

An  
Bord  
Pleanála

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

### Inspector's Report ABP-309087-21

#### Strategic Housing Development

Demolition of existing ball court,  
construction of 192 no. residential  
units (114 no. houses and 78 no.  
apartments), childcare facility and  
associated site works.

#### Location

Western Side of Millicent Road and  
Southern Side of Prosperous Road,  
Clane, Co. Kildare  
([www.millicentroadSHD.ie](http://www.millicentroadSHD.ie))

#### Planning Authority

Kildare County Council

#### Applicant

Debussy Properties Ltd.

#### Prescribed Bodies

1. An Taisce.
2. Inland Fisheries Ireland.
3. Irish Water.

**Observer(s)**

1. David and Barbara Corrigan.
2. Aidan Farrelly.
3. Clane Community Council.
4. Clane GAA.
5. Pdraig McEvoy.
6. Terence Walsh.
7. Tom Foley.

**Date of Site Inspection**

19<sup>th</sup> March 2021.

**Inspector**

Karen Kenny

**DECISION QUASHED**

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**DECISION QUASHED**



## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located in Clane, Co. Kildare. The site is located c. 500 metres from Clane town centre on lands that are to the south of the R403 Prosperous Road and west of Millicent Road. The site is adjacent to educational and sporting facilities along the R403 Prosperous Road.
- 2.2. The site is currently in agricultural use (tillage). It comprises part of a larger open field that is relatively flat. The site is broadly rectangular in shape with a narrow strip of land extending north towards the Prosperous Road. There is an agricultural access onto the Prosperous Road. The site is bounded to the west by the Clane GAA grounds and to the east / north by residential properties and an agricultural field. To the east the site has frontage of approximately 220 metres along Millicent Road. There is a residential property bounding the site to the south. On the opposite side of Millicent Road there is a new residential development known as Hemmingway Park, which is nearing completion. There is a footpath along the boundary of the site with Millicent Road, linking the site back to the town centre. There is a continuous footpath on the northern side of Prosperous Road to the town centre, with a pedestrian crossing west of the site to facilitate crossing of pedestrians to and from the GAA club and schools. The footpath is not continuous along the southern side of the Prosperous Road towards Clane town centre.
- 2.3. There is a mature Leyland Cypress hedgerow along the boundary to the GAA grounds. To the east of this there is an old agricultural hedgerow. There is a hedgerow along the northern site boundary, the eastern boundary and along the boundary to a residential property to the south. Otherwise, the site is part of an open field with no boundary markings.

### 3.0 Proposed Strategic Housing Development

3.1. Permission is sought for 192 no. residential units (114 no. houses and 78 no. duplex units) and a childcare facility and associated works. There are 6 no. three storey duplex blocks in total fronting onto a proposed link street and onto Millicent Road. There is a combination of detached, semi-detached and terraced two storey houses.

3.2. Key Details:

No. Units	192 no. units
Height	2-3 storeys
Site Area	6.4 ha gross; 5.5 ha net
Density	35 units per ha (net)
Other Uses	Creche (160sq.m)
Dual Aspect	100%
Public Open Space	8304 sq.m.
Car Parking	340 no. spaces (2 per dwelling; 1.3 per duplex; 11 no. creche spaces)
Bike Parking	160 no. spaces (144 no. spaces for duplex units; 16 no. creche spaces).

3.3. Housing Mix

Beds	Duplex	Houses	Total	%
1-bed	10	0	10	5.2
2-bed	40	0	40	20.8
3-bed	28	83	111	57.8
4-bed	0	31	31	16.2
	78	114	192	100%

- 3.4. The proposed development includes the construction of a link street through the site from the Prosperous Road (R403) to the Millicent Road. The link road will include a priority controlled junction on the R403 Prosperous Road and a four arm signalised junction on Millicent Road. The link street will provide a new access to Clane GAA Club to the west of the site, and it is proposed to close off the existing entrance from the R403 Prosperous Road. The proposed link street incorporates pedestrian and cycle facilities along its length. Four houses in the south-east corner of the site have direct vehicular access onto Millicent Road.

#### 4.0 Planning History

- 4.1. The applicants Planning Report and Statement of Consistency sets out a comprehensive overview of planning history in the area. The following planning history is considered to be of relevance to the subject application:

##### Application Site

ABP Reg. Ref. PL 09.223737 (KCC Reg. Ref. 051625) – Permission refused for construction of 148 dwellings and 48 apartments in four three storey apartment blocks, together with a distributor relief road from Millicent Road to Prosperous Road, a single storey crèche, on a site of 8.33 ha. Reasons for refusal related to wastewater capacity and proposal for a temporary on site treatment system.

##### Recent SHD Applications in Clane Town:

ABP-309367-21: Current appeal for 91 no. residential units (58 no. houses and 33 no. apartments) on lands at Capdoo, Clane, Co. Kildare (KDA1). Decision due 18<sup>th</sup> June 2021.

ABP-308943-21: Current application for 333 no. residential units (121 no. houses and 212 no. apartments), creche and associated works at Capdoo and Abbeylands Clane (KDA1). Decision due 19<sup>th</sup> April 2021.

ABP-304632-19 – Permission granted for 366 dwellings at Capdoo Clane (KDA2).

ABP-305905-19 – Permission refused for 305 dwellings at Brooklands Housing Estate/Alexandra Walk (KDA1). Current application ABP-309367 relates to this site.

## 5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place via MS Teams on the 28<sup>th</sup> May 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

- Planning Policy Context
- Transport and Movement Strategy – function and design of link street; connections within and to the local street network.
- Layout, Design and Residential Amenity – design of duplex units; open space design and passive supervision; boundary to Millicent Road; western boundary of site to zoned public open space; mix of unit types and dominance of three bed unit type.
- Childcare Provision.
- Irish Water capacity constraints and timelines.
- Surface Water Management and Flood Risk Assessment.
- Any Other Matters.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting Ref. ABP-306994-20 is also available on the file.

### 5.2. Notification of Opinion

The An Bord Pleanála opinion stated that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised in the opinion can be summarised as follows:

1. Design and Layout:
  - a. Further consideration of the design of the proposed duplex blocks and impact on the public realm, with option of design whereby there is access from both 'front' and 'rear' elevations to the street.



- b. Further consideration of the level of development to the northeast corner of the site with Millicent Road having regard to site levels, impact on ground and finished floor levels, and consideration of boundary treatment with Millicent Road and impact on the public realm.
- c. Further consideration of design, layout and overlooking of all public open spaces.

The applicant was advised that the following specific information should be submitted with any application for permission: detailed drawings, cross-sections, elevations and additional CGIs; schedule of accommodation; building life cycle report; schedule of car and bicycle parking; an updated Childcare Demand Analysis; response to issues raised in reports from Transportation, Water Services, Parks and Housing Departments of Kildare County Council; where the applicant considers that the proposed development would materially contravene the relevant development plan or local area plan a material contravention statement.

### 5.3. Applicants Response

- The submitted cover letter indicates that the information specified in the Boards opinion has been included.

## 6.0 Applicant's Statement

6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

- Consistent with NPF and RSES policy in relation to development within urban areas and density.
- Consistent with Rebuilding Ireland Action Plan for Housing and Homelessness – Pillar 3 build more homes.
- Consistent with Urban Development and Building Height Guidelines – Guidelines for Planning Authorities density and building height standards.

- Consistent with Sustainable Residential Development in Urban Areas Guidelines (2009) & Urban Design Manual – A Best Practice Guide (2009) including 12 urban design criteria. Net density of 35 units per hectare in accordance with the guidelines.
- Consistent with Sustainable Urban Housing Design Standards for New Apartments (2018). The site is at a peripheral and / or less accessible urban location. Density, form and scale has regard to the location at the edge of a small town. Relevant SPPR's are met.
- Childcare Facilities Guidelines 2001: A creche of 160 sq.m proposed to cater for 24-25 no. children in accordance with the requirements of the Clane LAP.
- Consistent with The Planning System and Flood Risk Management Guidelines 2009. All housing units and creche in flood Zone C. Justification test for section of entrance road in Flood Zone A-B.
- Screening for Appropriate Assessment undertaken in accordance with the AA of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

#### Kildare County Development Plan and Clane Local Area Plan

- Consistent with Core Strategy and Settlement Strategy. Clane is a Small Town. CDP Table 3.3 sets out a housing allocation of 780 no. additional units for Clane for period 2017-2023. Section 3.4.6 states that settlements should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference in the first instance. Site is c. 500 m south west of town centre and close to recreational and educational facilities. Expansion in Clane has been concentrated to the north, east and north west of the town centre. Development of site will rebalance growth of Clane in a sequential manner. Site is identified as a KDA in the LAP.
- CDP Variation No. 1 was adopted in 2020 and amended the housing allocations to all towns. The Variation includes a revised housing allocation for Clane of 145 units over the period 2020-2023, a reduction of over 80% on the 780 units in the CDP and LAP. The variation was challenged by Judicial Review and the High Court has issued an Order placing a stay on the



implementation of the Variation as it applies to Clane, Celbridge and Johnstown. An indicative phasing plan has been provided that illustrates the delivery of 142 no. units, the link street and childcare facility in Phase 1 up to 2023 with the remaining 50 no. units in the south western corner of the site to be provided in Phase 2 thereafter.

- Clane LAP came into effect on 1<sup>st</sup> March 2017. 1 no. SHD permission granted for 366 no. dwellings under LAP. KCC Part 8 for 77 no. social houses approved in 2018. Other extant permissions for residential development granted under the previous County Development Plan are under construction / nearing completion. This includes units on KDA's 3 (196 no. units) and 4 (74 no. units) to the north and north east of the site, together with Hemmingway Park to the immediate east of the site (51 no. units). It is submitted that the 366 no. dwellings permitted in KDA2, an additional 7 no. units in Hemmingway Park and the Part 8 scheme are the only relevant residential developments in the context of the CDP 2017-2023, and that there is a remaining allocation of 330 no. units to 2023.
- The density standards in the CDP / LAP are informed by the Sustainable Residential Development in Urban Areas Guidelines. CDP Table 4.1 sets out a density of 20-35 units per hectare for edge of centre sites within Small Towns and Villages. The site is identified as KDA5 in the Clane LAP with a stated density of 30-35 units per ha. Estimated capacity of 158 units at 30 units per hectare. LAP notes that appropriate density and number of units permissible will be based on site characteristics / local sensitives. The proposed development at 35 units per hectare is consistent with CDP / LAP policy.
- Consistent with CDP Chapter 4 and LAP Chapter 6 policy in relation to density, consolidation, protection of amenity and character, housing mix and quality design.
- Consistent with CDP Chapter 6 and LAP Chapter 8 Transport policy. Link road provided in accordance with LAP. Pedestrian and cycle facilities and junction upgrades. Car parking in accordance with CDP standards. Full Traffic and Transport Assessment prepared by DBFL.

- Consistent with CDP Chapter 7 and LAP Chapter 9 Water Services, Infrastructure and Flood Risk. Infrastructure Design Report and SFRA submitted. Small proportion of the site proximate to Prosperous Road and containing part of the proposed link street is located in Flood Zone A and B. A justification test has been carried out. The proposed development incorporates SuDS features, attenuation measures and flow controls to restrict surface water discharge from the site to greenfield levels. IW have confirmed that connection to the IW network is feasible subject to small local upgrades.
- Consistent with policies in CDP Chapter 11 Social Community and Cultural Development. Childcare and Social Infrastructure Assessment submitted.
- Consistent with CDP Chapter 12 Architectural and Archaeological Heritage and LAP Chapter 10 Heritage and Amenity. Clans Socket Stone of Cross Monument (RMP Ref. KD014-026006 and RPS Ref. B14-67) located in the north eastern corner of the site within the verge along Millicent Road. Cultural Heritage Assessment Report submitted, and mitigation measures proposed.
- Consistent with CDP Chapter 13 Natural Heritage Green Infrastructure and LAP Chapter 10. Ecological Impact Assessment Report and AA Screening Report submitted.
- Consistent with standards in Chapter 17 for residential development – including standards relating to building height, overlooking, aspect, separation distances, boundary treatments, floor area standards, open space and parking.
- The site is subject to three zonings. The site is mainly zoned Objective C (New Residential). A small proportion along the north west boundary with the GAA grounds is zoned F (Open Space and Amenity). These lands are included to facilitate the provision of the link street and safer access into the GAA grounds. A small area of the site on the eastern side incorporates the existing entrance into the Hemmingway Estate and is zoned B (Existing Residential / Infill). These lands are included to facilitate the inclusion of the proposed four arm signalised crossing.

- Site is well located sequentially, and development will rebalance growth of settlement which has been focused on northern and eastern sides of settlement.
- Site subject to specific road objective to provide link road from Prosperous Road to Millicent Road. This is provided.
- KDA5: Consistent with key principles of the design brief for KDA5 detailed in Figure 4.11 and Table 4.12 of the LAP in terms of access, permeability, design, open space provision, retention of site features such as hedgerow, frontage and passive surveillance. Phasing provisions in Table 4.13 are met.

## 7.0 Relevant Planning Policy

### 7.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments 2018 (updated 2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)



- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Architectural Heritage Guidelines, 2011.

## 7.2. Local Planning Policy

### Kildare County Development Plan 2017-2023

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

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

Variation No. 1, published on 9th January 2020 and adopted 9th June 2020, amends the development plan in accordance with Project Ireland 2040, the National Planning Framework and the Eastern and Midlands RSES.

The amendments include a revised settlement hierarchy whereby Clane is designated as a 'Town'. The 'Preferred Development Strategy' set out in section 2.7 of Variation No. 1 is to achieve critical mass in the MASP area and measured growth in the Self-Sustaining Growth Towns and Self-Sustaining Towns, also to establish a hierarchy of smaller rural settlements to develop rural centres capable of providing a range of services and employment to their local populations. Section 2.11.5 of Variation no. 1 states the following:

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

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

### Clane LAP 2017-2023

- Zoning Objective C New Residential Infill – ‘to provide for New Residential Development’.
- The site is designated a Key Development Area (KDA) 5.
- Table 4-2 of the LAP outlines the residential capacity of the lands:
- KDA 5 – net area of 5.3ha, estimated residential capacity of 158 units, at an estimated density of 30 units per hectare. Figures stated represent an estimate only. Density / number of units to be determined at detailed design stage based on a full assessment of the site characteristics and local sensitivities.
- Section 12.2.5 – a design brief has been prepared for KDA 5. Requirement for link between Prosperous Road and Millicent Road (Table 8.1, Map 8.1 and Map 13.1 and Section 12.2.5 refer). Achieve vehicular, pedestrian and cyclist permeability throughout the development area. Facilitate provision of direct pedestrian/cycle links to sports grounds and potential links to unzoned lands to the south. Buildings 2 – 3 storey height. This KDA is likely to accommodate medium density residential development in the order of 30 – 35 units per hectare. Given the proximity of the site to the town centre, where the quality of the design and layout is particularly high, higher densities may be appropriate. Min. 15% public open space. Retain natural heritage and Green Infrastructure features.

#### Section 13.2 Phasing for KDA 5 Millicent:

- Provide road link between Prosperous Road and Millicent Road.
- Provide pro-rata childcare provision at a rate of 0.13 childcare spaces per dwelling.
- The Zone of Architectural Protection for Clane (LAP Map 10.1 refers) immediately north of site. RMP / Protected Structure (RMP Ref. KD014-026006 and RPS Ref. B14-67) within the site along Millicent Road.

## 8.0 Third Party Submissions

- 8.1. A total of 7 no. third party submissions have been received from local residents / groups / clubs, elected members and one other interested party. The main points made in submissions can be summarised as follows:

### National, Regional and Local Policy

- Changes to planning policy in CDP Variation No. 1, RSES 2019-2031, NPF 2040 and Ministerial Letter December 2020 relating to Housing Demand and Supply Targets (Section 28 Guidelines) – planning application premature.
- CDP Variation No. 1 sets out a new settlement hierarchy in response to the RSES. Dwelling target for Clane 2020-2023 is 145 no. units. The county target for period 2020-2023 is 6,023 units and 2,007 units per annum. In December 2020, Department issued new housing targets following a progress review of the NPF by the ERSI. The new target for Kildare is reduced to 1535 units per year. Clane LAP has been superseded.
- Development needs to be considered in context of ongoing residential development / permissions in Clane since 2017. 789 homes built, nearing completion or approved for construction. Current SHD applications provide for a further 558 homes. Permission already granted for 366 no. units under SHD.

### Density

- Material contravention in relation to zoning. LAP estimates a density of c. 30 units per hectare whereas the subject proposal is c. 35 units per hectare. The Board, under section 9 (6) (b) of the Act has no jurisdiction to grant permission for the proposed development. No statement pursuant to Section 37(2)(b) of the Act of 2000.
- Material contravention / breach of SEA Directive. Proposed development outside of the framework of the CDP/LAP. CJEU case law indicates that any measure allowing derogations from such plans and programmes must satisfy the requirements of the SEA Directive. Material contravention procedures under 2016 Act incompatible with EU law.



- No overriding justification for material contravention in relation to density given that ample provision for new housing already exists in the CDP and LAP. Nothing in NPF that warrants material contravention as policies are general in nature and are intended to be implemented via lower tier plans.

#### SHD 2016 Act

- Planning and Development (Housing) and Residential Tenancies Act 2016 is contrary to Articles 6(2) and 6(4) of the EIA Directive as public participation is not provided for early in the decision making procedure.
- Contrary to LAP which was adopted following a consultation process.

#### Capacity of Settlement

- No comprehensive assessment of the pattern of development and permissions granted. Town's population has more than quadrupled in less than 30 years. Population of Clane could increase by 25% through SHD related units. Car dependent settlement. No public transport.
- Public and social infrastructure has not kept pace with growth. Need at least to adhere to provisions of LAP when granting permission for substantial residential development.
- Clane is designated as a 'Small Town' under variation No. 1 to the County Development Plan and was not progressed to 'Self-Sustaining Town'.
- Lack of sufficient infrastructure and services – including public transport, school places, road infrastructure.

#### Interface with Clane GAA Club:

- GAA club asks the Board to include conditions in relation to agreement of Construction Management Plan and Health and Safety Plan; finish of boundary walls to the satisfaction of the PA and the Club; and in relation to completion of new entrance before the closing of the existing entrance.
- Concern with letter of consent from GAA club – signed prior to pre-application consultation and before proposal was completed.
- Concern over impact on operation of GAA club and its grounds.

- New entrance to GAA club should be completed and commissioned before the closing of the existing entrance.
- Seek condition requiring permanent wall / railing along the north eastern boundary of the GAA lands at early stage.
- Concern with demolition of ball / hurling wall.
- Concern with dropped cycle lanes close to GAA. Should be raised crossing.

#### Traffic and Transportation

- Volume of traffic / traffic safety / traffic congestion. Specific reference to Butterstream and Moat Commons Lane. Need for vehicle counts and traffic calming measures on Moat Commons lane.
- Need to prevent HGV's and other construction related traffic from using the lane to access and egress the site.
- Cycle infrastructure should be segregated.
- R403 is an approved haulage route to AES Drehid Waste Management Facility.

#### Ecology

- Ecological impacts.
- Need for more testing of receiving waters. Should open culverted section of Butterstream. Open water stream should be used if there are going to be discharges into the Butterstream.
- No inclusion of European eel or wite claw crayfish in reports – both present in Butterstream and the River Liffey.
- Impact of sediment into Butterstream and River Liffey during and after construction.
- Flood risk relating to Butterstream – flooded in the past.
- No consideration of flood risk to GAA lands. Condition requirement to obtain Section 50 consent from OPW to ensure that development does not cause any increase in flood risk to the GAA grounds. Mitigation includes regular drainage and maintenance – who is responsible for this?

- Need for independent review of childcare services in Clane. Childcare information out of date. Question size of the proposed creche.
- Question inclusion of Clongowes, fee paying school, as an educational facility. Inflating figure of post primary school places.
- Wart stone feature should survive any development of the location.
- Request ABP to convene round table exercise with all SHD applications in Clane.
- Need for independent analysis of quarry site.

## 9.0 Planning Authority Submission

- 9.1. Kildare County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 on 1<sup>st</sup> March 2021. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members of the Clane/ Maynooth Municipal District, as expressed at the MD meeting on 5<sup>th</sup> February 2021. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

### PA Comment on Principle of Development

- Proposed development acceptable in principle. Site is zoned C New Residential. Part of the site is also zoned F Open Space and Amenity. The site is designated as a KDA.

### PA Comment on RSES and CDP Variation No. 1

- Variation No. 1 adopted to address objectives of the RSES on 9<sup>th</sup> June 2020. New dwelling target for Clane of 145 units over period 2020-2023. It is noted that a phasing plan is provided with the application. Phase 1 to comprise 144 units and Phase 2 to comprise 50 units. Phase 1 would ensure that the 145 unit target for Clane within the remaining plan period to 2023 will not be exceeded. It is noted that there have been no residential schemes in Clane that have received a final grant since the adoption of the Variation. A grant of permission for 91 no. units (Ref. 20/808) has been appealed to ABP. SHD ABP-308943-20 for 333 units at Abbeylands (KDA1) is due to be decided on

19<sup>th</sup> April 2021. SHD ABP-304632-20 granted permission for 366 residential units at Capdoo, however, this was prior to the adoption of Variation 1.

PA Comment on Quantum of Development.

- Table 4.1 of the LAP gives an estimated density of 30 units per hectare and an estimated capacity of 158 units. Figures stated represent an estimate only.
- Section 12.2.5 KDA 5 states that the site is likely to accommodate medium density residential development in the order of 30-35 units per hectare. Given the proximity of the site to the town centre, where the quality of design and layout is particularly high, higher densities may be appropriate. PA consider the proposed density to be in accordance with the density requirements under Section 12.2.5. Plot ratio is within standard in Table 17.1 of the CDP.

PA Comment on Urban Design

- Adequate separation from existing properties and amenities of neighbouring properties will not be significantly impacted. Entrance to GAA Club will be enhanced.
- Scheme responds well to site and link road. Active frontage to Millicent Road. Landscape proposal and retention of hedgerow considered satisfactory subject to conditions. Design of units considered acceptable -differing character areas.
- Good connections – including provision for future access to the east and south. Connections generally in accordance with LAP brief.
- Range of residential unit types and childcare facility proposed.
- Layout acceptable. Open spaces overlooked. Good quality frontages. 3 different character areas. Variety of unit types. Good quality open spaces.
- Dedicated private amenity open space to rear of houses. Sufficient balcony / terrace provided for duplex units.
- PA is satisfied with the proposed design of frontages facing the proposed link road which will create an active street edge. It is considered that the design is in accordance with the design brief for the KDA.



#### PA Comment on Childcare Facility

- Location of childcare facility in existing building unacceptable.
- Capacity of the childcare facility below that required to cater for the proposed development (182 units) as per Ministerial Guidance and the County Development Plan but is consistent with the LAP requirements. A revised childcare facility should be provided to cater for a minimum of 47 no. children.

#### PA Comment on Heritage

- Heritage Officer recommends that details of how the Protected Structure / Recorded Monument in the north east corner of the site will be protected during construction needs to be agreed.

#### PA Comment on Drainage

- Surface water infrastructure designed in accordance with Greater Dublin Strategic Drainage Study (GDSDS) and incorporates SuDS features. Water Services recommend details conditions should permission be granted.

#### PA Comment on Road Layout / Parking

- Roads Department recommend refusal due to level of frontage onto the proposed link road and number of junctions proposed. Concern with location of car parking for units 132-135 directly off Millicent Road. Concern with direct frontage of Blocks C-F, units 54/55, units 25-28, units 112-115 and open space no. 2 onto the proposed link road. Concerned with unauthorised parking on cycle tracks and footpaths on link road which could obstruct lights of sight, traffic and vulnerable road users. Concerned with number of junctions on proposed link road. Recommend condition if permission is granted which includes relocation of units facing link road, segregation of pedestrian access to and from open space no. 2, and the reduction of junctions onto the link road.
- Roads Department considers that there is a shortfall of 36 no. car parking spaces for duplex units – by reference to standards in Table 17.9 of the CDP.
- Secure bicycle parking provided in proximity to duplex units. Rate of provision exceeds CDP standard.

#### PA Comment on Other Matters

- Housing Department not satisfied with provision of 12 Part V units in 1 block and require own door maisonette type units to ensure no shared circulation spaces and provision of individual bin storage. Recommend two conditions in relation not Part V.

#### PA Opinion / Statement

- The CE is of the opinion that the proposed development would be consistent with the objectives of the CDP and the LAP for the area having regard to the nature and design of the development and to the land use zoning of the site. It is considered that, subject to compliance with the conditions attached, the development would not seriously injure the amenities of the area or of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.
- Having regard to the Core Strategy of the CDP and to Variation No. 1 of the CDP which designated Clane as a Town with a new dwellings unit target of 145 units for 2020-2023, to the 'New Residential' zoning objective pertaining to the lands in the Clane LAP it is considered that the residential development is appropriate on the subject site. Having regard to this and to the nature and design of the proposed development, it is recommended that permission should be granted in accordance with conditions.

#### Comments of the Area Committee – summarised.

- Number of units being granted in Clane exceeds NPF growth targets and CDP targets.
- Density - increase from 30 units per hectare to 35 units per hectare concerning.
- Need for review of units granted v units delivered.
- No Transport Plan. Question provision for cyclists.
- Compliance with DMURS.
- Impact of SHD applications on the town.
- Capacity of Schools / Childcare / GP facilities.



- Open Space not sufficient.
- Sewer network almost complete and this has consumed lands zoned for community use.
- Not compliant with CDP in terms of sustainability.

## 10.0 Prescribed Bodies

### 10.1. Inland Fisheries Ireland (IFI)

- The site is in the catchment of the Butterstream and adjacent to the River Liffey. The Butterstream has a resident population of brown trout, lamprey species and Freshwater Crayfish (Annex II). It is also an important spawning tributary of the River Liffey. The River Liffey supports Atlantic Salmon (Annex II and V), Sea Trout and Brown Trout and several other fish species.
- All works should be completed in line with a Construction Environmental Management Plan (CEMP).
- 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.
- IFI policy to maintain watercourses in open natural state in order to prevent habitat loss and preserve and enhance biological diversity and aid in pollution detection. Opportunity to open up culverted sections of the Butterstream. Culverting surface water discharges can make them difficult to trace. Preferable if surface water discharges are visible for inspection should a pollution event occur.
- All discharges must be in compliance with the EC (Surface Water) Regulations 2009 and the EC (Groundwater) Regulations 2010.

### 10.2. 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 (333 units).
- The combined quantum and density of development evading EIA and is not in accordance with the Clane LAP Table 4.1 estimated density.
- The proposal is for a car-based commuter type development.
- There is not sufficient school, public transport, safe cycling routes, recreational and park facilities and other local services.
- The OPR annual report highlights the growth of commuter counties.
- The submission from Clane Community Council is highlighted.
- The application individually and cumulatively fails to meet a range of national, local and sustainable development provisions in the Clane area.

### 10.3. Irish Water

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

#### **Wastewater**

- Upgrade works are required to increase the capacity in the Irish Water Network. Irish Water has 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 (subject to change).

#### **Water**

- Upgrades required in order to facilitate the development. Approximately 370m of existing 125mm uPVC main to be upsized to 200mm ID on the R403. Approximately 440m of existing 150mm uPVC main to be upsized to 200mm ID from the junction of L1023/R407 (Manzors) to the roundabout outside

Tesco. Approximately 50m of existing 100mm uPVC to be upsized to 225mm ID from the roundabout outside Tesco towards the Westgrove Hotel.

- Irish Water currently has no plans to upgrade the infrastructure in this area. The development will be required to wholly fund the upgrade works which would be carried out by Irish Water. Any consents required will be the responsibility of the applicant to obtain.

#### **Design Acceptance**

- Irish Water has issued a Statement of Design Acceptance for the development.
- Conditions recommended in relation to connection agreement, compliance with standards and protection of IW assets.

### **11.0 Assessment**

Having considered all of the documentation on file, the PA's Chief Executive Report, the submissions from prescribed bodies and elected representatives and third-party submissions, I consider that the planning issues arising from the proposed development can be addressed under the following headings:

- Principle and Quantum of Development
- Development Strategy
- Quality of Residential Development
- Traffic and Transportation
- Water Services and Flood Risk
- Ecology
- Other Matters

These matters are considered under separate headings below. Furthermore, Environmental Impact Assessment and Appropriate Assessment are addressed in Sections 12.0 and 13.0 below.



## 11.1. Principle and Quantum of Development

### Land Use

11.1.1. The Kildare County Development Plan 2016-2022 (KCDP), as varied, and the Clane Local Area Plan 2017-2023 are the relevant statutory plans for the area. The site is one of 5 no. Key Development Area's (KDA5) identified in the Local Area Plan. It is zoned 'C' New Residential for the most part and is subject to an objective "to provide for new residential development". Residential and creche uses are permitted in principle under the New Residential zoning (Table 13.1.1 Land Use Zoning Matrix refers). A section of the site along the western boundary that relates to a proposed link street and access to the GAA grounds is zoned 'F' Open Space with an objective "to protect and provide for open space, amenity and recreation". A proposed signalised junction at Millicent Road will extend into lands zoned 'B' Existing Residential Infill. The requirement for the link street is identified in the Clane LAP in Table 8.1, Map 8.1 Movement Objective, Map 13.1 Land Use Zoning Objective and in Section 12.2.5 KDA5. I am satisfied that the roads objective is met. The link street will provide for improved access to the GAA grounds and to an adjoining residential estate and on this basis, I consider that it would not conflict with the primary use zoning objectives for these lands.

### Density

11.1.2. The proposed development comprises 192 no. residential units on a site of 5.5 hectares (net) with a resulting density of 35 units per hectare. A significant number of third party submissions, including those of elected members, have expressed concern in relation to the density of the proposed development. Concerns are centred on the exceedance of the estimated unit capacity in Chapter 4 of the Clane LAP and on the capacity of the area to accommodate the quantum of development proposed under this and other development proposals. It is suggested in some submissions that the proposal represents a material contravention of the zoning objective due to the exceedance of the estimated unit capacity.

11.1.3. The LAP identifies 5 no. Key Development Areas (KDAs). The site comprises most of the KDA 5 save a small area to the east / north of the site. Table 4.1 in considering the core strategy allocation for Clane under the KCDP sets out an estimated residential capacity of 158 no. units for KDA 5 based on a density of 30

dwellings per hectare. The LAP states that the figures in Table 4.1 are an estimate and that the density of development and number of units permissible will be determined at detailed design stage. Section 12.2.5 of the plan sets out an overview of the KDA and states the following in respect of density: *"this KDA is likely to accommodate medium density residential development in the order of 30 – 35 units per hectare. Given the proximity of the site to the town centre, where the quality of the design and layout is particularly high, higher densities may be appropriate"*.

- 11.1.4. Recent policy at national and regional level encourages higher densities in appropriate locations. The National Planning Framework (NPF) 2018 promotes the principle of 'compact growth'. Of relevance, are objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development, encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018 (updated 2020), assist in determining appropriate densities.

The site is a greenfield site located close to the centre of Clane and close to educational and sporting facilities along the Prosperous Road. The site is within walking distance of bus stops on Main Street and Dublin Road with services to Dublin, Nass, Maynooth, Blanchardstown, Athy, Kilkenny, Mullingar and Portlaoise. The applicant's statement of consistency highlights the fact that the site is well located sequentially and that development on the western side of Clane will rebalance new growth, which has been focused on the northern and eastern sides of settlement. Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out density guidance for urban areas. This guidance is reflected in Table 4.2 of the County Development Plan. Clane had a population of 7,280 persons in 2016. Settlements with a population of over 5,000 persons, such as Clane, fall within the City and Large Town category under the Sustainable Residential Development Guidelines. Section 5.11 of these guidelines state that net densities of 35-50 dwellings per hectare should generally be encouraged on outer suburban / greenfield sites and that densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed density of 35 dwellings per hectare (net) is within this density range. The more

recent Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2018 and updated 2020) address this issue in more detail by defining the types of location in cities and towns that may be suitable for increased densities, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. It is my view that, given the site's distance from a principal town or suburban centre, centre of employment and high frequency public transport that the site is located in a 'Peripheral and / or Less Accessible Urban. The Statement of Consistency notes the peripheral and / or less accessible location and this categorisation is also consistent with the views expressed by third parties. The guidelines state that such locations are generally suitable for limited, very small-scale higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will vary, but broadly less than 45 dwellings per hectare net).

I am satisfied that the site is sequentially well placed to accommodate growth given its proximity to Clang Town Centre and to retail, sporting and educational facilities. In terms of the density, given the locational context of the site and the level of public transport and other services in the area (as highlighted in third-party submissions) I am of the view that development at the lower end of the density range detailed in the Sustainable Residential Development Guidelines is acceptable. I consider that the proposed density of 35 dwellings per hectare represents a reasonable density, that this density is consistent with the provisions of the Local Area Plan and acceptable by reference to national planning policy. I would suggest that densities of 30 dwellings per hectare or below, as suggested in third party submissions, would not be appropriate at this location, given the indication in recent national planning policy such as that set out in the National Planning Framework 2018, the Urban Development and Building Height Guidelines, 2018 and in the Sustainable Urban



Housing Design Standards for New Apartments, 2018 that increased densities and a more compact urban form is required within urban areas.

#### Core Strategy

- 11.2. In considering the Core Strategy, there have been a number of policy changes, since the adoption of the KCDP and Clane LAP at national, regional and local level that are considered to be relevant.
- 11.2.1. The Core Strategy of the KCDP 2017-2023 when adopted identified Clane as a Small Town and assigned a housing allocation of 780 no. units to Clane over the plan period. This allocation is reflected in Table 4.1 of the LAP which sets out an estimated capacity of 1,026 no. residential units on zoned lands. The LAP states that this capacity is adequate to deliver the Core Strategy allocation of 780 housing units over the Plan period and includes additional capacity / headroom. The KDCP and the LAP predate the publication of the National Planning Framework (NPF) in February 2018, the Implementation Roadmap for the NPF in July 2018 and the RSES for the Eastern and Midlands Regional Assembly Area June 2019. The Roadmap sets out Transitional Regional and County Population Projections to 2026 and 2031 (Appendix 2) and these have been incorporated into the RSES (Appendix B).
- 11.2.2. Variation No. 1 to the Kildare County Development Plan (June 2020) was adopted in order to address objectives of the RSES. Clane is reclassified as a Town<sup>1</sup> under Variation No. 1 with the stated function to provide “local service and employment functions in close proximity to higher order urban areas”. Arising from a reduced growth target for County Kildare under the NPF / RSES Clane has been allocated a housing target of 145 no. units over the period 2020-2023 (remaining plan period). The proportion of the County’s growth allocated to Clane remains at 2.4%.
- 11.2.3. The CE’s Report notes that no residential scheme in Clane has received a final grant of planning permission since the adoption of Variation No. 1. There is a current appeal with the Board relating to 91 residential units (Ref. 20/808 / ABP-309367-21). There is a current SHD application with the Board for 333 no. residential units (ABP-

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<sup>1</sup> Settlement Hierarchy in RSES Table 4.2: 1. Dublin City and Suburbs, 2. Regional Growth Centres, 3. Key Towns, 4. Self-Sustaining Growth Towns and Self-Sustaining Towns (to be defined by development plan), 5. Towns and Villages (to be defined by development plan), 6. Rural Areas.

308943-20). The CE Report notes that a permission granted by the Board in September 2019 for 366 residential units at Capdoo Clane pre-dates the variation. I note that a number of third party submissions and a submission received from An Taisce refer to earlier permissions suggesting that they also need to be considered in the context of the Core Strategy allocation, however, I am satisfied that the core strategy allocation relates to the period 2020-2023 and that permissions that pre-date this period can be excluded from the Boards consideration relating to the core strategy. On this basis, I am satisfied that there is a 145 no. unit allocation remaining in Clane.

- 11.2.4. The applicant states that Variation No. 1 was subject to a Judicial Review and that the High Court has issued an Order placing a stay on the implementation of the Variation as it applies to Clane, Celbridge and Johnstown. However, the CE Report indicates that Variation No. 1 has effect at this location. On this basis, I consider that the adopted Variation No. 1 sets out the relevant Core Strategy allocation for Clane. The applicant states that in the event that the stay is lifted at time of consideration, a phasing plan is proposed with Phase 1 to comprise 144 no. units and Phase 2 to comprise 50 units.
- 11.2.5. The subject application for 192 units exceeds the 145 no. dwelling target for Clane over the period 2020 to 2023 by 47 no. units. The applicant has set out a phasing plan to provide for 144 no. units in Phase 1 and 50 units in Phase 2. It is stated that this will ensure that the 145 new dwelling units target for Clane within the remaining plan period 2020-2023 will not be exceed. The proposed development is situated on zoned lands, is well positioned relative to the settlement core, social and community services and transport services in Clane and adheres to the medium density range envisaged for these lands under the LAP. I would note in relation to the exceedance of the Core Strategy figure by 48 no. units that the application does not include a Material Contravention Statement in relation to this or any other matter. The Board, therefore, has no recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should the Board consider the exceedance to be material. I would note that the CE Report notes that the Phase 1 development will ensure that the 145 new dwelling units target for Clane within the remaining plan period 2020-2023 will not be exceeded. The CE's recommendation states that having regard, inter alia, to the Core Strategy of the CDP and Variation No. 1 of the CDP and to the zoning

objective pertaining to the lands that permission is granted. In the event that the Board considers the exceedance of the Core Strategy figure to be material in nature and is otherwise minded to grant permission for the proposed development it is open to the Board to grant permission for Phase 1 comprising 144 no. units and to exclude the remaining Phase 2 development by condition. I am satisfied that the proposed phase 1 development would represent a suitable form of development in its own right and that the relevant standards considered in other sections of this assessment would continue to be met. I have included a condition to this effect in the recommended conditions.

I would draw the Boards attention to the fact that the subject application when taken in conjunction with the 424 no. units proposed on other sites within Clane (ABP-308943-20 and ABP-309367-21) would result in a total of 616 no. additional units which is above the Core Strategy allocation for this settlement. In the event that a decision is made to grant permission for the 333 no. units proposed under ABP-308943-20 and / or the 91 units proposed under ABP-309367-21) prior to a decision being made on the subject application, the proposed development would exceed the Core Strategy allocation for Clane and I consider that the level of exceedance would be material in nature. In this case I recommend that the Board refuse permission for the following reason: It is considered that the proposed development would not comply with the Settlement Strategy for Kildare and would represent a material contravention of the Kildare County Development Plan 2017-2023, as amended by Variation No. 1. The proposed development would, by providing greater growth in the Town than assigned in the Core Strategy, contravene policies SS1 and STP1 of the development plan and militate against the implementation of the objectives of the Regional Spatial and Economic Strategy 2019-2031 for the Eastern Midland Region and would, therefore, be contrary to the proper planning and sustainable development of the area.

11.3. The submission from An Taisce refers to a previous permission granted by the Board under ABP-304632-19 for 366 no. residential units. I am satisfied that the development permitted in 2019, predates the current Core Strategy allocation which relates to the period of 2020-2023 and that it is not a relevant consideration in this instance.

11.4. The Department of Housing, Local Government and Heritage issued the 'Housing Supply Target Methodology for Development Planning' in December 2020 under



Section 28 of the Act. This guidance is intended to assist planning authorities to integrate NPF population targets into their development plans. This guidance was accompanied by additional assistance on the 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 that the annual output figures for Kildare 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 Ministerial Letter accompanying this guidance 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. I note that Table 3.3 of Variation No .1, anticipates c. 2,000 units per year over the 7-year period until 2026 in County Kildare. 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 that these calculations are based on the entire County and no amended figures are provided for Clane. I consider the figures to be 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 to be applicable to the assessment of compliance with the Core Strategy as part of the assessment of an individual application.

### **11.5. Development Strategy**

11.5.1. The proposed development consists of 114 no. two storey houses (detached, semi-detached and terraced) and 6 no. three storey duplex blocks containing 78 no. residential units in total. The layout is structured around a central link street that connects the R403 Prosperous Road to the north of the site with the L-2004 Millicent Road to the east. The applicants design statement refers to three distinct character areas within the scheme at the northern, mid and southern sections of the site.

Character Area 1 relates to the northern section of the site. This area consists of 39 no. 2 storey houses and a larger public open space. Character Area 2 relates to the



central section of the site around the proposed link street and Millicent Road. This character area consists of 86 no. residential units, 8 no. semi-detached houses and 78 no. duplex units. There is a creche in the ground level of Duplex Block B which fronts onto Millicent Road. The 3 storey duplex blocks and 2 storey houses provide direct frontage onto the link street and to Millicent Road. The duplex units are dual fronted with access doors on both sides. Character Area 3 relates to the southern section of the site. This area comprises 67 no. residential units, characterised by two storey semi-detached and terraced houses. There are two large open spaces within this area.

- 11.5.2. Overall, I consider that there is a high level of connectivity and permeability within the layout and that there is a good hierarchy of streets and open spaces. The provision of different housing types provides variety and interest and results in good legibility. The overall block structure provides for an active street frontage and enclosure to the proposed link street and Millicent Road, and for an acceptable level of frontage to streets and spaces to the north and south of the link street. The housing blocks are generally well formed with good corner treatments limiting incidence of end gables or high walls.
- 11.5.3. The open spaces are well integrated and distributed throughout the development. The layout of the scheme provides for housing to front onto these spaces and provides for visual and pedestrian links across the site. Two larger spaces incorporate natural children's play (play equipment, kickabout space, grassy mounds, bounders and planting). Paths and seating is also to be provided. The Report of the PA's Parks Department raises no objection to the landscape design proposals subject to conditions. Overall, I consider the design and hierarchy of open space proposed to be acceptable. The quantum of open space is considered separately in Section 11.6 below.
- 11.5.4. The layout has a road hierarchy comprising the spine route and local streets with a mix of in-curtilage and on-street parking. There is good pedestrian, cycle and vehicular permeability within the scheme with limited use of cul-de-sacs. The layout allows for future connections to adjoining lands to the south and east. The overall layout and roads hierarchy are generally considered to be in accordance with the principles of DMURS.

11.5.5. The submitted documents include photomontage images and CGI's for the proposed development. The proposed development comprises 2-3 storey housing on a relatively flat site. Views into the development will be screened from the Prosperous Road to the north by development. There are open views into the site from the Millicent Road and from the agricultural lands to the south. Planting along the boundary to the Clane GAA grounds screens views from this location, however, the removal of planting to facilitate a new vehicular access into the GAA grounds may open up views. I consider the visual change from agricultural to residential to be consistent with the zoning objective pertaining to the lands. The proposed 2-3 storey housing blocks are generally in keeping with and do not significantly exceed the 1-2 storey building heights in this area. In the wider landscape the proposal will read as an extension of the urban landscape within Clane.

11.5.6. Development Strategy Conclusion:

I am satisfied that the proposed development strategy is consistent with national and local guidance and that it provides for a high standard of residential development and that it would not impact unduly on the character or amenity of the area.

## 11.6. Quality of Residential Development

11.6.1. The following assessment considers the quality of development overall to ensure that the scheme as a whole would meet the relevant quantitative and qualitative standards. The assessment has regard to guidance set out in the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the Kildare County Development Plan 2017-2023 and the Clane Local Area Plan 2017-2023.

11.6.2. Housing Mix

The proposed development would provide for the following housing mix:

Beds	Duplex / Apartment	Houses	Total	%
1-bed	10	0	10	5.2
2-bed	40	0	40	20.8
3-bed	28	83	111	57.8

4-bed	0	31	31	16.2
	78	114	192	100%

SPPR 1 of the 2018 apartment guidelines indicates that apartment developments may include up to 50% one-bed or studio type units and there shall be no minimum requirement for apartments with three or more bedrooms. The apartment mix (duplex and apartment units) is in accordance with SPPR1.

Objective MDO 3 and Table 17.3 of the Kildare County Development Plan require a Statement of Housing Mix to be submitted. The Statement of Housing Mix indicates that the development is primarily comprised of mid-sized three bed houses with a smaller number of larger four bed houses. It is concluded that the development will ensure the delivery of a large proportion of family type housing which reflects the prevailing demographic and current household composition in Clane and respond to local market demands. I consider the housing mix to be acceptable.

#### 11.6.3. Apartment / Duplex Design and Layout

The schedule of floor areas set out in the Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three person apartments. There are no two bed three person apartments within the scheme.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme (> 10 units) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). All units exceed the minimum floor area standard by over 10%. The requirement is met and exceeded.

SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. I note that all of the apartment /



duplex units are dual aspect. I am satisfied that the requirements of SPPR 4 of the Guidelines are met and exceeded.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. All units are own door. This requirement is complied with.

Appendix 1 of the guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. Private open space is provided in the form of upper level and ground level terraces. The minimum space and depth standards are met.

#### 11.6.4. Housing Design and Layout

The proposed development contains 83 no. 3 bed houses and 31 no. 4 bed houses. Chapter 17 of the Kildare County Development Plan sets out development standards for houses. Table 17.4 sets out minimum floor and storage areas and Table 17.5 sets out minimum areas for private open space. The relevant minimum sizes are as follows:

	Floor Area m <sup>2</sup>	Storage m <sup>2</sup>	Private O/S
3 bed	100 sq.m	9 sq.m	60 sq.m
4-bed	110 sq.m	10 sq.m	75 sq.m

The submitted Housing Quality Assessment includes details of floor areas, storage areas, private amenity areas for each house type. All units meet the minimum floor area, storage and private open space standards. The development plan standard of 22 meters separation between directly opposing windows is also generally met.

#### 11.6.5. Open Space

The Kildare County Development requires public open space provision in new residential areas at a rate of 15% of site area. This standard is reflected in the Clane Local Area Plan. Appendix 1 of the Apartment Guidelines sets out the following



minimum area requirements for communal amenity space in new apartment developments:

Unit	No.	Per Unit (sq.m.)	Total Requirement
1 bed	10	5 sq.m	50 sq.m
2 bed (4 person)	40	7 sq.m	280 sq.m
3 bed	28	9 sq.m	252 sq.m
Total	78		582 sq.m.

The minimum public open space requirement in this instance (15%) is 5,500sq.m. The stated open space provision is 8,304 sq.m. The submitted site layout plan does not distinguish between public and communal spaces and the spaces are generally open in nature and not directly connected to individual duplex blocks. The submitted 'Landscape Design Rationale' does refer to smaller spaces adjacent to Duplex Blocks A and B as communal open spaces. While it may have been preferable to have individual semi-private areas close to the duplex blocks I am satisfied that the quantum of open space provided overall significantly exceeds the overall requirements for public and communal open space and that there is a good distribution and quality open space within the development.

#### 11.6.6. Daylight, Sunlight, Overshadowing

Section 28 guidance contained in the Urban Development and Building Height Guidelines, 2018 (Section 3.2) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing the loss of light. Given the modest building heights proposed in this instance and the level of separation between buildings I am satisfied that all units within the scheme will have reasonable level of daylight / sunlight access and that undue overshadowing would not arise and that standards set out in BRE and BS guidance documents referenced in the Building Height and Apartment Guidelines would be met and exceeded.

#### 11.6.7. Waste Management

Communal bin stores are provided in external areas close to the proposed duplex / apartment units. The application is also accompanied by an Operational Waste

Management Plan. I am satisfied that the issues of waste management has been adequately addressed and that more detailed proposals for the management and segregation of waste can be agreed prior to the commencement of development.

#### 11.6.8. Impact on Amenity

The submissions received from third parties have not raised any concerns in relation to the potential impact on residential properties bordering the site. The proposed development maintains a setback of 22 metres and over from opposing dwellings to the north. Dwelling along the southern boundary side onto an existing dwelling with a setback of 15 metres. There are no opposing upper level windows. The proposed Duplex Block B maintains a setback of 21.8 metres (across a public road) from a terrace of two storey dwellings in Hemingway Park to the east. In terms of impacts, the separation distances between the proposed housing blocks are significant relative to the 2-3 storey building heights of the proposed buildings. This factor mitigates any potential impact in terms of daylight, sunlight and overshadowing and I am satisfied that the potential for undue impacts on the amenity of existing properties can be excluded. The separation distances is also adequate to prevent undue overlooking. While the outlook from adjacent properties would be changed by the proposed development, the submitted photomontages indicate that the change is largely positive and consistent with the residential zoning.

In relation to construction phase impacts I would note that noise, vibration and dust emissions arising from construction activities on site have the potential to impact adversely on the amenities of neighbouring properties. Impacts arising during the construction phase will be short-term in nature and I am satisfied that subject to the implementation of best practice construction management measures as detailed in the submitted Construction and Environmental Management Plan and adherence to standard construction hours, that undue impacts would not arise. These matters can be further reinforced by way of condition.

#### 11.6.9. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that it would offer a reasonable standard of residential accommodation and amenity for future residents of the scheme. I am also satisfied that subject to the

implementation of the measures set out above, including the implementation of a Construction Management Plan and adherence to standard construction hours, that undue impacts would not arise on the amenities of the area.

## **11.7. Traffic and Transportation**

### **11.7.1. Link Street**

The proposed development includes a Link Street from the R403 Prosperous Road to the L-2004 Millicent Road. A priority controlled junction is proposed onto the R403 Prosperous Road and a four arm signalised junction is proposed at the Millicent Road L-2004. The link also includes a new access into the GAA Club and it is proposed to decommission the existing access from the R403. The Link Street is a strategic connection that is identified in the LAP (Table 8.1, Map 8.1 and Map 13.1 refers). Dedicated pedestrian and cycle facilities are provided along the street and along the eastern side of the Millicent Road. I am satisfied that the street will enhance the urban street network within Clane and that it is in accordance with DMURS. I recommend that detailed design drawings for the junctions and safety audits are submitted to the PA for agreement prior to the commencement of works.

### **11.7.2. Car Parking**

The proposed development includes a total of 340 no. car parking spaces, 228 no. spaces for the 114 no. houses, 101 no. spaces for the 78 no. duplex units and 11 no. spaces for the creche. Table 17.9 of the Kildare County Development Plan sets out car parking standards for the county. The standards are 2 spaces per house, 1.25 spaces per apartment and in the case of a creche 1 space per 5 staff and 1 space per 10 children. This equates to a requirement for 376 no. spaces. The CDP notes that other than 'residential' the standards are maximum standards. It also states that lower rates of parking may be appropriate at certain sites setting out criteria where this might arise and that the Council reserves the right to alter the requirements. The more recent Sustainable Urban Housing Apartments Guidelines 2018 (updated 2020) suggests that that at 'Peripheral and / or Less Accessible Urban Locations' such as this (Section 11.1 refers) that one car parking space per apartment, together with an element of visitor parking, such as one space for every 3-4 apartments (Section 4.22 refers) should generally be required.



11.7.3. The Report of the PA's Roads, Transport and Public Safety Department recommends that permission is refused. The Report refers to a shortfall of car parking for duplex units (36 no. spaces) relative to the development plan standard and states that this is contrary to Objective MTO4.1 of the local area plan which relating to complying with the car parking standards in the development plan. The Report states that the proposed development will result in an endangerment of public safety due to (a) the direct frontage of residential development and open space onto a 50 kph road and (b) the hazard arising from the reduced car parking provision and resulting unauthorised parking along a 50 kph road. The Report also states that the location of car parking associated with houses 132 to 135 facing onto and accessing directly onto the L2004 Millicent Road (speed limit 50 kph) represents an endangerment of public health by reason of traffic hazard and an obstruction of road users. It is recommended that permission is refused on this basis. The Report states that the seven roads junctions proposed along the length of the 'Road Objective' represents an impediment to the distributor road function and capacity of the road.

11.7.4. I would note that the Design Manual for Urban Roads and Street (DTTS and DECLG) 2013 is the relevant street design document for urban areas (within the 50 kph speed zone). Section 2.2 refers to a shift away from conventional roads based design solutions towards a more integrated model of street design that incorporates elements of urban design and landscaping. Section 2.2.1 identifies connectivity, enclosure, active frontage and pedestrian activity as key characteristics of sustainable urban neighbourhoods. I am satisfied that the proposed roads layout is generally in accordance with the principles of DMURS. The provision of direct frontage onto the link street and Millicent Road is consistent with DMURS guidance. I would accept that the car parking spaces associated with dwellings no. 132-135 have limited visibility on approach from the south due to the presence of a hedgerow along the shared southern site boundary that that this coupled with their location at the edge of the built up area could result in a traffic hazard. I recommend that the in-curtilage spaces are omitted and replaced with a shared bay of up to 6 no. parallel parking spaces. This can be addressed by condition. The use of junction off sets along the link street is also in keeping with the traffic calming measure detailed in Section 4.4.7 of DMURS. While I accept that the route may have an important traffic



function within the Clane area, I would not concur with the view that it should be designed as a distributor road and to cater for through traffic at the expense of creating an integrated street environment. This approach would diminish residential amenity within the scheme and contravene the guidance set out in DMURS.

11.7.5. In relation to car parking, the proposed houses and creche meet the car parking standard in Table 17.9 of the KCDP, while the duplex units meet the standards set out in the Apartment Guidelines. I consider this approach to be reasonable and to be in accordance with national guidance. I do not concur with the view that this would be in contravention of Objective MTO4.1 of the Clane LAP or the KCDP standards. The KCDP offers a level of flexibility in relation to the car parking standards set out in Table 17.9. I consider that the rate of provision overall would not represent a material deviation from these standards.

11.7.6. A total of 160 no. bicycle parking spaces are proposed, 98 no. long stay and 62 no. short stay spaces. 144 no. spaces are provided for the duplex units. The TTA states that the level of provision is higher than the development plan standard (Table 17.10) and that it represents a good compromise between the development plan standard and the standards set out in the Apartment Guidelines. I consider the approach to cycle parking to be reasonable having regard to the sites locational context.

#### 11.7.7. Traffic Assessment

A number of third-party submissions raise concerns in relation to the impact of traffic from the development on the local road network. One submission sets out concerns in relation to the volume and speed of through traffic on the Millicent Road and at Moat Commons / Butterstream and resulting concerns for pedestrian safety.

The application is accompanied by a Transportation Assessment. The methodology used in the assessment is acceptable and generally in accordance with the TII Traffic Assessment Guidelines 2014 and the Institute of Highways and Transportation Guidelines for Traffic Impact Assessments. The impact of the proposed development on the signalised junction at the intersection of Main Street (R407) and Prosperous Road (R403); on the priority controlled junction at Main Street (R407) and Millicent Road and on the proposed junctions onto Prosperous Road (priority controlled) and Millicent Road (signalised) is considered. Traffic counts

were undertaken at all four locations in September 2019. The surveys reflect a pre-COVID situation and on this basis are considered to provide a good indication of baseline traffic. Trip rates from the proposed development and for committed development in the Hemmingway development to the east are calculated using the TII approved TRICS Database. The impact of diversions arising from the proposed Link Street is also considered. An Opening Year of 2021 and future years of 2026 (+5 years) and 2036 (+15 years) are considered.

Preliminary analysis indicates that the proposed development would result in a slight reduction of traffic volumes at the Prosperous Road / Main Street junction (2.2% am peak and 4.25% pm peak) and at the Millicent Road / Main Street junction (1.32% am peak and 2.59% pm peak). Detailed modelling was not undertaken for the Prosperous Road / Main Street junction or the Millicent Road / Main Street junction as the preliminary assessment indicated that the proposed development would not result in a material increase in traffic at these junctions (+5%). This approach is in accordance with the TII guidance. Detailed modelling of the proposed junctions onto the R403 and L-2004 has been carried out. The assessment of both junctions indicates that the junctions will operate with significant reserve capacity in all design years modelled. I am satisfied that the submitted traffic assessment is robust and that it accords with relevant national guidance. The assessment demonstrates that the impact of the proposed development on the local traffic network would be marginally positive.

I note concerns raised in third party submissions about the impact of rat running on local roads in the environs of Clane and the lack of pedestrian provision on these roads. However, I consider that the matters raised would be more appropriately addressed to the PA as they relate to the management of traffic and standard of roads in the wider area.

#### 11.7.8. Construction Traffic

The submitted Construction and Environmental Management Plan states that a detailed CEMP to include a Traffic Management Plan will be submitted to the PA for agreement prior to the commencement of development. I would note that the volume of traffic during construction will be lower than that generated during the operational phase and that any impacts arising will be temporary in nature. I am

satisfied that impacts can be satisfactorily addressed through the implementation of a Traffic Management Plan. This can be satisfactorily addressed by way of condition.

#### 11.7.9. Conclusion Traffic and Transport

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues are of a minor nature and may be dealt with by condition.

### 11.8. Water, Drainage and Flood Risk

11.8.1. I refer the Board to the 'Infrastructure Design Report', 'Site Specific Flood Risk Assessment' (SSFRA), to the CE's Report including the Report of the Water Services Section and to the submissions received from prescribed bodies and third parties.

#### 11.8.2. Surface Water Drainage

The site slopes gently from north east to south west. The Butterstream River runs from west to east through two culverts (main channel and overflow culvert) in the northern section of the site. There is a partially culverted drainage ditch along the northern site boundary to Prosperous Road. There is a piped drain along the eastern boundary to Millicent Road. Preliminary Ground Investigations were carried out in August 2020 and are appended to the SSFRA. Infiltration tests at 5 no. locations found low infiltration rates.

The site is subdivided into two surface water catchments (DBFL Infrastructure Design Report Figure 3.2 refers). Catchment one relates to the narrow section of land between the Prosperous Road and the Butterstream culvert. Catchment 2 relates to the remainder of the site. It is proposed to discharge attenuated surface water from the proposed development into a culverted section of the Butterstream River. The drainage system includes a piped network that will discharge (via bypass separator) into an attenuation tank located under open space no. 2. This system is designed for the 100-year critical storm and includes a 20% allowance for climate change. SuDS features in the form of tree pits and permeable paving with aggregate / filter materials underneath and bio swales will provide further interception storage / attenuation. These features do not rely on infiltration to ground due to the impermeable nature of the soils, but it is noted that some infiltration may occur. An



oversized pipework is provided in Catchment 1 along the proposed access road. Surface water runoff will be attenuated to greenfield runoff rates ( $Q_{bar}$ ) and outfall will be controlled by a hydrobreak type flow control device. Drainage from public roads will continue to drain to the existing culverts / drains.

The CE's Report recommends the inclusion of a condition that water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the PA for such works and services. The Report of the PA's Water Services Section indicates no objection to the proposed drainage arrangements but recommends a number of conditions that require extensive site investigations and a potential redesign of the surface water drainage system prior to the commencement of development. Condition 2 (a) seeks revisions to the surface water drainage strategy to include SuDS measures and the removal of surface water run-off. This includes a requirement for detailed site investigations to determine whether infiltration to ground is possible and where it is possible modifications to the approved site layout to prioritise infiltration systems. Condition no. 6 states that following finalisation of the drainage design, flood risk mitigation shall fully comply with the Planning System Flood Risk Management Guidelines and policies and objectives of the Clane Local Area Plan SFRA. The condition sets out an extensive list of items to be considered as part of the flood risk mitigation strategy including the need for new drainage along Millicent Road, assessment of flood risk associated with Clane Quarry lake, consideration of groundwater flood risk, avoidance of flood routing onto public roadways and towards existing properties, maintenance regimes, details of compensatory storage and the need to ensure that emergency vehicle access is not compromised during flood events. Concern is raised over the proposed flood routing, level of buildings and drainage networks relative to flood levels. It is stated that the final adopted flood risk mitigation measures shall be implemented and maintained by the applicant until such time as the proposed development is taken in charge and full records kept. It is noted that where changes are made to the drainage design and layouts post planning the applicant shall consult the PA to establish the procedures to be followed to regularise the planning implications of these changes. Other requirements relate to providing details of the condition, capacity and maintenance procedures for existing culverts within the site (including the overflow culvert and the Butterstream watercourse



channel). The recommended condition states that the applicant shall be responsible for any repairs, upgrades or enhanced maintenance procedures. The condition states that where required, written consent from OPW, Inland Fisheries Ireland or other relevant statutory authority for discharge of surface water run-off to the Butterstream River, which is a tributary of the River Liffey. Condition no. 5 is that the applicant agree a maintenance regime for the proposed drainage system.

I am satisfied that the proposed surface management system (including SuDS features) sets out a typical engineering solution for a greenfield site of this nature and is generally GDSDS compliant. The matter of infiltration to ground (in whole or in part) has been considered by the applicant and discounted on the basis of the infiltration rates encountered during investigations. The proposal to discharge run off to a local watercourse at a greenfield rate is not unusual for an urban development project of this nature.

Matters raised in relation to the condition, capacity and maintenance of existing culverts; maintenance of the surface water system; level of drainage infrastructure; and the design and capacity of attenuation, SuDS and flood storage areas are detailed design matters in my view. While it is important that these matters are clarified and agreed prior to the commencement of development (with relevant authorities including OPW where flood defences are interfered with), I am satisfied that the matters arising can be satisfactorily addressed within the parameters of the proposed drainage system. In the event of a grant of permission, I recommend that a condition is attached to address these matters. It is not envisaged that the existing culvert along the Millicent Road would accept surface water from the proposed development and on this basis, I would suggest that with the exception of addressing any impacts arising from construction works in the area that it is not the applicant / developer's responsibility to upgrade or upsize this infrastructure. I note that the submission from IFI and a third party suggest that it would be preferable if outfall was to an open watercourse channel as it will be more difficult to identify pollution where outfall is via a culvert. I consider that the risk of pollution from a development of the nature proposed is relatively low (risk of hydrocarbons from roads / parking areas entering the system) and that the surface water system includes sufficient measures to remove potential pollutants (bypass interceptor). The matter of opening the watercourse channel is considered separately below.

### 11.8.3. Flood Risk

The OPW Eastern CFRAMS flood extent maps for the area show that a section of the site on the proposed access route from Prosperous Road is within Fluvial Flood Zones A and B (high and moderate risk) associated with the Butterstream River.

The majority of the site (including proposed dwellings, creche, open spaces and parking areas) is within Flood Zone C and at low risk of flooding. There is a CFRAMS modelling node within the northern section of the site (Ref.

09COTT00090J) on the Butterstream culvert. The modelled 10% AEP fluvial flood level is +68.74 metres; 1% AEP fluvial flood level is +68.91m; and 0.1% AEP fluvial flood level is +69.02m. Ground levels on site vary from c. 69m OD to the south of the Prosperous Road, rising generally to between 70m OD to 72 m OD within the main section of the site.

A flood alleviation scheme was completed in this area in 2011. The scheme was designed to intercept peak flows in the existing open channel of the Butterstream west of the site (1500mm diameter overflow culvert) and divert them along the southern boundaries of the Butter Stream Estate / Clane GAA grounds before connecting back to the Butterstream channel. The culvert of the main channel and of the overflow channel join the open channel of the watercourse immediately east of the site.

The potential for pluvial flood due to a risk of failure of the surface water drainage system and human / mechanical error is identified. It is noted that this risk can be mitigated by designing the surface water network in accordance with GDSDS. The surface water drainage strategy is designed to accommodate the 100-year storm plus climate change, and it is proposed to implement a maintenance programme for the drainage system. I consider this approach to be reasonable. Flood routes to cater for storms greater than the 100-year level has been incorporated into the design of streets and spaces. The site is not at risk from tidal flooding.

The Planning System and Flood Risk Management – Guidelines classify residential development and emergency access / egress points as highly vulnerable development classes (Table 3.1) and indicate that such development can only be considered in Flood Zone A or B, where it meets the criteria of the Development Management Justification Test (in Chapter 5). Section 5 of the submitted SSFRA

assesses the proposed development against the criteria. I set out the following assessment:

#### Development Management Justification Test

Criteria	Assessment
<i>Lands zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.</i>	Yes. The lands are zoned residential, and the site has passed the Development Plan Justification Test. The Plan requires FRA for sites in this area. I am satisfied that Development Plan policies in relation to flood risk management are met.
<i>The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.</i>	No. Flood Zone A and B on a minor section of the link street at entrance from Prosperous Road (c. 50m section). Mitigate any flood storage loss by compensation measures. SuDS measures proposed. Flood Alleviation Scheme undertaken in the area in 2011 to address known flood risks.
<i>The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.</i>	Residential / creche uses in Flood Zone C. GDSDS minimum freeboard of 500mm above 1% AEP flood level is met and exceeded for dwellings / creche. Risk to people, property and the environment is therefore considered low. Compensatory flood storage is proposed for the extent of 1% AEP flood zone removed by the proposed link street at the entrance from Prosperous Road. Infrastructure Design Report and SSFRA (Section 5.7) sets out mitigation measures to reduce flood risk.
<i>The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any</i>	Yes. See responses above. All proposed access points are above the 1% AEP design Flood Level for the site. Two main access points. This will provide alternative access to emergency services during flood events if one access becomes blocked. Finished levels of new street higher than existing flood levels.



<i>future flood risk management measures and provisions for emergency services access.</i>	
<i>The development addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.</i>	I am satisfied that this is achieved.

I am satisfied on the basis of the submitted information and in particular the SSFRA that the proposed development passes the Development Management Justification Test and that the level of residual risk to the proposed development from flooding is low, having regard to the location of the dwellings, creche and open spaces within Flood Zone C (low risk). I am satisfied having regard to the proposal to provide compensatory storage that there would be no increase in flood risk at other locations. While a section of the proposed access road is within Flood A/B I am satisfied that there is an alternative access route into the site in a flood event.

#### 11.8.4. Wastewater and Water Supply

I refer the Board to the 'Infrastructure Design Report' submitted with the application and to the Report received from Irish Water dated 11<sup>th</sup> February 2021. It is proposed to connect to an existing 225mm foul sewer on Millicent Road. IW have indicated that upgrade works are required to increase the capacity in the wastewater network and that a project is underway to relieve 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 (subject to change). On the basis that this work is substantially completed and that there is sufficient certainty in relation to the timeframe for completion I consider that a refusal of permission would not be warranted on the basis of prematurity. Wastewater from Clane drains to the Osberstown Wastewater Treatment Plant (WWTP) and discharges to the River Liffey under EPA licence.

It is proposed to connect to an existing water supply network on Prosperous Road. Irish Water have indicated that upgrades are required to the existing network in order

to facilitate the development. Approximately 370m of existing 125mm uPVC main to be upsized to 200mm ID on the R403. Approximately 440m of existing 150mm uPVC main to be upsized to 200mm ID from the junction of L1023/R407 (Manzors) to the roundabout outside Tesco. Approximately 50m of existing 100mm uPVC to be upsized to 225mm ID from the roundabout outside Tesco towards the Westgrove Hotel. The developer will be required to wholly fund the upgrade works which would be carried out by Irish Water and IW note that any consents required will be the responsibility of the applicant. The submitted Infrastructure Design Report notes that the works are standard network improvements that do not require planning permission. I note that the sections of network referenced by IW are contained within the public road network. On this basis I am satisfied that the necessary upgrades can be undertaken without planning or third party consents and that a refusal of permission would not, therefore, be warranted on this basis.

### 11.9. Ecology

I refer the Board to the submitted Ecological Impact Assessment. The Ecological Impact Assessment includes habit surveys, terrestrial mammal surveys (ex. bats), bat survey and breeding bird surveys.

A number of the third party submissions raise concerns in relation to the impact of the proposed development on ecology. Some question the failure to consider the impact on the inactive quarry lake to the east of the site. The concern is general in nature. Some submissions suggest that there is a need for more testing of receiving waters and that the culverted section of the Butterstream should be opened.

Submissions highlight a failure to consider the impact on European eel or white claw crayfish in reports as both are present in Butterstream and the River Liffey. The submission received from Inland Fisheries Ireland, a prescribed body, notes that the site is in the catchment of the Butterstream River and adjacent to the River Liffey (salmonid rivers). The submission states that comprehensive surface water management measures (GDSDS study recommendations) must be implemented at construction and operation stage to prevent pollutions to the surface waters. The submission notes IFI policy to maintain watercourses in an open natural state in order to prevent habitat loss and preserve and enhance biological diversity and aid in

pollution detection. The opportunity to open up culverted sections of the Butterstream is noted.

The site is not within or immediately adjacent to any European or nationally designated sites. The potential for impacts on European sites is considered separately in Section 13.0 below Appropriate Assessment.

The site is dominated by arable crops and includes areas of dry meadow and grassy verges, hedgerows, treelines, scrub and buildings and artificial surfaces. The Butterstream River (culverted) runs from west to east in the northern section of the site (main channel culvert and overflow culvert) before entering the open river channel to the immediate east of the site. The Butterstream River is a tributary of the River Liffey and enters this watercourse c. 1 km downstream. There are culverted drainage ditches along the northern boundary to Prosperous Road and eastern boundary to Millicent Road. No Annex II plant species or species protected through their inclusion within the Flora (Protection) Order 2015 were recorded during the field surveys. No third schedule non-native invasive species were recorded during surveys. Habitats within the site provide suitable foraging and commuting habitat for badger and there is some (limited) suitable foraging habitat for hedgehog, pine martin and red squirrel. No evidence of these species was found during survey. It is considered that badger and hedgehog could use the site but that red squirrel and pin martin are unlikely to. There are no over-ground water bodies within the site and due to the small and culverted nature of watercourses and ditches it is considered unlikely that the site is used by otters. No signs of non-native invasive mammals were identified. A range of common bird species were noted using the site for foraging and breeding purposes during the breeding bird survey undertaken in June 2019. No nests were observed; however, the site is likely to be used for breeding by various species. The habitats within and adjacent to the site are considered to provide good commuting and foraging routes for bats. A bat surveys in June 2019 recorded three common species of bat: Leisler's bat, common pipistrelle and soprano pipistrelle foraging and commuting within the lands. The activity was focused along the treeline in the north of the site and the treeline in the south west.

The site is considered to have the potential for ecological receptors of local importance and high ecological value. The assessment states that the proposed



development has no potential to affect surface water quality or the ecology of the adjacent waterbodies. In this regard it is noted that surface water systems are designed in accordance with the principles of SUDS and that there will be no works (e.g. piling or blasting) that may affect groundwater and groundwater terrestrial habitats. The submitted Construction and Environmental Management Plan includes specific measures to mitigate risks to the water environment (inc. groundwater) during the construction phase. I would note that the inactive quarry lake referenced in third party submissions is over 100 metres to the south west of the site and having regard to the conclusions of the ecological impact assessment I am satisfied that the potential for impacts on this lake can reasonably be excluded. There is no connection to this lake via the surface water system and groundwater impacts can be excluded given the ground condition and nature of works proposed.

Section 6 of the Ecological Impact Assessment sets out mitigation and enhancement measures designed to avoid or minimise impacts on the receiving terrestrial environment (summarised in Table 4). This includes measures to protect tree lines, seasonal vegetation clearance, surveys prior to felling, pre-construction checks for badger and use of directional lighting to avoid light spill. I consider that the mitigation and / or enhancement measures are comprehensive and represent effective control measures to protect the receiving environment. I accept the conclusion that subject to the implementation of the mitigation measures no significant residual ecological effects are predicted, either alone or in combination with other projects in the area.

In relation to the requests to open the existing culverts of the Butterstream River in the northern section of the site I would note that the main channel and overflow culverts that run underground at this location are part of a wider flood alleviation scheme undertaken in 2011 to address flooding incidence on lands to the west of the site. While I acknowledge the ecological benefits of opening culverts, I consider that any proposal to alter or remove this culvert could have wider flood risk implications for the area and that this would need to be considered as part of a review of the wider flood alleviation scheme.

## **11.10. Other Matters**

### **11.10.1. Social Infrastructure Assessment**

The applicant has submitted a Social Infrastructure Assessment in accordance with the requirements of Objective CO2 of the County Development Plan. Submissions received from third parties have raised concern in relation to the capacity of social and community facilities, schools, GP services and transport services to cater for growth. Some submissions question details within the Social Infrastructure Assessment relating to schools including the inclusion of a private school within the assessment.

The Social Infrastructure Assessment includes an audit of existing social and community facilities in Clane. Clane has a good range of established community and recreational facilities, clubs and medical facilities. I would note that there are a number of public and private bus services serving Clane with connections to the key local centres of Naas and Maynooth and to Dublin (Transport and Traffic Assessment Report refers).

The Social Infrastructure Assessment provides an overview of existing and planned school capacity in Clane listing enrolment figures for 3 no. primary and 2 no. post primary schools (including Clongowes Wood College a private school). It is estimated that the proposed development would generate a requirement for 63 no. primary school spaces and 70 no. post primary spaces. It is concluded that recent and permitted upgrade and expansion works to existing primary schools will generate sufficient capacity to cater for the needs of the proposed development. While the post primary school may be reaching full capacity, it is highlighted that the Scoil Mhurie Community School has demonstrated a capacity to implement extension works where necessary. The Clane LAP (Section 6.4.1) states that the Department of Education and Skills has advised that the growth envisaged under the LAP could generate a need for an additional 8 primary classrooms and 144 post primary places and that these places are provided for under approved extension works. The core strategy allocation for Clane under the original LAP was 780 no. units and the capacity of zoned lands was estimated to be 1026 no. units. The overall quantum of permitted and proposed development within Clane since adoption of the LAP in 2017 remains substantially below the quantum considered by the Department of Education and Skills.

The 'Childcare Guidelines' (2001) recommend childcare provision at a minimum rate of 20 childcare places per 75 no. dwellings in new residential developments but

provides flexibility in Appendix 2 to allow the PA to determine the needs of an area as part of the plan preparation process. The 'Apartment Guidelines' (2018) provide an update in relation to childcare provision and recommend that the threshold for provision in apartment schemes should be established having regard to the scale and mix of units proposed, the distribution of childcare facilities in the area and the emerging demographic profile of the area. The guidelines recommend that 1 bed and studio units should generally be excluded from childcare requirements and subject to location, that this may also apply in part or whole to units with 2 or more bedrooms. The Clane LAP requires the provision of 0.13 children per dwelling. The proposed development includes a crèche on the ground floor of Duplex Block B. The creche has a stated floor area of 160sq.m with capacity for 26 no. children. The proposed childcare facility meets the requirement of the Clane LAP. The submission from the PA suggest that childcare provision should meet the 20 space per 75 unit standard in the Childcare Guidelines and question the location of the creche within Block B. I am satisfied that the rate of provision is acceptable by reference to the Childcare Facilities Guidelines (Appendix 2) and the Local Area Plan. I am also satisfied that the location of the creche within Block B is acceptable.

Having regard to the foregoing, I consider the proposal can be facilitated and that a refusal would not be warranted on the basis of inadequate social infrastructure.

#### 11.10.2. Archaeology and Built Heritage

I refer the Board to the submitted Cultural Heritage Assessment Report. The SHD site is located immediately outside of the south western extent of the Zone of Archaeological Potential associated with the Historic Town of Clane. There is a historic Wayside Cross Base (RPS Ref. B14-067) immediately east of the proposed development (within the site boundary) in the grass margin along Millicent Road. A modern cross was inserted in into the base in 1999.

Geophysical survey and Archaeological Testing (Licence Ref. 19E0768) has been undertaken within the site. No artefacts of archaeological or historical interest were recorded. The Cultural Heritage Assessment Report proposes archaeological monitoring of ground works under licence, and measures to protect the wayside cross and base. I am satisfied that the matters raised can be satisfactorily addressed by way of condition.



#### 11.10.3. GAA Grounds

A number of submissions request that a condition be included requiring the proposed access to GAA lands to be undertaken prior to any other works. Others question how the proposed entrance will impact circulation within the GAA grounds.

A submission received from Clane GAA club asks the Board to include conditions in relation to agreement of a Construction Management Plan and Health and Safety Plan. A number of submissions, including the submission from Clane GAA, seek a condition requiring boundary finishes to be agreed with the PA and the GAA Club. It is also requested that the Board impose a condition requiring the completion of the new entrance and closing of the existing entrance prior to other works. Others express concern over the potential impact on the GAA club grounds, the demolition of ball / hurling wall and concern with dropped cycle lanes close to GAA stating that the crossing should be raised.

The proposed access arrangements into the GAA lands are required to facilitate the provision of a priority controlled junction onto the R403 and to avoid any conflicting traffic movements between both junctions. On this basis I consider that the new junction to the GAA lands should become operational at the same time as the proposed junction on the Prosperous Road. Having regard to constraints at the junction of Millicent Road and Main Street I would suggest that the full link street should be in place and operational prior to the occupation of the 51<sup>st</sup> dwellings. The phasing delivery of the roadway can be addressed as part of the overall phasing plan for the development. This matter can be addressed by way of condition. I would also recommend that final design details for the roadway and the main junctions (including the entrance to the GAA grounds and the associated boundary wall) should be submitted to the PA for agreement prior to the commencement of development. It would not be appropriate to require agreement from third parties and that this would be contrary to the s.28 Development Management Guidelines.

There will also be a need to agree a Construction and Environmental Management Plan with the PA. This can be addressed by way of condition. Other matters raised in relation to the replacement of the Ball Wall and circulation within the wider GAA grounds do not form part of the subject application and are a matter for the parties.

#### 11.10.4. Part V provision

The applicant has submitted proposals for transfer of 10% of the proposed units to the planning authority. The PA's is not satisfied with the proposal to transfer 12 units in one block and seek own door maisonette type units. Subject to the application of the standard Part V condition I consider that this is a matter to be agreed between the developer and the PA.

## 12.0 Screening for Environmental Impact Assessment

- 12.1.1. The site is a greenfield site located at the south western edge of Clane. The proposed development relates to the construction of 192 dwellings and a creche on a site of 6.5 hectares. The site comprises agricultural lands for the most part, with trees / hedgerows along some boundaries and the Butterstream (culverted) crosses the northern section of the site. Land uses in the vicinity include a sports ground and residential properties. There are no other large scale development areas contiguous to or in close proximity to the site.
- 12.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is C New Residential for the most part. The predominant land uses in the area are residential, agriculture, sports ground, and education. The site could not therefore be considered to fall within a business district. The proposal for 192 no. residential units and a creche on a site of 6.5 ha is below the mandatory threshold for EIA both outside of a business district.
- 12.1.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential and childcare uses proposed would be similar to predominant land uses in the area. The proposed development will not increase the risk of flooding within the site. The development does not involve

significant demolition and would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The Butterstream River crosses the northern section of the site. This River has a resident population of brown trout, lamprey species and Freshwater Crayfish (Annex II). It is also an important spawning tributary of the River Liffey. The AA Screening set out in Section 13.0 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

12.1.4. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application.

### **13.0 Appropriate Assessment**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

#### **13.1. Compliance with Article 6(3) of the Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to



appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. The Screening Report has been prepared by Scott Cawley Ltd and is supported by an Ecological Impact Assessment prepared by Scott Cawley. The applicant has also submitted details of site investigations undertaken by Ground Investigations Ireland. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that "there is no potential for likely significant effects on any European sites..."

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

#### 13.2. Need for Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### 13.3. Brief Description of the Development

The applicant provides a description of the project in Section 3.1 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary, permission is sought for 197 no. residential units and a creche on a greenfield site of 6.5 hectares that is on the south western edge of Clane. Land uses in the vicinity include a sports ground and residential properties. The site is

serviced by public water supply and foul drainage networks. Foul effluent will drain to a sewer on Millicent Road to the east of the site. Surface water from the development will outfall to the Butterstream via an existing culvert that runs through the northern section of the site. The dominant habitat on site is arable crops. There are also areas of dry meadow and grassy verges, hedgerows, treelines, scrub and buildings and artificial surfaces (in the GAA lands). No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site and there are no third schedule<sup>2</sup> non-native invasive plant species were encountered on site.

#### 13.4. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. The submission received from Inland Fisheries Ireland notes that the site is in the catchment of the Butterstream and adjacent to the River Liffey. It is noted that the Butterstream has a resident population of brown trout, lamprey species and Freshwater Crayfish (Annex II) and that it is an important spawning tributary of the River Liffey which supports Atlantic Salmon (Annex II and V), Sea Trout and Brown Trout and several other fish species. The submission notes that comprehensive surface water management measures (GDSDS study recommendations) must be implemented at construction and operation stage to prevent pollutions to the surface waters. The submission notes that it is IFI policy to maintain watercourses in open natural state in order to prevent habitat loss and preserve and enhance biological diversity and aid in pollution detection. The opportunity to open up culverted sections of the Butterstream is noted. Culverting surface water discharges can make them difficult to trace. Preferable if surface water discharges are visible for inspection should a pollution event occur. The submission states that all discharges must be in compliance with the EC (Surface Water) Regulations 2009 and the EC (Groundwater) Regulations 2010. Third party submissions refer to a need for more testing of receiving waters, that open water stream should be used if there are going to be discharges into the Butterstream, that there is no inclusion of European eel or white claw crayfish in reports – both present in Butterstream and the River Liffey and

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<sup>2</sup> Third Schedule of the EC (Birds and Natural Habitats) Regulations 2011.

concerns are raised about the impact of sediment on the Butterstream River and River Liffey during and after construction. The flood risk relating to Butterstream – is also highlighted.

### 13.5. Zone of Influence

A summary of European Sites is presented in Section 3.2. The proposed development is not located within or immediately adjacent to any European Site. The nearest European sites to the proposed development are Ballynafagh Bog SAC and Ballynafagh Lake SAC located c. 5km and 6.2 km east of the site respectively. Mouds Bog Bog SAC is c. 11.4 km south west of the site and the Rye Water / Carton SAC is c. 12.3 km north east of the site. The subject lands are located c. 470m west of the River Liffey and the Butterstream River flows into the River Liffey at this location. The River Liffey flows east for c. 44 km before entering Dublin Bay. The following European Sites are located in the downstream receiving environment of the River Liffey: South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. The proposed development has no potential source pathway receptor connections to any other European Sites.

There are no Annex 1 habitats present within the proposed development site or its immediate environs. There are no records of any species or habitats for which European sites are designated within the development site. There are no records of non-native invasive species listed on the Third Schedule of the EC (Birds and Natural Habits) Regulations, 2011 (as amended) within the proposed development site. The nearest watercourse is the River Liffey with the main waterbody located c. 455m to the east of the site. A tributary the Butterstream River runs under Clane GAA grounds and the proposed access road from the R403 through Clane town for c. 970m before joining the River Liffey east of Alexandra Bridge. The River Liffey then flows c. 45 km before going into the Dublin Bay coastal waterbody. According to the EPA Map viewer the water quality of the River Liffey from Alexandra Bridge, Clane is considered to be 'good'. The tributary and main waterbody both have 'good' WFD status and are considered to be 'not at risk'. In terms of hydrogeology GSI



data indicated that the site is underlain by a 'Waulsortian Limestones', described as 'massive unbedded lime-mudstone'. The site is underlain by a 'Locally Important Aquifer' which is described as 'Bedrock which is moderately productive only in local zones'. The GWB underlying the site is 'Dublin' which is currently classified by the EPA as having 'good' groundwater status and 'not at risk' of not achieving good status under WFD. The Aquifer is classified as highly vulnerable.

13.5.1. Section 3.3 of the applicant's screening report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The issues examined are habitat loss and fragmentation, habitat degradation as a result of hydrological impacts (surface water and foul water discharges) and the introduction or spread of non-native invasive species and the potential for in combination impacts.

13.5.2. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites within a 15 km radius of the site and sites in Dublin Bay with a potential hydrological connection via the River Liffey are considered further. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

### 13.6. Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of sites are as follows:

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Conservation objectives
<b>SAC</b>			
Ballynafagh Lake SAC (side code: 001387)	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	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

	Euphydryas aurinia (Marsh Fritillary) [1065]		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 <i>Vertigo</i> <i>angustior</i>  1016 Desmoulin's Whorl Snail <i>Vertigo</i> <i>moulinsiana</i>	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>Glauco-Puccinellietalia maritimae</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 maritimae</i> ), Fixed coastal dunes with herbaceous vegetation, Petalwort,.  To restore the favourable conservation condition of Annual vegetation of drift lines, Salicornia and other annuals colonizing mud and sand, Embryonic shifting dunes, Humid dune slacks.
<b>SPA</b>			
South Dublin Bay and River Tolka Estuary SPA [004024]	Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130] Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143]	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



	Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]		
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

#### 13.6.1. Consideration of Impacts:

- There is nothing unique or particularly challenging about the proposed greenfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on zoned and serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.
- During the operational stage surface water from the proposed development will outfall to an existing culverted watercourse within the site – Butterstream. This watercourse in turn drains to the River Liffey c. 970m east of the site. Surface waters then flow an additional c. 45 km before discharging into the Dublin Bay coastal water where there are a number of downstream European Sites, namely the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay

and River Tolka Estuary SPA and North Bull Island SAC. According to the EPA Map Viewer, the water quality of the River Liffey from Alexandra Bridge, Clane is considered to be 'good'. The tributary and main waterbody are classified as 'good' and have a WFD risk score of 'not at risk'. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will discharge to the Butterstream River at greenfield rates (See Infrastructure Design Report and Outline Construction and Environmental Management Plan). The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- I would note that the submitted AA Screening Report refers to wastewater discharge to the Ringsend WWTP. However, wastewater 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). The Osberstown WWTP discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA) (licence no.: D0002-01). The development will be subject to a connection agreement with Irish Water and will be connected once the proposed upgrade works are complete. The discharge from the site is negligible in the context of the overall licenced

discharge at Obserstown WWTP, and thus its impact on the overall discharge would be negligible.

- In terms of in combination impacts other projects within the Kildare and Dublin areas which can influence conditions in the River Liffey via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.
- It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

#### 13.6.2. AA Screening Conclusion:

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 Ballynafagh Lake SAC (001387), Ballynafagh Bog SAC (000391), Rye Water/ Carton SAC (001398), Mouds Bog SAC (002331). South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### 14.0 Recommendation

Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

##### 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) and the Clane Local Area Plan 2017-2023
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the Housing Supply Target Methodology for Development Planning, 2020
- (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

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of

pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Recommended 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 6<sup>th</sup> day of January 2021 by Declan Brassil & Company Ltd on behalf of Debussy Properties Ltd.

### **Proposed Development:**

The proposed development will consist of the construction of 192 no. residential units, comprising:

- 114 no. two storey houses consisting of:
  - 7 no. 3 bed, semi-detached wide fronted houses - (Unit Type A - 107.2sqm);
  - 1 no. 3 bed, detached wide fronted house - (Unit Type A1 - 107.2sqm);
  - 7 no. 4 bed, semi-detached corner houses - (Unit Type B - 132sqm)
  - 69 no. 3 bed, semi-detached and mid terrace houses - (Unit Type C - 114sqm)
  - 6 no. 3 bed, semi-detached and end terrace houses - (4 no. Unit Type C1 - 114sqm, 1 no. Unit Type C2 - 115.4sqm and 1 no. Unit Type C3 - 114sqm)
  - 17 no. 4 bed, semi-detached and terraced houses (Unit Type D - 137.5sqm)
  - 7 no. 4 bed, semi-detached and end terrace houses (6 no. Unit Type D1 - 137.5sqm and 1 no. Unit Type D2 - 137.5sqm)
- 78 no. duplex units arranged in 6 no. 3 storey buildings (Blocks A - F) consisting of:
  - 10 no. one-bedroom units measuring 56.6sqm-70sqm (Unit Types A, A1, A2, B and B1)
  - 40 no. two-bedroom units measuring 82.7sqm-94.4sqm (Unit Types A3, A4, A5, B2, B3, B4, C, C1, D, D1, E, E1, F and F1)

- 28 three-bedroom units measuring 112.6sqm (Unit Types C2, D2, E2 and F2)
- A childcare facility (160sqm) is also proposed at the ground floor level of Duplex Block B to serve the development.

The proposed development includes the provision of a link street through the subject site (including pedestrian and cycle paths) to connect Prosperous Road (R403) to the north with Millicent Road to the east, incorporating all associated junction upgrade works and pedestrian/cycle improvement works, integrating with existing infrastructure in the vicinity. A priority junction is proposed at the Prosperous Road (R403) entrance to the site and a signalised junction is proposed at the Millicent Road entrance to the site. The existing Clane GAA Club access onto Prosperous Road (R403) is proposed to be replaced with a pedestrian/cycle only access at this location and a new vehicular/pedestrian/cycle access provided along the western boundary of the proposed link road. It is also proposed to demolish and clear the existing Clane GAA Club ball court to facilitate the new vehicular/pedestrian and cycle access to the Clane GAA Club.

The proposed development also includes the provision of 340 no. car parking spaces and 160 no. bicycle parking spaces; internal roads; services infrastructure including foul and surface water drainage; bin and bicycle storage facilities; public open space; play areas; boundary treatments; landscaping and public lighting; together with all associated and ancillary site and development works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant Development Plan and Local Area Plan.

#### **Decision;**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

#### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was



required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

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

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) and the Clane Local Area Plan 2017-2023
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the Housing Supply Target Methodology for Development Planning, 2020
- (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

### **Appropriate Assessment**

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 the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

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

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
  - (b) the absence of any significant environmental sensitivities in the area,
  - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, that the proposed development would constitute an acceptable quantum and density of development at this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design and

height of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The proposed development shall be amended as follows:
  - (a) Dwellings 149-182 inclusive and Duplex Block E (50 no. units in total) shall be omitted from the development.
  - (b) The use of render on the exterior of the duplex blocks shall be omitted in full and any render shown on the plans and particulars submitted with the application shall be replaced with suitable brick type finish.
  - (c) In-curtilage car parking spaces serving units 132-135 shall be omitted and replaced with a car parking bay that runs parallel to Millicent Road with minimum 4 no. and maximum 6 no. car parking spaces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to comply with the Core Strategy of the Kildare County Development Plan 2017-2023 (as varied) and in the interest of visual amenity and traffic safety.



3. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (b) The proposed link street from the R403 Prosperous Road to the L-2004 Millicent Road to include the priority controlled junction onto the R403 Prosperous Road, the signalised junction on the L-2004 Millicent Road and the priority controlled junction from the GAA grounds onto the link street (to include boundary wall/railings to the GAA grounds) shall be completed and operational prior to the occupation of the 51<sup>st</sup> residential unit.
- (c) The priority controlled junction onto the R403 Prosperous Road and the proposed priority controlled junction into the GAA grounds shall come into operation simultaneously. The existing vehicular access /egress to the GAA grounds shall be decommissioned with immediate effect upon operation of the junction onto the R403 Prosperous Road.

**Reason:** To ensure the timely provision of services and infrastructure for the benefit of the occupants of the proposed dwellings and in the interest of traffic safety.

4. All mitigation and monitoring measures outlined in the plans and particulars, including the Site Specific Flood Risk Assessment, Construction Management Plan, Ecological Impact Assessment and Cultural Heritage Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

5. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interests of clarity and public health.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

7. 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 the following details to the planning authority for written agreement:

- (i) Full design details of the proposed surface water attenuation system, to include details of outflow rates, design calculations to allow for a 20% climate change factor, SUDs measures, storm attenuation storage chambers, flood pipe network design, and outfall to watercourse / culvert.
- (ii) A maintenance strategy for the proposed surface water drainage system. The agreed strategy shall be implemented until such time as the drainage infrastructure has been taken in charge by Kildare County Council.
- (iii) A condition and capacity report for culverts within the site to include details of any measures to be undertaken to protect and / or upgrade culverts where this is required to facilitate the proposed development.
- (iv) Prior to commencement of development a Stage 2 – Detailed Design Stage Storm Water Audit shall be submitted to the Planning Authority for written agreement.
- (v) 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.

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

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

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) Detailed design drawings for the proposed link street between the R403 Prosperous Road and the L-2004 Millicent Road, including all junctions, shall be submitted to the Planning Authority for approval prior to the commencement of development.
  - (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
  - (d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
  - (e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
  - (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to



the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

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

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

9. The site shall be landscaped (and earthworks carried out) in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.

**Reason:** In order to ensure the satisfactory completion of the development.

10. A total of 160 no. secure bicycle parking spaces shall be provided within the development. Design details for the cycle spaces and cycle storage compounds shall be submitted to, and 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.

11. 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 to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants 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 commercial element of 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.

12. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage 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, 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.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

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

14. Prior to the commencement of development, the developer shall agree in writing with the Planning Authority details for the protection of the Wayside Cross Base (RPS Ref. B14-067) located within the site during construction.

**Reason:** In order to conserve the architectural heritage of the site.

15. 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

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

17. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. 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.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate

queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to the matters outlined in the submission received from Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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.

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

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

25. 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.

Karen Kenny

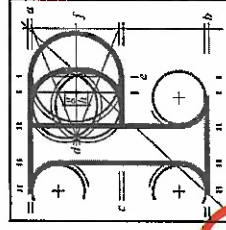
Karen Kenny

Senior Planning Inspector

31<sup>st</sup> March 2021

DECISION QUASHED

# 17.0 Appendix I EIA Screening Form



An  
Bord  
Pleanála

## EIA - Screening Determination for Strategic Housing Development Applications

### A. CASE DETAILS

An Bord Pleanála Case Reference

ABP-309087-21

Development Summary

192 dwelling units (114 no. houses and 78 no. duplex units.

Yes / No /  
N/A

1. Has an AA screening report or NIS been submitted?	Yes	NIS
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Kildare County Development Plan 2017-2023 and Clane Local Area Plan 2017-2023 subject to SEA and SFRA.

B. EXAMINATION		Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)	Briefly describe the nature and extent and Mitigation Measures (where relevant)	(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features of measures proposed by the applicant to avoid or prevent a significant effect.



1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider settlement.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Uses proposed consistent with land uses in the area. New residential zoning applies. Residential use permitted in principle. No changes to topography or waterbodies - save for outfall of attenuated surface water run off.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Environmental Management Plan. No operational impacts in this regard are anticipated.	No

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Environmental Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Construction and Environmental Management Plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to watercourse.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Environmental Management Plan. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Environmental Management Plan. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted SSFRA. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>



1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units within urban area of Clane. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ul>	No	No. Potential for significant effects on Natura 2000 sites has been screened out.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No significant landscape, historic and archaeological items identified.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no open watercourses in the area. The development will implement SUDS measures to control surface water run-off.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	No.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	Residential / community and social land uses. No significant impacts are envisaged.	No



3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

#### C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		