29. The submission from An Taisce refers to this previous permission and a further SHD application before the Board. I note the submission from the PA states that the

¹ Growth projections based on 7-year period between 2020 & 2026. 7-year methodology provides for ca. 16,863 persons (6,023 housing units) over the remainder of the plan (2020, 2021 and 2022 as the plan expires in early 2023) with ca. 22,507 persons (8,038 housing units) over the remaining 4 years to the end of 2026 which anticipates ca. 2,000 units per year over the 7 years period which is considered to be a sustainable rate of growth and reasonable rate of housing delivery. The upcoming review of the CDP will also benefit from the data from the Census in 2021 which will provide up to date figures in terms of population growth, housing stock and occupancy rates.

permitted SHD (ABP 304632-19) is not included in the population allocation. This grant of permission has also been referred to elsewhere in my assessment where relevant. The SHD application before the Board (ABP 309059-19) will be assessed separately. I consider the cumulative impact has been considered where relevant.

Applicant's Statement of Material Contravention

- 13.30. The proposal has been advertised as a material contravention of the development plan for a number of reasons, of which the Core Strategy has been included. The applicant's Statement of Material Contravention refers to a stay in place for Variation No 1 of the development plan and considers the revised core strategy has yet to come into force. Should the Stay be lifted prior to adjudication of the application, the applicant considers the material contravention advertisement and accompanying statement will allow the Board to address this issue under S37 of the Act.
- 13.31. This legal stay does not relate to Clane, therefore, I am assessing this application by reference to the Kildare County Development Plan 2017-2023, as amended by Variation No. 1. Whilst the applicant's Statement of Material Contravention incorrectly refers to a Stay on Variation No. 1, I consider the inclusion of information submitted is sufficient to alert the public on the potential impacts of the proposal on the county Core Strategy. The Board will note several third-party submissions on this issue.
- 13.32. The applicant's rationale for a material contravention to exceed the population allocation in Variation No.1 includes an argument that the location of the site on the outskirts of Clane, a designated town will promote a sequential form of development. The applicant considers the proposal development will assist the delivery of housing targets to 2026 in line with the NPF population growth.
- 13.33. Table 4.1 of the Clane LAP includes an estimated residential capacity of 161 no units for KDA1 site as 161 no. units. This figure is based on a density allocation of 26 units per ha. The material contravention statement includes a justification for exceeding this figure.
- 13.34. I note the proposed development of 333 no units exceed the Variation No.1 allocation for Clane by 188 no. units and the LAP estimated allocation for KDA 1 by 172 no units. As stated previously, I consider the proposal far exceeds the allocation under Variation No.1 and is, in my opinion, a material contravention of that

allocation. Whilst the dwelling allocation for the KDA detailed in Table 4.1 of the LAP, is defined as an estimation of residential capacity, I am conscious that these figures have been utilised to direct growth within the town and therefore it is my opinion that the proposed development, and the quantum of 333 no units, also represents a material contravention of Table 4.1 of the LAP.

- 13.35. The Board may consider the proposed development and the policies and objectives of KCDP and the LAP against Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is discussed in detail hereunder.

Material Contravention of the Kildare County Development Plan (KCDP) 2017-2023 and Table 4.1 of the Clane LAP 2017-2023 and the Clane Local Area Plan 2017-2023

- 13.36. The applicant's Statement of Material Contravention considers the proposed development materially contravenes Variation No 1 of the Kildare County Development Plan (KCDP) 2017-2023 and the settlement strategy/core strategy with regards to policies contained within the Clane Local Area Plan 2017-2023 under KDA1. It is noted in this statement that the PA considered the proposed development constituted a material contravention for these reasons also.

- 13.37. With regard the contravention of the Core Strategy 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.*

A Strategic Housing Development may be regarded as of strategic importance for the delivery of essential housing in line with national policy for addressing homelessness. Pillar 3 of Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, focuses on the delivery of housing stock as a key objective to tackle homelessness and support a growing population. The proposed development has the potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of compact residential growth in an urban centre close to public transport and centres of employment.

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

Variation No 1 of the CDP highlights the current position of Clane as a Town. Policies CS1 - CS 4 of Variation No 1 include specific objectives relating to the implementation of the Core Strategy for the County with new housing provided in accordance with Map 3.1 "Settlement Hierarchy". Table 3.3 of the variation includes a growth estimation of Clane from 2020-2023 as 2.4% of the County.

In terms of the county percentage Clane will grow by 405 (annualised from 2026 NDF figures) and therefore the dwelling target for 2020-2023 (in line with the current development plan) is 145. This allocation of growth has been calculated having regard to the population growth of Clane and the status of the town within the County settlement hierarchy and the other provisions of the development plan. Policy CS4 requires the delivery of compact urban form and regeneration of towns through a plan-led approach to new homes. These objectives of the development plan are consistent as far as the proposed development is concerned.

Policy SS4 of the varied development plan requires a review of the zoning of lands in instances where there is an oversupply of land for housing. The zoning objective of the application site and other lands in the town is set out in the Clane LAP 2017 rather than the KCDP. The zoning of land in the Clane LAP has not yet been updated to reflect that reduction in the housing allocation in Variation No 1. The LAP does not include any order of priority for the development of sites zoned for residential development in Clane. The submission from the PA notes that a recent SHD permission on KDA2 lands is not included in the current housing allocation of 145 no dwellings. The allocation for KDA1 remains at 161 no. dwellings which remains more than the Core Strategy allocation for Clane.

As stated previously, Table 3.3 of the amended development plan indicates that the allocation for Clane under the NPF for the period 2020 to 2026 would be 405 dwellings. A grant of permission for 5-year period might therefore stay within the housing allocation of 405 no. units for Clane for 2020 to 2026 by using part of the projected allocation for the period of the next development plan. I do not consider

this scenario would lead to a significant distortion of the settlement hierarchy for the County.

I consider the absence of any clear direction in the delivery of the additional 145 no dwellings for the next 2 years of the lifespan of the Clane LAP conflicts with the reduction in dwelling allocation in variation no. 1 and the need deliver housing in appropriate locations as required in Policy CS4 of the KC DP. I consider the development of the site in its entirety rather than portion off to comply with the housing allocation would be preferable for the appropriate growth and proper planning and sustainable development of the Clane.

I consider a grant of permission under S32 2(b) (ii) justified having regard to a conflict in the Core Strategy, reduction in dwelling allocation for Clane and the need to support compact urban form through a plan-led approach in the LAP. Therefore, in this instance the Board may consider there is currently no consistency between the delivery of housing as per CS4 and the housing allocation as permitted, the facilitation and residential growth and proper planning and development of Clane town.

(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,

Variation No.1 provides an update of the population target figures in the CDP Core Strategy and those related housing target figures, for the Settlement Hierarchy, to reflect the overall population allocation for the County to ensure consistency with the NPF and the RSES-EMRA. The dwelling unit's allocation for the remainder of the Clane LAP (up to 2023) is 145. The proposed development of 333 no. exceeds this allocation by over c.50%. I consider any justification for the materially contravening this allocation is interlinked with the need to provide sustainable development on zoned and serviced sites, located where there is currently housing demand.

The objectives of the NPF, in particular NPO 3(a), 11 and 33 aim to direct new homes at locations which can support sustainable development and can encourage more people and generate more jobs and activity in towns. The importance of Clane

as an employment and service centre for the hinterlands is identified in the EMRA-RSES and Table 6.1, Retail Hierarchy for the Region, lists Clane as a Level 3 Key Service Centre.

In relation to section 28 guidance, both the Sustainable Residential Development in Urban Areas (SRDUA) and the Design Standards for New Apartments Guidelines for Planning Authorities (2018) (Section 2.4) highlight the need for increased densities at towns to ensure efficient use of zoned residential lands. The guidelines also note that the scale and extent of development should increase in relation to proximity to public transport.

The applicant's Statement of Material Contravention note the presence of bus routes in the vicinity of the site. The presence of a GoAhead bus service within a 4min walking distance and a second service 11 mins walking distance operated by JJ Kavanagh & Sons on behalf of Transport for Ireland. This statement does not include any details of the routes and/or timetables although I note the R139² runs every 2 hrs from Clane and terminates at I.T Blanchardstown. In relation to the GoAhead service I note the 120b and 120 service runs between Newbridge, Edenderry and Prosperous to name a few. This service appears to be local but has regular services to adjoining Edenderry³. A Mobility Management Plan accompanied the application and notes the location of the site and the connections into the town via pedestrian and cycle routes. I consider the site is serviced and having regard to reference in the documentation to future plans for the 139-bus route to connect directly with the Maynooth DART line I consider the provision of public transport sufficient to support the proposed development.

The site is located within the town of Clane 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 within the town, including the adjacent primary school. The development provides linkages into existing residential areas and supports the delivery of a large expanse of public open space along the River Liffey. The Board will note further assessment in relation to the design and layout of the scheme below, which I consider reasonable. In addition,

² <https://www.transportforireland.ie/route-139-naas-to-blanchardstown/> (accessed 03rd of March 2021)

³ <https://journeyplanner.transportforireland.ie/> (accessed 03rd of March 2021)

this proposal has addressed previous concerns relating to layout for which the previous SHD (ABP 305905-19) was refused.

Having regard to the location of the site and design and layout, which supports the policies and objectives of 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, I consider the proposed development is in accordance with national guidance. It is my opinion that the proposed material contravention of the housing allocation and density at this location would be justified by reference to national or regional policy or otherwise under section 37(2) (iii) of the planning act.

(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.

The Board recently permitted an SHD application for 366 no. units on a site north west of the development site at Capdoo, Clane, in KDA2 under ABP-304632-19. This permission exceeded the LAP allocation (Table 4.1) of 227 no. units for KDA2 by 89 no units, I note the units proposed where more than the KDA allocation in the LAP. I consider this decision relevant in the assessment under S37 as residential development as it highlights the acceptance by the Board for proposals above those KDA allocation figures in the LAP. Therefore, having regard to my assessment above I consider a grant of permission under Section 37 (2)(iv) is justified in this instance.

Conclusion

13.38. Clane is defined as a Town, the 4th of 6 categories, in the Settlement Strategy set out in the Kildare County Development Plan 2017-2023, as amended. The Settlement Hierarchy- Population and Housing Unit Allocation 2020-2023, as adopted in Variation No 1 of the development plan, includes the Core Strategy for the County which is an evidence based quantitative strategy for the spatial development of the area. Table 3.3 provides a housing allocation for the town of 145 units from 2020-2023, the lifespan of the existing development plan. Table 4.1 of the Clane LAP includes an estimated residential capacity for KDA1 at 162 units. The proposed development of 333 no. dwellings significantly exceeds the current dwelling

allocation for the town and therefore materially contravenes Variation No.1 of the Kildare County Development Plan 2017 – 2023 and Table 4.1 of the Clane LAP.

13.39. It is my opinion that having regard to the location of the site, national, regional and local policies requiring the growth of settlements, and although the proposal would constitute a material contravention of the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023, the proposal provides an efficient use of zoned and serviceable lands which are easily accessible to the town centre.

Density and Material Contravention of Table 4.1 of the Clane Local Area Plan 2017-2023

13.40. The applicant's material contravention statement notes the proposed density of 41 units per ha (net) exceeds the estimated density of 26 units per ha as per Table 4.1 of the LAP. Third party submissions consider the density provided is too high, does not comply with the KDA1 density and therefore does not comply with the zoning on the site. The submission from the PA notes the position of Clane in the settlement hierarchy of the County, not as a small town, and considers density of c. 30 units per ha would be more appropriate to the site. The PA submission does not refer to the any material contravention of the plan with specific reference to the density, rather the first recommended reason for refusal combines the proposed density and the quantum of units proposed and considered the cumulative impact would distort the Core and Settlement Strategy figures as set out in the development plan. I note the inclusion of c. 30 units per ha on the subject site (Gross 10.36 ha / Net 7.8 ha) would still generate c. 234 dwellings (net area) on the KDA1 lands. This figure would still exceed both the quantum of units for KDA1 in the LAP and the quantum for Clane as per Variation No.1.

Kildare County Development Plan (KCDP) 2017-2023

13.41. Table 2.2 of the KCDP lists Clane as a Town. The applicant's material contravention statement includes the CSO figures from 2016 with a stated population for Clane at 8,142. The density guidance in the KCDP is based on the size of the settlement where higher densities are permissible for larger towns. Table 4.2 of the KCDP provides indicative density for edge of centre sites within small towns/ villages (pop 2,000-5,000) provide density of 20-35 units per ha. Table 4.2 also permits densities of 30-50 on outer Suburban/ greenfield sites in large towns (pop >5,000).

13.42. The applicant's statement for material contravention refers to the location of Clane as a Level 3 towns and/or District Centre providing key service centres akin to large towns such as Kilcock and Celbridge. While Clane has been designated as a small town in the County settlement hierarchy, the population figures suggest its growth is comparable to a larger town and a density range for a suburban/greenfield site and a density range of 30-50 unit per ha applicable on this site. A density range of 41 units per ha would be in comply with Table 4.2 of the KCDP.

Clane Local Area Plan 2017-2023

13.43. Table 4.1 of the LAP includes an estimated density of 26 units per ha for KDA1. This density is not related to any of the land use zonings on the site and is specified as an estimated residential capacity. In this regard, the density figure is considered to represent an estimate only and is to be determined at detailed design stage based on a full assessment of the site characteristics and local sensitivities. The justification for higher density in the material contravention statement refers to the national, regional and local policies requiring higher densities on serviced sites.

Material Contravention of Table 4.1 of the Clane LAP 2017-2023

13.44. With regard the contravention of the density 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.*

A Strategic Housing Development may be regarded as of strategic importance for the delivery of essential housing in line with national policy for addressing homelessness. Pillar 3 of Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, focuses on the delivery of housing stock as a key objective to tackle homelessness and support a growing population. The proposed development has the potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density in residential development in an urban centre close to public transport and centres of employment.

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

The Statement of Material Contravention notes the population of Clane (CSO 2016 at 8,142 person) which would fall under the definition of suburban/greenfield site in the national guidance for sustainable residential development. Table 4.2 of the KCDP provides an indicative density for edge of centre sites within small towns/ villages (pop 2,000-5,000) of 20-35 units per ha. Table 4.2 also permits densities of 30-50 on outer Suburban/ greenfield sites in large towns (pop >5,000). Having regard to the size of Clane I consider those higher density ranges listed in Table 4.2 of the KCDP applicable for this site.

Table 4.1 of the LAP includes an estimated density of 26 units per ha on KDA1 lands. Having regard to those density ranges promoted in the KCDP, the density specified in the LAP (26 units per ha) would conflict with the objectives of the development plan. I note reference to the densities in the LAP for KDA1 is stated as an "estimation" and therefore changes to this range could occur during the detailed design stage. The proposed density of 41 units per ha exceeds the LAP estimation although is generally in compliance with the KCDP targets for large towns.

It is my opinion that there is insufficient clarity as to the functioning of Clane as a large town or small town. It is my opinion that those density ranges for suburban/greenfield sites required under national guidelines and promoted in the KCDP, should be applied in this instance. I do not consider the appropriate density ranges from the KCDP have been clearly interpreted into the LAP and I consider there are conflicting objectives.

(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,

A key objective of the NPF is that residential development in urban centres is focused on increased densities to deliver compact urban growth. This objective is translated into regional and national guidance.

Chapter 2 of the guidelines for Urban Development and Building Height Guidelines requires an appropriate density to be applied to urban sites. Intermediate urban locations for medium residential development should include densities in excess of 45 units per ha. SPPR1 requires increased heights in locations with good public transport accessibility, particular town cores. The site is located contiguous to Clane town centre and is well served by public transport. A higher range of density should be supported at this location in line with these national guidelines.

Chapter 5 of the guidelines on Sustainable Residential Development in Urban Areas (SRDUA) relates to Cities and Larger Towns, being defined as towns with a population over 5000. Clane has a population of 8,142 (CSO 2016). In accordance with Chapter 5, the application of densities between 35-50 dwellings per ha are appropriate for outer suburban/greenfield sites. If the Board should consider the Clane a small-town Chapter 6 of the SRDUA permits higher density schemes of 30-40+ may be permitted in centrally located sites or where there is a high architectural and design quality in the scheme. In either scenario, these guidelines promote and encourage higher residential densities where appropriate, noting that for greenfield sites in cities and larger towns, development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

The KCDP provides guidance on appropriate locations for new residential development and associated densities, Table 4.1 and 4.2. Two categories can be applied to this site from each table. Table 1, Outer suburban/ greenfield sites and Centrally Located sites within Small town/village (no specified density). Table 2 large town (pop>5,000) 30-50 units per ha and Small towns & Villages (pop 2,000- 5,000) Centrally Located sites 30-40 units per ha. Table 4.2 of the KCDP are stated to be in accordance with the guidelines on Sustainable Residential Development in Urban Areas (SRDUA). I consider the application of the density range in Table 4.2 30-50 units per ha appropriate to support an efficient use of lands within a designated settlement.

I consider the location of the site is appropriate to accommodate higher densities. The density of 41 units per ha is in line with the objectives of the NPF and the Section 28 guidelines and it is my opinion that the proposed material contravention Table 4.1 of the LAP is justified by reference to national and regional policy or otherwise under section 37(2) (iii) of the planning act.

(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.*

The Board recently permitted an SHD application for 366 no. units on a site north west of the development site at Capdoo, Clane, in KDA2 under ABP-304632-19. This permission with a net density of 32 units per ha was above the estimated quantum of 26 units per ha for KDA2 as per Table 4.1 of the Clane LAP. I consider the permission is relevant as it indicates other instances where the Board considered higher densities acceptable. It is my opinion that a grant of permission under Section 37 (2)(iv) is justified in this instance.

Conclusion

13.45. The proposed development has a density of 41 units per ha and is therefore considered appropriate in the context of the development plan guidance, where a range of 35-50 dwellings per ha is supported on greenfield/outer suburban sites. The application of 26 units per ha, as stated in Table 4.1 of the LAP, would not deliver a sufficient quantum of housing across the KDA1 site to allow an efficient use of zoned land on a serviced site and would therefore mitigate against other national policy guidance on compact urban growth. The principle of density for 41 units per ha on zoned and serviced lands within the development boundary, sequentially located from the town centre and contiguous to existing development is acceptable.

Social Infrastructure Assessment

School assessment

13.46. A large number of submissions have raised the issue of the capacity of surrounding primary and secondary schools, and the impact of the proposed development. A submission has been received from the Education Welfare Officer (EWO) for North Kildare, and other third parties with a stated interest in the education system. Errors within the Social Infrastructure and School Assessment Report as it relates to schools within the catchment area and capacity of same are highlighted in the submissions. Other comments relate to the use of a private school in the assessment, assumptions that the demand for schools' spaces will decrease and the need for children to travel outside the catchment for education. The Planning Authority have not commented on the capacity of school's infrastructure in Clane.

13.47. The School Demand and Concentration Report provides an overview of the school's capacity in Clane and lists the enrolment figures of 5 primary and post primary schools. It is estimated that the proposal will generate 69 no. primary school aged children (aged 5-12) and 46 no secondary school aged children (age 13-18). The report notes a proposal for 10 extra classrooms for Scoil Bhride, approval for 24 new classrooms for Scoil Phadraig (currently at tender) and approval for 3 additional classrooms for Scoil Mhuire Community School. The Report notes these newly opened or extended primary schools have sufficient capacity to cater the needs of the proposed development. In relation to post primary schools the report notes these may be reaching full capacity. An analysis of the population projection figures concludes that a decrease in birth rates may reduce enrolments in schools between 2020 and 2035.

13.48. In relation to the use of old enrolment figures, I note section 6.1 and 6.2 used figures from 2017 up to the latest enrolment figures 2019/2020. The Report states that the assessment was supported with phone survey. I consider the applicant has used the most up to date information which are publicly available⁴. In addition, the information has been supported with additional phone survey which I consider provides a reasonable assessment of the schools' capacity. I note the capacity to serve demand references private school places within the area. However, I am satisfied that these spaces may serve some households in the area and therefore may be included within the reports.

13.49. The projected primary and post primary enrolment projections have been derived from the Department of Education and Skills report "*Projections of Full-time Enrolment Primary and Second Level 2020-2023*". Third party submissions consider the applicant should be including immigration into the requirement for future school space. I note the applicant's assumption for the decrease in enrolment is based on this national document, which I consider reasonable to undertake this assessment.

13.50. I note Section 6.4.1 of the Clane LAP 2017-2023 states that the Department of Education and Skills has indicated no additional sites are required to be identified for school and the growth envisaged under the LAP could generate a need for an additional 8 primary school classrooms and 144 post primary places and these have

⁴ <https://www.education.ie/en/Publications/Statistics/Data-on-Individual-Schools/> (accessed 04th of March 2021)

been provided for under approved extension works. The Board will note the growth envisaged for Clane up to 2023 was 780 no units. As stated throughout this report, Variation No.1 of the KCDP has reduced the dwelling unit target. Whilst this proposal is above the dwelling unit target for KDA1, the Board will note a significant amount of residential zoned lands remain in Clane. The development of these residential lands would have been considered in the Department of Education and Skills assessment. Therefore, I consider the assessment undertaken by the department during the LAP sufficient to ensure planned and/or expansion works are in place to serve the residentially zoned lands.

13.51. Therefore, having regard to the applicants School Demand and Concentration Report, the planned expansions proposals and information in the LAP relating to correspondence from the Department of Education and Skills, I consider the proposal can be facilitated.

Childcare

13.52. The proposal includes a c. 485m² crèche on the ground floor of Apartment Block F. Private vehicular access is provided from Brooklands into the southern aspect of the Apartment Block F. The Clane LAP requires the provision of 0.13 children per dwelling. The application was accompanied by a Childcare Demand and Concentration Report. This Report notes the capacity in existing creche facilities and the size of crèche required for the proposed development. The one-bedroom apartments were discounted. The proposed crèche can accommodate 76 no. children. The submission from the PA considers this acceptable.

13.53. I note the Schedule of Phasing for KDA1 in the LAP requires the pro-rata provision of creche spaces to be completed prior to the commencement of dwelling no. 101 with the remainder to be completed pro-rata. The crèche is in Phase A of the proposed development which includes 80 no. units which complies with the phasing schedule.

13.54. Appendix 1 of the national childcare guidelines require adequate outdoor space to be provided having regard to the number of children using the crèche, an area of greenspace is located to the west of the creche. The landscape masterplan illustrates a small area proposed for a play surface along the east of the site. The functionality of the space has not been demonstrated in any of the landscape drawing submitted and I have reservations the size may not be sufficient to serve the

76 no. children. I note additional space around the designated play area and/or space to the west of the site and I consider it reasonable that a condition requiring the applicant to provide a play space in compliance with national standards should be included on any grant of permission.

Community Infrastructure

13.55. The proposed development includes the provision of a c.300m² stand-alone community building to the north of the site, adjoining Block A and Block B. The community building is included in the final phase, phase D. Third party submissions note the absence of any proposal for this communal facility and raised concern it may become unoccupied and lead to vacancy.

13.56. I note the floor plans for the communal space indicate a meeting space on the ground floor and a multipurpose space and share office on the first floor. I consider these uses are reasonable to serve the apartments and wider residential area. In the interest of operation and appropriate uses, I consider the management of this space should be closely aligned with the requirements of the residents in the apartments and as such should be integrated with any management company operating for apartment blocks A and/or B. I consider this can be reasonably conditioned.

Green Infrastructure and Open Space

13.57. The proposed development is currently a greenfield site and contains a number of mature trees and hedgerows along the field boundaries. The impact on the green infrastructure, inter alia, the removal of hedgerows, was included in the reason for refusal for the previous SHD application on the site (ABP305905-19). The Inspector's report noted the absence of any high-quality open spaces and it was considered the development would mitigate against LAP objectives GIO1.1, GIO1.1 and GIO1.3 in relation to the retention protection of green infrastructure, its biodiversity value and ecological function.

13.58. The impact of the removal of the immature woodlands on the site and the location of the hedgerows has been raised in both third-party submissions and the Heritage Officer's Report. A number of issues relating to the impact on biodiversity has been addressed previously in the EIAR section and I have further highlighted below the changes from the previous refusal and any impacts of the proposed development.

Green Infrastructure

13.59. The proposed access from Alexandra Walk, to the south, traverses the Strategic Open Space zoning along the east of the site. The submission from the PA are concerned that the access encroaches significantly on the biodiversity zone of 80m from the top bank of the River Liffey and is therefore contrary to the green infrastructure policies in the Clane LAP. I note Policy GIO1.6 requires the maintenance of a biodiversity protection zone of 80 metres from the top bank of the River Liffey with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments. I have addressed this issue in detail above and concluded that the access would not conflict with the F2 zoning on the site. In relation to the protection of green infrastructure, the Board will note the hedgerow protection, discussed below and the significant landscaping proposed which will support this biodiversity zone.

13.60. The proposed development has been amended to address the previous reasons for refusal by retaining and integrating the majority of the hedgerows on the site into the overall scheme. The submission from the Heritage Officer notes these works although has raised concerns that in relation to the location of these hedgerows at the back of developments and considers there may be a negative impact. I note the Landscape Masterplan drawing illustrates hedgerows 1-15 to be retained. These hedgerows are along the southern and western boundary and along the centre (east to west and north to south). The proposed works include retention and enhancement planting of all hedgerows along the boundary and integration of other hedgerows into the open space areas. I consider the concerns of the Heritage Officer on the viability of the hedgerow retention have been addressed through the enhanced planting and any grant of permission can reasonably include a condition requiring the long-term maintenance of these hedgerows.

13.61. I consider the proposal provides an acceptable balance between the preservation of hedgerows in tandem with the overall development on residentially zoned lands. I note those policies in the Clane LAP relating to green infrastructure which require the strengthening of green infrastructure. The Board will also note GIO1.5 also requires a network of paths and cycle tracks to enhance accessibility to the green

infrastructure network. In this regard, the landscaping plans include the integration of pedestrian tracks along the Strategic Open Space zoning adjoining the River Liffey and throughout the site.

Open Space

13.62. The proposal includes two large areas of public open space, one central to the dwellings and the second along the river on the Strategic Open Space lands. The applicants stated quantum of public open space at 34 % includes the Strategic open Space zoned lands and I consider overall complies with Section 17.4.7 of the development plan standards for 15%. Policy OSO1.5 of the LAP requires the delivery of a neighbourhood park in conjunction with development at KDA 1, including a multi-use games area. The Landscape Masterplan illustrates a proposed play surface area in the centre of the strategic open space and the central public open space. No details of the exact use have been provided although having regard to the significant areas designated for play, I consider it reasonable that the final details can be submitted as a condition on any grant of permission.

13.63. Additional communal open space in the form of a podium courtyard for Blocks A/B and C and passive recreational areas are located around the apartments/duplex Block F and D. The podium courtyard for Block C is only accessible by those duplex units on the ground/ first floor and not the apartments. Whilst I consider the podium courtyard will provide sufficient communal space, I consider the access should be rearranged to provide access for all. This can be reasonably included as a condition on any grant of permission. Section 4.13 of the apartment guidance requires the provision of additional play areas for a range of age types in the communal spaces. No additional play areas are proposed, although I note there is sufficient space to accommodate formal play space. I consider any grant of permission can reasonably include a condition requiring the provision of these play spaces.

13.64. I note an area of residual open space along the southern boundary of the site, to the rear of terrace 6.5-6.6 and Apt 7.7-7.10. The submitted drawings do not clearly illustrate the intended use of this space and it appears outside the boundaries of those units adjoining. The taking in charge drawing indicates that it will be taking in charge by the Local Authority. I have concerns as to the functioning of this space as it is not overlooked appropriately by any dwellings and therefore would not be

considered useable. I consider a condition on any grant of permission should include a condition requiring the applicant to integrate this space into the confines of the adjoining units. I consider this can be easily achieved and would allow this space to be managed appropriately.

Conclusion

13.65. Having regard to the integration and enhanced planting of the hedgerows, the proposal has addressed the concerns raised by the Board in the previous SHD refusal (ABP 3059095-19). Therefore, I do not consider the proposed development would have any negative impact on the green infrastructure throughout the site.

Urban Design and Phasing

13.66. The proposal includes 333 no. residential units of which 212 no. are apartment/ duplex units. Blocks A, B, D and F contain apartments whereas Block C contains a mix of duplexes and apartments which are 4 storeys in height. Additional duplex units are scattered throughout the development.

Previous SHD ABP 305905-19

13.67. A previous SHD ABP 305905-19 was refused as it was considered that the proposed development was:

- dominated by roads and surface car parking which resulted in a poor design concept for the site that was substandard in its form and layout;
- failed to provide high quality usable open spaces;
- failed to establish a sense of place; and
- would result in a substandard form of development that lacks in variety and distinctiveness and includes a poor quality of architectural design, all of which would be injurious to the residential amenities of future occupants and contrary to the provisions of the Urban Design Manual".

13.68. The proposed development has been amended to address the previous reasons for refusal. The applicant's Statement of Consistency & Planning Report refers to the integration of the following design elements:

- The internal road network has been amended with a more simplified network and clear hierarchy of roads and introduction of home zones,
- Surface parking has been reduced and located at the rear of buildings, undercroft parking is now provided in Blocks A, B and C.
- Existing hedgerows and trees have been retained and incorporated into the development.

13.69. In relation to the open space, I note the provision of a centralised space and the integration of the Strategic Open Space lands along the Liffey, both incorporating and integrating existing the hedgerows into the design. Car parking has been removed from the perimeters of the open space areas. The compliance with DMURS is detailed in the Traffic and Transport Section and it is noted that the proposal now includes a clearer hierarchy for the internal road network. The standard of urban design is detailed below where I have concluded the proposal provides an appropriate sense of place.

13.70. Having regard to my comments above and the assessment elsewhere in this report, I consider the applicant has addressed those issues previously raised by the Board in the refusal of permission SHD ABP 305905-19.

Urban Design

13.71. The subject site is contiguous to existing residential estates to the north of Clane Town and access into the site is through these estates. The proposal includes a mix of two storey dwellings, three storey duplex units and four storey apartments. The apartments Block A, B and D are located to the north, facing onto the designated Strategic Open Space area. Apartment Block F and D are located at the entrance from the Brooklands Estate.

13.72. A number of third-party submissions have raised the design and layout which is considered of a poor quality, with no relationship to the surrounding area. It is considered the scheme is contrary to the Urban Design Manual and Objective HDO2 of the development plan. In addition, the submission from the PA raise concern in relation to the interface and open space between the houses and the apartment blocks particular in relation to Block C and the dwellings west.

13.73. A Design Statement accompanied the application. This design statement provides and analysis of the proposal in the context of the site and 12 principles of the Urban Design Manual.

13.74. I note the 12 criteria set out in the Urban Design Manual, requires new developments to respond sufficiently to the characteristics of the site and surrounding area where the proposal should provide a focal point and create a sense of place, whilst also having regard to the impact on the residential amenity. The heights of those dwellings along the boundaries, adjoining the existing dwellings are 2 storeys and setback over c.22m from any existing dwelling. The taller elements of the apartment blocks are set along the public open space and Blocks D and F provide a gateway into the proposal. The inclusion of a range of house types throughout the proposal ensures a higher density is achieved whilst also contributing to the visual interest and enhance the sense of place for the different areas. Dwellings have been designed and orientated to provide passive surveillance on the open space areas. Two different types of brick have been used to distinguish character areas with different elevational designs to differentiate areas. Whilst I consider the design and use of brick provides a high standard, I note the use of render on the exterior of the apartments. I do not consider this would ensure a high standard and a change in materials on the elevation should be required on any grant of permission.

13.75. Those concerns of the third parties and the PA in relation to the design are noted. I have addressed the compliance with the Urban Design Manual above. In relation to the interface of Blocks C with the dwellings, I note the communal open space separates this apartment block with the public open space and dwellings to the west. The ground floor elevation adjoining this open space includes the side windows for 2 no. apartments and the remaining elevation relates to the undercroft car park. I consider the redesign of the open space between Apartments Block C and those dwellings to the west, will allow greater public movement and provide synergy between the two interfaces. I consider a pedestrian and cycle through route will support active recreational activities and provide surveillance.

13.76. I consider the layout provided focuses on active public streets and subject to a condition relating to the external materials, I consider the scheme addresses the concerns raised as a reason for refusal under SHD application ABP 305905-19.

Phasing

13.77. The Clane LAP provides for the following phasing at KDA1:

- Road upgrade at Celbridge Road / Brooklands junction to be completed prior to commencement of development.
- Strategic open space along the River Liffey with pedestrian access from Alexandra Walk to be completed prior to the commencement of dwelling no. 101 in KDA1.
- Pro-rata childcare provision at a rate to 0.13 childcare spaces per dwelling to be completed prior to the completion of development on zoned lands in KDA1 (the planning authority will consider proposals for on-site or off-site).

13.78. The proposed development includes four phases as follows:

- Phase A: Block F (including creche) duplex/ apartments and dwellings of up to 80 units with 7,454.21m² public open space and access from Brooklands estate.
- Phase B: Block D and duplexes along the west of the site with 38 no units and 1,879m² of communal open space associated with these units.
- Phase C: 71 no. residential units to the south east including the access into Alexandra Walk and the development of the F2, Strategic Open Space lands along the River Liffey (22,274m²).
- Phase D: Blocks A, B and C (143 units) and the remaining 143 units.

13.79. I note the Transport Section has requested a condition requiring the upgrade of the Celbridge Road / Brooklands junction traffic signals prior to any occupation of the residential units, which I consider reasonable to ensure compliance with the phasing schedule. The creche is in Phase A, which includes 80 no units and therefore complies with the phasing schedule.

13.80. In relation to the delivery of the Strategic Open Space, I note it is included in Phase C after the delivery of 118 no. units in the first 2 phases. The schedule of phasing in Section 13.2 of the LAP requires completion of the Strategic Open Space prior to commencement of dwelling no.101, therefore the proposal does not comply with the schedule of phasing. I consider the phasing schedule can be reasonably amended to

comply with the schedule in Section 13.2 of the LAP and I do not consider this would warrant as a reason for refusal.

Conclusion

13.81. Having regard to the location of the site contiguous to an existing residential area in Clane, the design of the proposed development which provides connectivity into the existing estates, includes a range of design features and integrates the roll out of essential infrastructure for the wider Clane area, I consider the proposal represents good urban design and complies with the national standards for residential development.

Building Height, Impact on Visual Amenity and Material Contravention of the Clane Local Area Plan 2017-2023.

Building Height

13.82. As stated above the height of the buildings range from 2 to 4 storey. All the apartment blocks are 4 storeys in height. Block A and B are located to the north beside the public open space along the River Liffey, and Block F and D are located at the entrance into the site from Brooklands Estate.

13.83. The proposed development has been advertised as a material contravention of which one of the reasons is height. Section 12.2.1 of the Clane LAP includes a vision of the Clane LAP. Guidance for the built form states that buildings will be 2-3 storey in height with transition in scale from the existing residential development. Third party submissions have raised the issue of compliance with the KDA guidance and consider those apartment blocks should be reduced to 2 storeys. I note the PA submission did not raise any issue with the height of the buildings.

13.84. The applicant's Material Contravention Statement justifies the additional height having regard to the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG). These guidelines were published after the adoption of the Clane LAP. The guidelines advocate higher building as a means of delivering more compact urban form. Compliance with these guidelines is further elaborated below in relation to the material contravention, although the Board will note I consider the proposal is broadly in line with the spirit of these national guidelines.

13.85. The contextual elevations which accompanied the application illustrate the 4 storey apartment buildings within the wider proposal. The height range of 2, 3 and 4 storey buildings provide a great visual interest and sense of place. I consider the height range provides a positive contribution to the character of the overall proposal as required in the Urban Design Manual which accompanied the national sustainable residential guidelines.

Impact on Visual Amenity

13.86. The site is located within the River Liffey Landscape Character Area (LCA) as per Map 14.1 of the KCDP 2017-2023 and is classified as "Class 4 Special" where there is allow capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape. There is one Scenic Viewpoint in the vicinity of the site, 'RL 5 – Alexandra Bridge, Abbeyland, the view from the Bridge to the Liffey'. LAP Map 13.1 indicates a biodiversity protection zone of Strategic Open Space along the River Liffey, where it is envisaged that walkways and cycleways will be accommodated and would therefore be protected from development.

13.87. Chapter 6 of the EIAR deals with the impact on Landscape and Visual Amenity, as detailed above. The EIAR includes a Landscape Impact Assessment (LIA) and a Visual Impact Assessment. A Design Statement and Landscape Design rationale also accompanied the proposed development. The LIA states that the proposal will have a "medium" impact on the landscape, partial loss of existing landscape but not substantially uncharacteristic.

13.88. The VIA has provided an assessment of the development having regard to 5 locations in the vicinity of the site i.e. two locations along the R403 and three locations on the opposite side of the River Liffey. Having regard to the characteristic of the site I am satisfied that the VIA provides a reasonable representation of the proposed development. A significant amount of the mature trees is to be retained and provide mitigation against visual impacts. A third-party submission raised the impact on the Alexandra Bridge. I note the site is not substantially visible from the bridge and having regard to the distance, I do not consider the proposal will be dominant. In addition to the VIA, the Design Statement includes a range of 3D aerial images which satisfactorily illustrate the contextual impact of the apartments. I note the FFL of the proposed apartment block (65.9m) at the west if the site is lower than

the proposed dwellings (67.4m) in the centre of the site. This will further mitigate against any unsatisfactory impact on the surrounding area.

13.89. Overall, having regard to the characteristics of the site, the overall design and layout of the proposed development and those mitigation measures which include the retention of trees and significant planting, I do not consider the proposed development, including the 4 storey apartment blocks, would cause an adverse visual impact assessment on the residents of the adjoining residential estate or any other areas in the vicinity of the site.

Material Contravention of Section 12.2.1 of the Clane LAP

13.90. A Statement of Material Contravention accompanied the application. The statement refers to the precedent for 4 storeys in the permitted ABP-305905-19 and the context of the Urban Building Height Guidelines as justification for the 4 storey apartment blocks.

13.91. With regard the contravention of the height 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.*

A Strategic Housing Development may be regarded as of strategic importance for the delivery of essential housing in line with national policy for addressing homelessness, subject to meeting appropriate planning standards and achieving targeted growth.

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

Policy SS5 of the development plan promotes the implementation of appropriate policies, principles and the guidance set out in the Urban Development and Building Heights: Guidelines for Planning Authorities. SPPR 1 of these height guidelines restrict the use of blanket numerical limitations on building heights. In addition, these guidelines advocate the use of taller buildings to move away from the traditional 2-storey dwellings to secure more compact forms of development. The height restriction of 2-3 storeys in the LAP is not in compliance with the national guidance or Policy SS5 of the development plan.

- (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,*

The National Planning Framework (NPF) advocates taller buildings as a method of supporting increased densities and achieving compact growth. NPO 13 requires planning and related standards, in particular height and car parking based on performance criteria that seeks to achieve well-designed outcomes to achieve targeted growth. The 4 storey apartment blocks allow a higher quantum of units on the site promoting a more sustainable use of zoned residential lands. The proposal complies with the policies of the NPF for targeted growth of urban areas through the delivery of increased heights within the town of Clane.

In relation to section 28 guidance, Section 5.11 of the SRDUA and the accompanying Urban Design Manual requires a range of building heights as an appropriate method of supporting good urban design and place making for new neighbourhoods. I consider the use of the 4 storeys will ensure that the place making, and good urban design is supported. A greater range of building heights is also required in SPPR 4 of the Urban Development and Building Height Guidelines for Planning Authorities. The inclusion of a range of building heights from 2- 4 storeys will ensure compliance with SPPR 4 and prevents the dominance of the traditional 2 -storey style developments.

SPPR 3A of these building height guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met. The PA have raised no objective to the proposed height.

Section 3.2 of the Urban Development and Building Height Guidelines provide development management criteria for which a proposal for a higher building should be assessed against. Having regard to the criteria in Section 3.2 of the Urban Development and Building Heights guidelines, I have undertaken an assessment of the proposed development as follows:

At the scale of the **relevant city or town**:

- *Site to be serviced with high capacity, frequent and well-connected public transport.*

The site is served by public transport and is in an accessible location to Clane town centre. The site is therefore suitable for a higher density of development in accordance with the principles established in the National Planning Framework.

- *Proposals, including proposals in architecturally sensitive areas, to successfully integrate into and enhance the character and public realm of the area, with a landscape and visual assessment to be undertaken,*

The site is contiguous to the town centre of Clane and connectivity is provided through existing residential areas. The location of the higher buildings is such that they have been used as features of interest. Blocks F and G are located at the entrance whilst Blocks A, B and C are located along the public park along the River Liffey, providing passive surveillance. The applicant has submitted a Design Statement and a Landscape Impact Assessment, and a Visual Impact Assessment are contained in the EIAR. I do not consider the apartment buildings excessively exceed the skyline and is unlikely to have a detrimental visual impact on the subject site or surrounding context.

- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

At a scale relevant to Clane I note the site is located within the town boundary and contiguous to the built up area, I consider the proposed design includes a variety of heights, high quality materials and is not monolithic and is an appropriate urban design response to the site. In addition, the overall development will provide access to the general public to a high-quality public space.

At the scale of **district/ neighbourhood/street**;

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*

The proposed scheme incorporates a significant amount of the existing trees around the site and a large amount of public and communal open space. The proposed higher buildings front onto a large public open space area associated with the River Liffey and the proposal will enhance the visual interest along this public space and provide additional passive surveillance.

- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered,*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*

The buildings range in height across the site providing variation in massing. The design and layout, including the podium open space, provides a variety of levels and integrates different levels of permeability and connectivity throughout the site.

- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood*

The proposed development provides a range of apartments, duplex units and dwellings. The Schedule of Accommodate provides a breakdown of these units. The greatest provision of units includes 2 no bed apartments. While the PA consider this an overprovision of 2 bed units, I note the site is surrounded by estates which contain the traditional 3 bed semi-detached dwellings. The 2 bed units allow an increase in density and I consider a greater range of unit size will assist with a greater choice of tenure for the wider area.

At the scale of the site/ building;

- *Form, massing and height to be carefully modulated so as to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard to be had to quantitative performance approaches to daylight provision (e.g. BRE guidelines).*
- *Where a proposal is not able to meet all of the daylight provisions, this must be identified and a rationale for any alternative compensatory design solutions must be set out, having regard to local factors, including site constraints, and*

the need to achieve wider planning objectives such as the securing of comprehensive urban regeneration.

The applicant submitted a Sunlight, Daylight and Shadow Assessment (Impact Neighbours and Development Performance). This analysis applied the recommendations of the guideline for Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011). Five sensitive receptors of existing dwellings along the southern boundary was located. I consider these receptors reasonable. The impact on these receptors is considered minimal and will not reduce any sunlight under the minimum standards. This assessment also notes the ADF for the proposed rooms can be met. I note the change in levels in the updated 2019 BRE standards and I consider the minimum standards can still be met. The proposal exceeds the minimum requirement for 50% dual aspect units and can comply with SPPR 4 of the apartment guidelines.

Site Specific Assessment.

The applicant submitted a number of site-specific assessments, inter alia,

- Environmental impact Assessment, landscaping design, bat assessments,
- The bat assessment includes mitigation measures integrated into the EIAR to prevent any significant negative impacts on the biodiversity of the received environment.

In my opinion the proposed height of the apartment buildings up to 4 storeys complies with the principles for taller buildings set out in Section 3.2 of the national building heights guidelines.

(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.

No planning history is highlighted by the applicant which are relevant for justifying increased heights at this location.

13.92. Therefore, having regard to the above, I consider a grant of permission for the increased heights of the apartment blocks, specifically restricted to 3 storeys in Section 12.2.1 of the Clane LAP, is justified under Section 37 (2) (i), (ii) and (iii).

Conclusion

13.93. Overall, I consider the location of the apartment blocks are appropriately located on the site to provide features of interest in line with the national best practice guidance. The features of the site contiguous to the built-up area with a relatively flat topography allow the successful integration into the landscape with no undue adverse visual impacts.

Quality of Residential Accommodation

Housing Mix

13.94. Policy MDO 3 of the Kildare County Development Plan 2017-2023 requires the submission of a Statement of Housing Mix to demonstrate the need for accommodation. The proposed development comprises a mix of 1, 2 and 3 bed apartments, maisonette units, duplex units and 2, 3- and 4-bedroom houses. 50% of these units are 2 bed units. The PA submission notes the dominance of 2 bed units and considers this quantum is too high and a more sustainable mix of apartment tenure is required to accommodate a sustainable and integrated demographic. A Schedule of Accommodation accompanied the application and contained a breakdown of the demographic profile of Clane, noting an above average number of 25-44-year olds. I note the site is surrounded by a proliferation of traditional three bed, detached and semi-detached dwellings and I consider the inclusion of a higher number of 2 bed units will provide a greater range of typologies and tenures for surrounding area and the remaining Clane town.

Apartments

13.95. The PA submission notes that c.13 of the apartment's units has bedrooms which do not meet the minimum standards of 13m² and therefore do not comply with SPPR 3 of the apartment guidelines. I note Appendix 1 of the guidelines require 13m² for twin rooms and 11.4m² for all other double rooms. The submitted floor plans illustrate double beds rather than twin beds with floor areas exceeding 11.4m². I consider those floor areas comply with Appendix 1 of the apartment guidelines.

13.96. The majority of the apartment units will be at least 10% greater than the minimum size required, exceeding the requirements of SPPR 3 and section 3.8 of the Apartment Guidelines. The floor plans of the apartment blocks indicate that there are between 6 and 11 no. units per lift and stair core, i.e. less than the maximum of 12 units per core specified in SPPR 6. All ground floor units have a floor to ceiling height

in excess of the minimum 2.7m specified in SPPR 5. The applicant states that over 50% of the units are dual aspect in excess of the minimum 50% requirement for suburban or intermediate locations as stated in SPPR 4 of the Apartment Guidelines. The PA consider those single aspect units facing south, east and west are not acceptable. I do not consider the amenity value of these apartments will be negatively impacted as the units and balconies have favourable orientations to take advantage of sunlight daylight and there are no single aspect units facing directly north.

13.97. The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011.

Conclusion

13.98. Therefore, having regard to the mix provided and the design and layout of the apartments, I consider that the standard of residential accommodation is in accordance with national planning policy and that the development will provide a satisfactory standard of accommodation for future residents.

Impact on Existing Residential Amenity

13.99. The third-party submissions main concerns in relation to the impact on residential amenity relate to the increase traffic volume through Alexandra Walk. I have addressed this issue in both the EIA section and a further detailed assessment below and I have concluded that the increase in traffic will not lead to a significant long term impact on the residential amenity of those occupants in either Alexandra Walk or Brooklands Estate.

13.100. In regard to any overlooking, overbearing or overshadowing the proposed development has been designed with the majority of the two storey dwellings located and set back from the rear of existing two storey dwellings. The higher apartment Blocks A, B, C and D are at the most north east corner at a significant distance from any existing dwellings. Blocks G and F are located at the entrance from Brooklands. Block F is over 22m to the north west of existing dwellings in Brooklands. The balconies are orientated away from the rear of these dwellings, the building is stepped back on both the first floor and the fourth floor and having regard to the height of the block (c.12m) and the distance from the boundary there will be no

significant overshadowing on the existing dwellings in Brooklands. Block G is not located adjacent to any dwellings in Brooklands and is located over 22m from the duplex units within the residential estate to the west (Kinesicare). As stated above, the applicant submitted a Sunlight, Daylight and Shadow Assessment (Impact Neighbours and Development Performance) detailing the impact of the proposal on 5 sensitive locations. The impact of the development (Block G) on the units to the west of the site is included in this assessment. The findings of this document conclude that there will be no significant impact on the sunlight/daylight to those dwellings to the west of the site.

- 13.101. Having regard to the design and layout of the proposed development and the separation distance and orientation of the apartments block, I do not consider the proposed development would have a significant negative impact on residential amenity of those occupants of the dwellings in the adjoining residential areas.

**Traffic & Transport and Material Contravention of the Kildare County
Development Plan 2017-2023 for Car Parking**

- 13.102. The site is located to the north of Clane Town, bound to the south by existing residential development, Brooklands and Alexandra Walk. The Board will note the EIA also addresses Transportation and the TIA accompanied the EIAR as an Appendix.

Access and Junction Upgrade.

- 13.103. The proposed development includes vehicular access from Brooklands estate and Alexandra Walk. An additional pedestrian/cycle access is proposed through Brooklands estate. A large number of the third-party submissions consider that the proposed access from Alexandra Walk is inappropriate.
- 13.104. Part of the Clane Inner Relief Road runs from a roundabout on the R403 north west of the development site to the R407 Clane – Sallins road to the south. Access from the site to the Inner Relief Road is through Alexandra Walk. Brooklands estate and access into the site from the south west is from the R403 / Brooklands / Capdoo Park junction. The R403 junction currently has unused traffic signals. Additional road connections were recently permitted north west of the development site under ABP-304632-19 and that development includes an upgrade of the R403 / Brooklands / Capdoo Park junction.

13.105. The TIA includes traffic counts from the four closest locations and concludes that 57% of the development traffic will arrive/depart via the R403/Brooklands/Capdoo crossroads and 43% will arrive/depart at the R403/Alexandra Walk/ The Avenue roundabout. Having regard to these projections and the cumulative impact of the permitted SHD ABP-304632-19, it is considered that along with an upgrade of traffic signals at the R403/Brooklands/Capdoo crossroads, both junctions can operate at capacity until 2037. Sensitivity testing indicates a reduction in the traffic along Alexandra Park in 2037 once the works are completed under ABP-304632-19.

13.106. The report from the Transport Section notes the upgrade works to the existing traffic signals at the R403 / Brooklands / Capdoo Park junction and recommends a condition that the applicant submit a detailed design for these works prior to occupation of units under Phase A. The condition also recommends consideration for a "new pedestrian/ cycle path" in the detailed design of this junction. The TIA does not include any infrastructure upgrades and based all conclusions on the upgrade of the traffic lights. The upgrade of existing infrastructure is not included in the documentation. In this regard, I do not consider it reasonable to request additional infrastructure works, namely the "new pedestrian/ cycle path "along the R403.

13.107. In relation to the access from Alexandra Walk, the projected traffic movements for the design year 2037 as per TIA section 4.3.3, are 65 movements at Alexandra Walk during AM peak and 67 for PM peak. I note the location of the access from Alexandra Walk to the Inner Relief Road meanders through a residential area which by design reduces the traffic speeds. The width of the road at 6m can accommodate additional traffic flow. As stated above in the assessment of the access through F2, Strategic Open Space zoned lands, Figure 12.2 and Section 12.2.1 of the Clane LAP requires access between the subject site and Alexandra Walk. Therefore, having regard to the location of the site and overall design of the proposed development and traffic generated by the development, I do not consider the access through Alexandra Walk would have a significant negative impact on the surrounding area.

Internal Access DMURS

- 13.108. The application was accompanied by a Statement of Consistency with DMURS. The statement refers to the design features including local street roads, 5.5m local roads and home zones. Connectivity is provided from the existing residential areas to the south and provisional connection for the future development of lands to the north, zoned for strategic development.
- 13.109. The distribution of car parking along the north west of the apartment/duplex units is considered by the PA inappropriate and will have a negative impact on the residential amenity of these residents. I note 19 no. parking spaces are located between the two duplex/apartments in the form of a small car park. An access road includes a shared surface. Additional visitor parking is located along the side of the road. Whilst I note these car spaces have been grouped together, the Board will note the orientation of these duplexes and their associated private and communal open space is removed from these grouped car spaces. In addition, the grouped spaces are not overly visible from the duplex and apartments units. In this regard, I do not consider the layout of the car parking spaces will have a significant negative impact on the residential amenity of the future occupants.
- 13.110. The report from the Transport Section has no objection to the proposed development. It is recommended that conditions be included on any grant of permission for minimum gradients, design of parking etc, which I consider reasonable.
- 13.111. I have assessed the internal layout proposed and documentation submitted with the application, and I consider the proposal integrates permeability and connectivity into the proposal and provides a road hierarchy in line with the guiding principles of DMURS. Pedestrian and cycle links are provided throughout the development and in this regard, I consider the proposal supports sustainable travel movements.
- Car parking and Material Contravention of the Kildare County Development Plan 2017-2023 Development Standards
- 13.112. Section 6.2 of the TIA sets out the parking provision for the proposed development against the car parking standards of the Kildare County Development Plan 2017-2023. The applicant has provided car parking in line with the "Design

Standards for New Apartments- Guidelines for Planning Authorities 2018” where 1 space per units, together with 1 visitor spaces every 3-4 units is generally required.

	Units / GFA	Proposed Car Parking Spaces	Development Plan Standard
Houses	121	242 Plus 59 no visitor	2 spaces per unit = 242 spaces
Apartments / Duplex	212	256	1.5 spaces per unit + 1 visitor space / 4 apts= c. 371 spaces
Creche	75 children 15 staff	18	0.5 per staff member + 1 space per 4 children = 26 spaces
Total		575	639

13.113. The submission from the Transport Section notes the shortfall in car parking spaces for the apartment units, absence of spaces for the community unit and the location of visitor parking dispersed throughout the housing units rather than the apartment blocks. Discrepancies between the number of visitor spaces provided on the drawings and listed in the planning report, is highlighted. It is recommended that a condition be included on any grant of permission for an additional 27 no crèche spaces and 16 no spaces for Block F.

13.114. Table 17.9 of the Kildare County Development Plan sets a maximum carparking standard for residential development. Lower rates of parking are considered appropriate at certain sites which are close to the town centre. The Modal shift should be demonstrated through the Traffic and Mobility Assessment. Section 17.4.6 of the development plan states that planning application for apartments shall be assessed against the national new apartment standards

13.115. The application has been advertised as a material contravention of the development plan of which the quantum of carparking has been included. The Material Contravention Statement states that the proposed car parking rate of 1.2 spaces per apartment materially contravenes the requirement in Table 17.9 of the Development Plan which requires a rate of 1.5 spaces per unit. Justification for the contravention is based on the reduced requirement in the national standards, the

location of the site to the town, pedestrian and cycle connectivity and the provision of public transport links.

13.116. I note those standards in Section 4.22 of the Apartment Guidelines recommends car parking provision for 'peripheral and/or less accessible urban locations', would require the provision of c. 265 parking spaces for the 212 apartments including a visitor parking provision of 53 no. spaces. The proposal includes 256 no. spaces for the apartments/ duplex. The 59 no visitor spaces are located throughout the development and whilst the Transport Section do not consider this reasonable it is my opinion that it is in line with those national standards. The use of 18 no spaces provided for the crèche may also be used as dual-purpose having regard to the hours of operation during the day and the higher demand for residential spaces in evenings and weekends. In relation to the provision of spaces for the community building, I do not consider this is a commercial enterprise and will serve the surrounding community. Therefore, it is not envisaged there will be a requirement for a significant amount of parking spaces for this building. Overall, I consider the number of parking spaces for the proposal acceptable.

13.117. In relation to the material contravention, the Board will note the car parking standards in Table 17.9 of the Kildare County Development Plan are maximum standards, where regard must be given to balance the need for more sustainable forms of development and limit traffic congestion. Pedestrian and Cycle links into the town are included throughout the proposal and the Mobility Management Plan proposed to raise the target of those walking, cycling and using public transport. The Transport Section recommend a condition for the submission of a revised Mobility Management Plan to further promote public transport link etc, which I consider reasonable. Neither the Transport Section or any other third-party submissions assert the car parking is a material contravention.

13.118. Therefore, having regard to the quantum of parking required as a maximum I do not consider the proposal represents a material contravention of the Kildare County Development Plan.

Chief Executive (C.E) Submission

- 13.119. The CE submission recommends two reasons for refusal, namely the exceedance of figures from the Core Strategy and the impact of the access from Alexandra Walk on the F2, Strategic Open Space zoning.

Core Strategy, Density and Height

- 13.120. In relation to the density and population allocation for Clane the PA consider the proposal, if granted, would distort the Core and Settlement Strategy figures set out in the county development plan. I have provided a detailed assessment of the impact of an increase of 188 dwellings in Clane and concluded that this site, which is zoned for residential development, designated as Key Development Area and contiguous to the built up area of Clane town is appropriate for accommodating a growth of the town. The proposal provides permeability into the town and is supported by public transport. The proposed density at 41 units per ha is in line with national guidance for providing compact urban growth and I consider this density and a requirement for the efficient use of and delivery of housing in the town. I consider the reduction of density or the splitting of the site to comply with the population allocation in Table 3.3 of the development plan would militate against the efficient use of land and may inhibit the delivery of the River Liffey public park which has been provide as part of this proposal. In addition, I consider the provision of the 4 storey apartments, whilst over the recommended 3 storeys, support the increase density and delivery of the compact urban form.

F2, Open Space Zoning

- 13.121. In relation to the vehicular access from Alexandra Walk, through the F2, Strategic Open Space, the PA consider the access would materially contravene the strategic open space zoning and those green infrastructure policies GIO1.2 and GIO1.3. I have provided a full assessment of the policies and objectives listed in the LAP and the Board will specifically note a caveat attached to Table 13.3, Land Use Zoning Matrix, which allows uses other than the primary use for which an area is zoned subject to no conflict with the primary use zoning objective. The information in Fig 12.2 (b); KDA 1 Analysis Map, of the LAP which includes illustrations for potential access from Alexandra Walk highlights the requirements of the applicant to accommodate this access over the F2 Strategic Open Space zoning. I consider the

integration of existing mature trees and hedgerows in the Strategic Open Space zoning and the extensive landscaping will ensure no conflict with that green infrastructure policies.

Further comments

- 13.122. Other issues relating to design and layout of the apartments and car parking have been addressed in the report. The Board will also note the Transport Section considered the quantum of car parking was insufficient and request a condition for additional parking spaces. I refer the Board to Table 17.9 and those maximum spaces required and I consider the parking provided is sufficient.

Other

Available Documentation

- 13.123. An observation has raised the issue of unavailable documentation on the applications project website, in particular the OS Map-Site Location Map. Concerns was raised as to compliance with the Aarhus Convention in this regard. I examined the plans and particulars on the SHD website (www.kda1clane.com) on the 11th of February 2021 and found all the documentation to be available. In this regard I consider third party participation was not hindered through the absence of material online.

14.0 Recommended Board 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 18th of December 2020 by Hughes Planning and Development Consultants on behalf of Westar Investments Ltd.

Proposed Development:

The development will consist of the construction of a residential development of 333 no. residential units (37 no. one beds, 166 no. two beds, 110 no. three beds and 20 no. four bed units) comprising 121 no. dwellings, 20 no. maisonette units, 48 no. duplexes and 144 no. apartments, 1 no. childcare facility and 1 no. communal/community building and associated works.

The proposal includes a 1.8 hectare linear/neighbourhood park adjacent to the River Liffey; provision of 3 no. vehicular/pedestrian accesses (with associated works to footpaths and verges), from Brooklands Housing Estate Road and Alexandra Walk, (with associated works to footpaths and verges) links into Brooklands Housing Estate Road.

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.

14.1. Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the NPF and EMRA/RSES
- (b) the policies and objectives set out in the Kildare County Development Plan 2017-2023, as amended by Variation No.1 (June 2020)
- (c) the policies and objectives set out in the Clane Local Area Plan 2017-2023
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020

- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received,
- (o) the report of the Chief Executive of Kildare County Council, and
- (p) the report of the Inspector

14.2. **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 Information for 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

14.3. **Environmental Impact Assessment**

Having regard to the examination of environmental information in the EIAR, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** Positive impacts due to the increase in the housing stock and subsequent population within Clane.

- **Biodiversity impacts:** Potential impacts mitigated by landscaping, hedgerow enhancement, tree protection measures; survey of trees that are potential bat roosts; Construction Management Plan; surface water management measures during construction and for the completed development and additional bat mitigation measures as outlined in the bat assessment on file.
- **Land and soil impacts:** Potential Impacts on water quality will be mitigated by the implementation of a CEMP.
- **Water impacts:** Potential impacts on water quality in the area will be mitigated by construction management measures and implementation of SUDS measures.
- **Traffic and transportation impacts:** The development will give rise to short-term construction traffic impacts. Longer-term operational traffic impacts will be mitigated by the integration of a Mobility Management Plan, proposed new road infrastructure in the area and creation of new pedestrian/cycle linkages for the benefit of the wider area.
- **Landscape and visual impacts,** which will be mitigated by the retention and enhancement of existing trees and hedgerows, new landscaping, and the overall design of the proposal.

The likely environmental effects arising because of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

14.4. **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the submission from the Chief Executive of Kildare County Council and other third party submissions which refers to the material contravention of the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023 relating to the Core Strategy, density, and the provision of a vehicular access route through F2, Strategic Open Space zone lands.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan or the Car Parking Standards, it would materially contravene the Core Strategy of the Development Plan and the Housing Allocation, Density and Heights for KDA1 as stated in the Local Area Plan.

The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission is a material contravention of:

- Table 3.3 of the Kildare County Development Plan 2017-2023, Settlement Hierarchy-Population and Housing Unit Allocation 2020-2023 and Table 4.1 of the Clane Local Area Plan 2017-2023, in relation to Core Strategy and dwelling unit allocation,
- Table 4.1 of the Clane Local Area Plan 2017-2023, Indicative Density Levels in relation to proposed density, and,
- Section 12.2.1 of the Clane Local Area Plan 2017-2023, in relation to heights in KDA1,

and would be justified for the following reasons and consideration:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

- It is considered that, in relation to the Core Strategy, the requirement in Policy CS4 of the Kildare County Development Plan 2017-2023, to promote a compact urban form conflicts with the dwelling allocation for Clane in Table 3.3 of the Kildare County Development Plan 2017-2023 and the dwelling allocation for KDA1 as per Table 4.1 of the Clane Local Area Plan 2017-2023.
- It is considered that, in relation to the density requirements for the site there are conflicting objectives in the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023. The proposed density of 41 units per ha complies with the range 35-50 specified in Table 4.2 of the Kildare County Development Plan 2017-2023 although contravenes the restriction of 26 units per ha in Table 4.1 of the Clane Local Area Plan 2017-2023. The Board considers the density requirements of the Development Plan comply with Section 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and a density of 41 units per hectare on the site is justified.
- It is considered that, in relation to height, Policy SS5 of the Kildare County Development Plan 2017-2023, promotes the use of Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR1 which prevents the use of blanket height restrictions. The Board considers that the restriction on height in Section 12.2.1 of the Clane Local Area Plan 2017-2023 conflicts with the development plan policies.

In relation to section 37 (2) (b)(iii) of the Planning and Development Act 2000 (as amended):

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 3 (a), 11 and 33), the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly (in particular Table 6.1), the Urban Development and Building Height Guidelines for Planning Authorities, (in particular SPPR1 and SPPR3), the Sustainable Residential Development in Urban Areas (in particular

Chapter 5 and 6 and the accompanying Urban Design Manual) and the Sustainable urban housing: Design Standards for New Apartments (in particular Section 2.4). These guidelines and policies contain objectives which support the delivery of residential development in appropriate locations through the promotion of appropriate heights and densities. The proposed development is located on a serviced site identified as Key Development Area 1 in the Clane Local Area Plan 2017-2023, contiguous to the town which promotes compact urban form through the use of an appropriate quantum of development, density range and height, consistent with these objectives.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 (as amended):

It is considered that, in relation to dwelling allocation and density in excess of the those specified in Table 4.1 of the Clane Local Area Plan 2017-2023, ABP-304632-19 was granted permission for 366 no. units.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i), (ii), (iii) and (iv) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

14.5. Conditions

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

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:

(a) The design of Block C (duplex/apartments) shall be amended to integrate public access to the communal open space, provided for on the podium. Accessibility shall be designed to allow access for all types of mobilities.

(b) Privacy screens shall be provided along the ground floor for all units in Block C

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development prior to occupation of units within Phase 1.

Reason: In the interests of residential amenity

3. All mitigation and monitoring measures outlined in the plans and particulars, including the EIAR, bat survey and subsequent reports submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. The applicant shall employ a qualified Ecological Clerk of Works (ECoW) to oversee and implement the mitigation measures and other ecological works listed throughout the submitted documentation.

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

4. The use of render on the exterior of the apartment blocks shall be replaced with a brick type similar to that used on the dwellings. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted to 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.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the applicant shall submit to the Planning Authority a detailed design for a signalised 4 arm junction of the R403 Regional Road/ Brooklands/ Capdoo Link Road, including Vulnerable Road Users (VRU) crossing facilities, in line with current standards. The cost of design, supervision and delivery of these works shall be borne by the applicant. These works shall be completed prior to residential units being occupied in Phase A. The applicant shall liaise with the Traffic Management Section of Kildare County Council in regard to this.

The upgrade works and junction improvements shall be in accordance with the planning authority specifications including:

- a) The upgrade of the existing traffic signals.
- b) The upgrade of the existing controller to ELV and LED signals.
- c) The installation of CCTV camera and pole at the junction to assist monitoring of traffic flows.
- d) The installations of MOCA technology.
- e) The upgrade of the existing public lighting.
- f) The upgrade of the road layout and markings.

Reason: In the interest of proper planning, sustainable development and traffic safety.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park 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.

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

7. Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8. A minimum of 10% of all car parking spaces should be provided with 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 has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

9. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted 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 and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

10. 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 commencement of development the developer shall submit plans, cross sections and maintenance details for the treatment of all drainage ditches on the site, including any proposal to culvert along the south of the site.

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.

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.

Reason: In the interest of public health and surface water management

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

Reason: In the interest of public health.

12. The development shall be carried out on a revised phased basis. The first phase shall consist of not more than 101 dwelling units, together with their associated site development works, and shall include the delivery of the Strategic Open Space along the River Liffey with pedestrian access from Alexandra Walk. Prior to commencement of any development on the overall

site, details of all phasing shall be submitted to, and agreed in writing with, An Bord Pleanála.

Work on any subsequent phases shall not commence until completion of Phase A or 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.

- 13.(a) All screen walls shall be 2 metres in height above ground level, constructed and finished to match external finish of dwellings/building,
- (b) All rear garden walls shall be 1.8 metres in height above ground level, and shall be concrete block or concrete post and panel, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

15. The landscaping and earth works scheme shown on the Landscape Masterplan Drawing, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) The site shall be landscaped, using only indigenous deciduous trees and hedging species and there should be no encroachment during construction on those hedgerows (1-15).
- b) Details of an appropriate design for the access south of Hedge 9.
- c) Play facilities shall be provided within the communal areas of the apartment development in line with the requirements of Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (2018).
- d) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development. The details shall include a multi-games area provide for and delivered as part of the Strategic Open Space Zoned lands and delivered through the required phased development.
- e) Compliance with the requirements and standards of the Planning Authority in relation to the lighting and tree planting within the public open space.
- f) Amendment to the finished topsoil levels in line with the requirements of the Planning Authority.
- g) The public open space to the south of units no 319- 322 and no. 323 and 324 shall be integrated into the private open space for these units and the design shall integrate the retention and protection of the hedgerow along the south of the site.
- h) A dedicated play space shall be provided for the creche.
- i) The open space between Apartments Block C and those dwellings to the west shall be designed to improve active recreational activities and shall integrate a pedestrian and cycle through routes

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.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

The Management Company shall include and manage the Community Building for the benefit of the residents of the apartments or the wider community as determined by the Planning Authority.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

18. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park 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.

The findings of the Stage 1/ 2 Road Safety Audit, shall be closed out, signed off and incorporated into the development at the developer's expense. Stage 3 Audits shall be conducted. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.

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

19. 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

20. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

21. Public lighting shall be provided in accordance with a scheme and comply with the requirements of the submitted bat assessment "An evaluation of Lands at Capdoo & Abbeyland, Clane, Kildare for Potential as Bat Roost Sites and For Feeding and Commuting", details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

22. 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.

23. 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.



Karen Hamilton
Senior Planning Inspector

31st of March 2021