



An
Bord
Pleanála

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

Inspector's Report ABP-309954-21

Strategic Housing Development

221. no. residential units (36 no. houses and 185 no. apartments/duplexes), creche and associated site works.

Location

Site at the former Devoy Barracks, John Devoy Raod, Naas, Co. Kildare. (www.devoynaasshd.ie)

Planning Authority

Kildare County Council

Applicant

Land Development Agency

Prescribed Bodies

1. Inland Fisheries Ireland
2. Irish Water
3. Transport Infrastructure Ireland.

Observer(s)

1. Kay McKenna
2. Arconagh Residents Association
3. Avril and Colm Anderson
4. Bernard Roche
5. Brendan Kenny
6. Cassidy Family
7. Dermot Murphy
8. Enda and Eadaoin Scott
9. Fiona & Rudi Villing
10. Gerard Laheen
11. Hogne Fosslund
12. Hugo Carolan
13. Kay Tyrrell
14. Mairead Casey
15. Margaret and Peter O'Hehir
16. Mary & Peter McIntyre
17. Mary and Alan Whelan
18. Mary, Fionnuala and Ann
McManus
19. Michael Browne
20. Mr. and Mrs. Noel Higgins
21. Pdraig O'Brien
22. Paul Carroll
23. Paul Horan
24. Protect Arconagh Environment
(Paul Carroll)
25. Regina O'Neill
26. Richard Lyons

27. Rory and Siobhan O'Toole
28. Sanctuary Landscapes Limited
(Jim Brogan)
29. Scott Walsh
30. Seamus O'Brien
31. Seamus Towey (Derek White
Planning Consultant)
32. Sheila Horan
33. Shona Keane
34. Siofra Murphy & Sean Murphy
35. The Devoy Terrace Residentis
(Paul Ried)
36. Theresa Rice.

Date of Site Inspection

17th June 2021.

Inspector

Karen Kenny

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site forms part of the former Devoy Barracks lands in Naas, Co. Kildare. It is situated c. 750 metres to the south-west of Naas Town Centre. The site is accessed from John Devoy Road a local access road that runs between the Newbridge Road (R445) and the South Orbital Road.
- 2.2. The 4.14 hectare site comprises undeveloped lands. The site slopes generally from north to south. It comprises grassland, scrub, semi-mature trees (willow and silver birch) and there are trees and hedgerow along the southern and western boundaries. There is a stream along the southern boundary (Yeomanstown / Rathasker Stream).
- 2.3. The site is accessed via John Devoy Road to the south a local access road between the Newbridge Road (R445) and a southern orbital road. The Kildare County Council civic offices are to the east of the site. There is established housing to the west (Arconagh) and north-west (Devoy Terrace). To the north there is a small cluster of 3 no. industrial units at the end of St. Patrick's Terrace (cul-de-sac from Newbridge Road) with housing beyond. Along the boundary to Kildare County Council there are two buildings, the MERITS building an innovation hub (under construction) and the Kildare Civil Defence Building. There are a number of new housing developments under construction along John Devoy Road. The Elsmore development to the south comprises two phases of housing development and associated childcare facilities and a retail unit. To the south-east permission has been granted under ABP-307258-20 for a development comprising 152 no. apartments, a childcare facility and associated works.

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of the construction of 221 no. residential units (36 no. houses and 185 no. apartment / duplex units), a childcare facility and ancillary site development infrastructure. The development is set out over 18 no. blocks of 2-5 storeys in height and includes a number of public and communal spaces.

3.2. Key Details:

Detail	Proposal
No. of Units	221 - 36 no. houses and 185 no. apartment / duplex units.
Other Uses	Creche 59 no. spaces – 411.41 sq.m
Site Area	4.14 ha gross / 3.97 ha net
Density	55.7 units per ha
Plot Ratio / Coverage	0.45 / 21.7%
Building Height	2-5 storeys
Public Open Space	6,169 sq.m
Communal Open Space	4005 sq.m
Car Parking	235 no. spaces
Cycle Parking	520 no. spaces

The scheme is accessed via John Devoy Road and a new pedestrian connection is provided to the east.

3.3. Breakdown of unit types:

Unit Type	Apartments / Duplex	Houses	Total	%
1-Bed	63	0	63	28.5%

2-Bed (4 person)	111	0	111	50.2%
3-Bed	11	36	47	21.3%
Total	185	36	221	100%

4.0 Planning History

4.1. There is no recent planning history pertaining to the SHD Site. The following history relates to lands immediately adjacent to the SHD site.

PA Ref. 09/500050 / ABP-236928: Permission granted for 161 no. residential units (houses and apartments) and a creche and a section of the Devoy Link Road on lands to the south of the subject site. This permission has been subject to a number of amending permissions (inc. ABP-240261, PA Ref. 17/853 and PA Ref. 17/1469).

ABP-305701-19: Permission granted by ABP for 314 dwellings, a creche and retail unit on lands to the south-east of the subject site under the SHD process.

ABP-307258-20: Permission granted for 152 no. apartments, a childcare facility and associated works on lands to the east of the subject site.

ABP Ref. PL09.248953: Permission granted for single storey dwelling to rear of no. 6 Devoy Terrace.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 7th December 2020. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Principle/Density/Status of Draft Naas LAP
- Design/Layout/Unit Typology/Mix
- Existing and Proposed Residential Amenity/Development Standards
- Transport Issues

- Site Services
- Ecology/Trees/Environmental Screening
- AOB

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 is also available on the file.

5.2. Notification of Opinion

5.3. The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that specific information should be submitted with any application for permission summarised as follows:

- Housing Quality Assessment.
- Report on Materials and Finishes - specific detailing of external finishes, treatment of balconies and boundary treatments. Justification for protruding balconies serving Unit Type K.
- Justification / amendment in relation to car parking quantity / location, road layout, design / materiality of street types. Matters raised in the PA submission should be addressed.
- Stage 1 and 2 Road Safety Audit/Assessment; a public lighting plan and a Draft Construction and Waste Management Plan.
- Landscaping Proposals. Matters raised in PA submission should be addressed.
- Drainage details. Matters raised in Water Services Report / IW submission should be addressed.
- Report on Residential Amenity – impacts on existing residents and amenity of future occupants (daylight/sunlight analysis, overlooking, overshadowing, visual impact and noise). Full and complete drawings including levels and cross-sections showing relationship between proposed development and nearby residential development.

- Additional CGIs/visualisations/3D modelling.
- All supporting technical/environmental reports to be updated as required.
- A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
- A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

5.4. Applicant's Response to Pre-Application Opinion

5.4.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- HQA submitted. Storage provision reviewed – standards for houses in Naas Town Plan and in Apartment Guidelines met.
- Materials, finishes and boundary treatments are addressed in Section 5.4 of the Architectural Design Statement (ADS) and in elevation drawings. Verified View 1 and CGI 6 demonstrate visual appearance of protruding balconies. Protruding balconies provide for sunlight and daylight for longer than recessed balconies and provide a better animation to the elevations at the site entrance and corner locations. Balconies are offset at corners to avoid overshadowing.
- 235 no. car parking spaces – 72 no. for houses (2/unit); 151 no. for apartment duplex units (0.82 per unit); 8 no. for creche staff and 4 no. set-down. Site is an intermediate urban location based on definitions in Sustainable Urban Housing Apartment Guidelines. Reduced provision applies. Provision for apartments considered to meet the requirements of national policy. TIA sets out further justification.
- Stage 1 / 2 Road Safety Audits undertaken. Site layout amended to address items identified. Public Lighting layout submitted. Draft Construction and Waste Management Plan submitted.
- Updated landscaping report and drawings submitted. Amendments made to take on board PA comments.

- Engineering Services Report addresses items identified in ABP Opinion. Details of SuDS and Statement of Design Acceptance from IW submitted.
- Architects Design Statement addresses issues relating to residential amenity. Daylight & Sunlight Report and Noise Report submitted. Cross section drawings show relationships between existing residential properties and the proposed new buildings.
- 7 no. verified views and 6 no. CGI's submitted.
- Open Space Layout drawing DEV-MCO-00-ZZ-DR-A-0506 included. Public open space and private open space detailed.
- Taking in charge drawing submitted.

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 Rebuilding Ireland – Pillars 2 (accelerate social housing), Pillar 3 (build more homes) and Pillar 4 (improve rental sector).
- Consistent with strategic aims of NPF - including objectives in relation to population growth within existing urban centres.
- Consistent with the RSES. Proposed development will assist in sustainable consolidation of Naas Town Centre and is within walking and cycling distance of the town centre.
- Consistent with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual. Guidelines promote increased residential densities in appropriate locations, including city and larger town centres and along public transport routes. 12 Criteria for design are met and further detail in the Architectural Design Statement.

- Consistent with Sustainable Urban Housing: Design Standards for New Apartments, 2018. HQA illustrates compliance with relevant qualitative standards. SPPR3 (min apartment floor areas) and SPPR4 (proportion of dual aspect) met. Justification for reduced car parking based on the guidelines.
- Consistent with Building Height Guidelines 2018. Guidelines provide for increased building height and density.
- The development complies with DMURS – refer to DMURS compliance statement.
- Consistent with Childcare Facilities Guidelines. See Schools Demand & Childcare Facilities Report.
- Consistent with Smarter Travel a Sustainable Travel Future 2009. Site encourages sustainable and smarter travel by providing high density development on lands close to public transport, employment areas and Naas Town and through reduced car parking.
- Consistent with Transport Strategy for the GDA 2016-2035. Naas is in Corridor D and the transport strategy seeks to provide for significantly increased capacity in the transport network along this route.
- Consistent with the Planning System and Flood Risk Management Guidelines 2009. Site Specific Flood Risk Assessment prepared. Development within Flood Zone C and no indicators of the development being at risk from fluvial, pluvial or groundwater flooding.

Kildare CDP 2017-2023

- Naas identified as a Key Town. Core Strategy allocation for Naas of 898 no. units over period 2020-2023 (Variation No. 1).
- Proposal consistent with settlement strategy, housing strategy, sustainable communities' policy and policy on location and density of development. Objective LDO 1 and LDO 3 seek to make efficient use of zoned lands and require higher densities at appropriate locations in accordance with the

Sustainable Residential Development in Urban Areas Guidelines. Proposed density is slightly above the 30-50 range detailed in the guidelines but this is achieved without comprising other development standards such as daylight, sunlight, visual impact and open space requirements. Density fully compliant with Naas Town Development Plan.

- Compliance with Development Management standards in Chapter 17 – refer to Planning Report. Section 6.8.1 and 6.8.2 refers.
- Naas Town Development Plan 2011-2017 most up to date plan for the area. Site zoned C ‘New Residential’ for most part with a small area of TC ‘Town Centre zoned lands on eastern side.

Material Contravention Statement

- The submitted Material Contravention Statement addresses deviations from the Plot Ratio Standards and the Car Parking Standards in the Kildare County Development Plan 2017-2023 and in the Naas Town Development Plan 2011-2017 (as extended).
- A case is made for the reduced plot ratio on the basis that plot ratio is only one measure for assessment. It is argued that consideration of a scheme on plot ratio solely is inappropriate and that a wider review based on parameters such as density, open space, height etc is more considered.
- It is argued that reduced car parking provision for apartment and creche units can be justified in the context of National Planning Policy and Section 28 Guidance.

7.0 Relevant Planning Policy

- 7.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the following policy and guidance documents are relevant:

National Planning Framework (2018)

The National Planning Framework provides an overarching policy and planning framework for the social, economic and cultural development of the country. The NPF sets out 75 no. National Policy Objectives including the following:

- NPO 1 b: Plan for an additional 490,000 to 540,000 people in the Eastern and Midland Region.
- NPO 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- Objective 27: To ensure the integration of safe and convenient alternatives to the car into the design of communities.
- NPO 33: Prioritise the provision of new homes where they can support sustainable development at an appropriate scale.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

Section 28 Guidelines -

- Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- Design Manual for Urban Roads and Streets (2013).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009).
- The Planning System and Flood Risk Management (including associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

7.2. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031: (EMRA-RSES)

- Naas is a designated Key Town in the Core Region. (Capacity for commensurate growth)
- Definition of Key Town: Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.
- Naas – Residential Development: ‘... *The sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric.*’
- Investment in sustainable mobility will be delivered through local transport plans (LTPs) to be prepared by local authorities in collaboration with transport agencies, to include Naas.

The following key Regional Policy Objectives (RPO’s) are noted:

- **RPO 4.48:** Promote the improvement of the transport network within and serving Naas town, including delivery of a robust and efficient walking, cycling and bus network with strong links to Sallins Railway Station, key destinations within the town and to the North West Quadrant and town centre area.
- **RPO 4.50:** Regeneration and consolidation of the historic centre to improve the retail and commercial functions of the town core, with enhanced permeability and sustainable mobility within the town centre and improve links between the core and surrounding residential and employment areas through the further development of walking and cycling routes and improved public transport.
- **RPO 4.52:** Support the delivery of new and enhanced public transport infrastructure in Naas and Sallins, including Park and Ride and interchange facilities as identified by the NTA and Kildare County Council.
- **RPO 4.53:** Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities.

7.3. **Kildare County Development Plan (KCDP) 2017-2023**

Variation No 1 of the development plan was adopted by the elected members on the 09th of June 2020 to include an updated Core Strategy, in line with the NPF and EMRA-RSES. The changes to the development plan have been included in the following information.

- Table 2.2- Settlement Strategy- Naas is identified as a Key Town (Tier 1 of County Settlement Hierarchy). Key Towns have high quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.
- Section 2.7- The preferred development strategy, informed by the SES is to build strong urban centres focusing on the MASP and Key Towns of Naas and Maynooth.
- Table 3.3- Population and Housing Unit Allocation 2020-2023. Population growth of 2,514 persons and a dwelling target of 898.

- SO1- Support the sustainable long-term growth of Key Towns (Naas).
- SO9: Sequentially develop lands within towns and villages in accordance with Development Plan Guidelines (DEHLG, 2007).

Housing & Density

Table 4.2 indicative density standards

- Inner suburban/ infill- Site Specific
- Outer Suburban/greenfield- 30-50 units per ha

MDO1- Require that new residential development provide for a wide variety of housing types, size and tenures.

DLO1- Create high quality living environments for residents in terms of individual dwelling units, layout design etc. in line with the development plan standards and Sustainable Residential Development in Urban Areas, Urban Design Manual and Design Standards.

Traffic

MTO2- Prepare a Strategic Land Use and Transportation Study for Naas,

MTO3- Review and Implement Integrated Transport Studies for Naas with the DTTS, TII and NTA to provide a framework to cater for the movement of pedestrians, cyclists, public transport and private vehicles.

WCO4- Secure the development of the following specific cycle scheme (subject to funding from the NTA) as part of the GDA Cycle networks Projects: Greater Dublin Area Cycle Network Plan Urban and Inter Urban Schemes:

- Dublin Road Corridor Scheme Naas,
- Naas to Sallins,
- Kill to Naas.

Urban Design.

Section 15.5- Expansion

- Development of previously undeveloped lands within or adjacent to the urban cores.
- Expansion should ensure well connected sustainable neighbourhoods proximate to public transport and community infrastructures.
- Promotion of green infrastructure strategies.

Section 15.7 Detailed urban Design Considerations:

- scale/mass/composition,
- key buildings,
- corner sites,
- building lines,
- roofline,
- perimeter block,
- courtyard buildings,
- building type and height,
- neighbourhood centres,
- car parking.

Section 15.8 Overall layout design considerations

Biodiversity

- GI 20 -Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities.
- GI 23- Contribute towards the protection of rivers, streams and other water courses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment.

Development Management Standards

Section 17.2.1- Building Heights

- Prevailing heights in the vicinity. Tall building defined as buildings that exceed five storeys and / or 15 metres in height and will only be considered at areas of strategic planning importance identified in a Local Area Plan.

Section 17.2.3 Plot ratio

- Inner Suburban 0.5-1.0
- Outer suburban (close proximity to public transport)- 0.35-0.5
- Outer suburban (remote from public transport)- 0.25-0.35

Section 17.4.3- Housing Mix

- Housing Mix statement for 50 units or more.

Table 17.6 Minimum floor areas and Storage requirements for apartments

- In line with Appendix 1 of the apartment guidelines for one and two beds.

Section 17.4.7 Public Open Space

- 15% of the total site area for greenfield sites (all other cases 10%)
- SuDS generally not acceptable as public open space unless they can contribute to in a significant and positive way, a general maximum of 10% of the open space provision shall be taken up by SUDS.

Section 17.5 childcare

- Rate of 20 places / 75 houses.

Table 17.9 car parking standards,

- House: 2 no. car parking spaces per house; Apartment: 1.5 spaces per unit + 1 visitor space per 4 apartments. Creche: 0.5 per staff member plus 1 per 4 children (max standard).

Table 17.10 Cycle Parking Standards

- Apartments 1 space per unit + 1 visitor space per 2 units.

7.4. Naas Town Development Plan 2011-2017

Zoning Objectives in Town Plan relating to the subject site:

- Zoning Objective C: New residential – “to provide for new residential development and other services incidental to residential development.” Small area in eastern section of the site zoned TC: Town Centre – “To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses”.

Transport

- RPO1: To construct a distributor road from the Devoy Road at Áras Chill Dara to the South Ring Road (this road has since been constructed around the edge of the site and forms the access to the site).

Housing

- LU1: To ensure that a logical and sequential approach is adopted for development within the Naas Town Plan area (i.e. prioritising the development from the core area outwards).

Community

- C1: To actively promote the provision of community, educational, social and recreational facilities in tandem with future housing development.
- C2: To encourage the shared use of community facilities so as to maximise the sustainable use of such infrastructure and promote community cohesion.

Density

Table 4.2 indicative density standards

- Inner suburban/ infill- Site Specific
- Outer Suburban/greenfield- 30-50 units per ha

Chapter 13: Development Management Standards

Section 13.3.1 Density- Indicative density levels set out in Chapter 4.

- Higher residential densities will be encouraged only at appropriate locations. Such development must ensure a balance between reasonable protection of existing residential amenities and the established character of these areas

Section 13.3.2 Layout

The layout of new residential development should be designed to create a strong sense of identity and a sense of place. New developments should take full account of the characteristics of the natural and built environment of the site, the views and vistas to and from the site and the surrounding areas. Gated developments will not be permitted as they reduce social inclusion and integration within the existing community and generally fail to address the existing streetscape. Detailed guidance regarding proposed layouts is contained in Chapter 12 Urban Design and Opportunity Areas

7.5. Designated Sites

The site is not located within or adjoining any European sites.

8.0 Third Party Submissions

8.1. A total of 36 no. third party submissions have been received. Submissions were received from owners / occupiers of dwellings in the area, the owners / occupiers of commercial premises in the area, a residents' association and environmental group. Given the level of overlap between issues raised in the submissions received key points are summarised by theme below.

- Level of growth and compliance with Core Strategy / strategic need for the town. 1,328 no. units commenced in short time. Housing increase of 18.6%. 1100 units existing / proposed in this area of Naas. Pace of development should be slowed.
- No commensurate increase in social and community supports. Pressure on social and community infrastructure. Need for an audit of transportation, healthcare, education, childcare, green spaces, road safety and parking services / infrastructure. Lack of open ground for children / teenagers / adults. Site could be developed as a park / central park. Devoy Barracks / Stream

has important historic and nature conservation value. One submission question's demand for childcare.

- Housing mix contrary to national policy objectives and does not respond to town's demographic. No statement of housing mix as per requirements of Section 17.4 of CDP. Part V units not dispersed / units chosen least attractive.
- Height, scale and density out of character. Density exceeds CDP range (30-50 unit per hectare) and question justification based on proximity to town centre and public transport. Main retail for Naas on outskirts. Buses serve Dublin or towns to the west of Naas. Limited service for town itself. Rail Station over 5 km away. Material contravention on plot ratio. Contrary to guidance in Table 15.1 of CDP. Development should be two storeys. Units exceeding 3 storeys should be placed on east side. Height should not exceed height of houses in Devoy Terrace and section drawings not an accurate reflection (selected dwelling is one of the higher properties).
- Layout dominated by roads and car parking. Location of bike shed / substation could lead to anti-social behaviour, safety and security risk and odour. Houses no. 26-29 break established building line in adjacent Arconagh estate resulting in visual impact. CGI's and Photomontage Images not representative. Plans difficult to put into context as they do not all show the same direction to north. No playgrounds. No green roofs. No self-sufficient self-standing green areas. Maps flawed / incorrect.
- Impact on amenities of adjoining properties due to overlooking and overshadowing / loss of sunlight. Are minimum separation distances in CDP are met (request measurement form no. 86 Arconagh)? Question conclusions of sunlight / daylight analysis. Worst case scenario not tested. No analysis of no. 86 and 87 Arconagh. Object to 3+ storey duplex buildings (Type B1 and K1) on shared boundary with 86/87 Arconagh due to impacts on sunlight / daylight to north facing garden and overlooking – houses should be extended behind no. 86 and 87. Two storey houses 22-25 will have overlooking and overbearance impacts on no. 100 Arconagh.

- Units to close to Sanctuary Landscapes Ltd with potential for overlooking of commercial yard and impact on future development potential of this site. Concerned that noise from existing commercial activities would result in inward noise impacts on the proposed dwellings. Request omission of closest units (no. 178 and 220-221) or condition that windows in the gables are acoustically insulated with no opening parts.
- Question arrangements for waste management and collection and potential for public health impacts.
- Objection to proposed future pedestrian / cycle connections into Arconagh estate. Links have negligible value. Entrance into Arconagh at Devoy Terrace / Newbridge Road not pedestrian / cycle friendly and has safety issues. Concerns in relation to impact of proposed links to the west on amenity and biodiversity, maintenance, security, potential for anti-social behaviour, car parking overspill. No consent for works to greenspace in Arconagh (owned / maintained by residents). CDP states that permeability through existing housing estates shall be subject to local public consultation – no consultation to date.
- Object to proposed future connection via St. Patricks Terrace. St. Patricks Terrace serves terraced housing and 3 no. industrial units (panel beater, street furniture manufacturer, artificial grass supplier). Not wide enough to facilitate footpath, cycleway, car parking and to service existing industrial units in Military Road Industrial Park. Pathway would not meet DMURS or National Cycle Manual standards. Any proposal to modify road would impact amenity of residential properties and interfere with operation of industrial units - detrimental to viability of existing businesses. Connection would not offer any better or shorter connectivity to local convenience shop or bus stops. Safety issues arising from residents or cyclists passing through area where HGV's and other vehicles load and unload goods. Connection does not form part of the development authorised by the decision – this should be made clear. It is not referenced in public notices.
- Question amenity for future occupants. Question compliance with 15% public open space standard and design guidance in Section 17.4.7 of CDP for open

space. Concern in relation to level of car parking. Rate of provision is a material contravention of CDP and LAP standards. Other recent developments have unauthorised car parking / overspill onto streets. Question extent of cycle parking proposed – cycle parking in Elsmore remains unused. Question location of car parking directly adjacent to public open space in Arconagh and to north-west of no. 100 Arconagh. No passive supervision with potential for anti-social behaviour.

- Residents of Arconagh estate want a boundary wall / chain-link fence to be maintained or state that perimeter boundary should not be interfered with. Object to expansion of greenspace at Arconagh into proposed development.
- Request high boundary wall along west and south boundaries to Sanctuary Landscapes and retention of existing eastern boundary wall. Wall should be supplemented by dense planting.
- Proposal to construct a block wall at rear of no. 100 Arconagh and remove existing fence causing worry and anxiety to owners / occupiers.
- Devoy Terrace residents request that provision is made for future permanent vehicular access to rear of their properties to allow for future development of long back gardens. Other submission states that new boundary wall to the rear of properties in Devoy Terrace is capped and rendered with a smooth plaster finish to the Devoy Terrace side and that the new boundary is set back from the current boundary line to preserve existing boundary hedgerow and trees.
- CDP policies (GI11 and NH1) seek to retain hedgerow / trees etc and where removal unavoidable require appropriate measures to replace / mitigation. Wooded area of in middle of the site and supports wildlife. Loss of last remaining grassed area. Negative impact on protected species and existing natural biodiversity and riparian life. Question assessment of impact on animals, birds and plants species (including protected species). No complete bird survey as provided for within the Habitats Directive.
- Objection to construction access via Arconagh estate referenced in Stage 1 Construction Management Plan.

- EIA required. Number of units being developed under SHD in this area exceeds 500 no. units. Parcelling SHD into smaller developments (<500) cynical breach of revised 2014 EIA directive. Baseline information not present, ignored and omitted.
- Unless applicant can show zero impact for Climate and Green House Gas's and 100% sustainable for Climate Target Plans to 2050 the proposal should be refused. No passive housing or 100% renewable energy housing.
- Description of Arconagh estate incorrect. Estate of 100 houses including 80 semi-detached 3 and 4 bed houses. No townland referenced in public notices.
- Proposed development substantially different to proposal at pre-application stage. Increased number of units.
- Minister of State DHLGH on 24th February stated that a grant of permission for the subject SHD application would be given.
- Challenge constitutionally of SHD process - breach of rights under Constitution, European Convention on Human Rights and Aarhus Convention. Impact on right to attain all relevant information in time or at all to allow for meaningful consultation. Persons who wished to participate had great difficulties in accessing application. Request for Access to Information on the Environment 2003/4 EC with reply sought by 12th May / 14th. Failure to respond deprived parties of relevant information to engage in a meaningful consultation.
- No provision for water separation. No plans that show proper energy saving, water saving.
- Land to the periphery in control of state. No single coherent integrated plan with future options for best use of land / proper planning and sustainable development of the area – being put forward for public scrutiny.

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 9th June 2021. It summarises observer

comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Nass Municipal District, as expressed at a meeting held on 11th May 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 RSES and CDP Variation No. 1

- CDP Variation No. 1 adopted 9th June 2020 to address objectives of the RSES. Naas is designated as a 'Key Town'. Housing Unit allocation 2020-2023 of 898 no. dwellings.

PA Comment on Principle of Development

- Naas Town Development Plan 2011-2017 is the relevant local plan. The site is zoned C5 'New Residential' for the most part with an objective "To provide for new residential development". Lands on eastern boundary zoned A 'Town Centre' with an objective "To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses". Proposed uses permitted in principle and open for consideration. Considered that the principle of development largely complies with local planning policy.
- Draft Naas Local Area Plan published early 2021. Site is zoned C 'New Residential' and forms part of the Devoy Barracks Key Development Area. Section 10.6.1 sets out vision / strategy for the KDA.

PA Comment on Density and Height

- Chapter 4 Table 4.2 of the CDP 2017-2023 and Table 14.2 of the Naas Town Development Plan 2011-2017 sets out general density parameters. A density of 55.7 units per hectare (net) is proposed. Recent SHD permissions on neighbouring sites permitted densities of 72 units / ha and 28 units per hectare. Density considered appropriate for an inner suburban site.
- CDP Table 17.1 specifies a plot ratio of 0.5-1 for inner suburban sites. The proposed development has a plot ratio of 0.45 which is below the required standard. PA considers the plot ratio to be acceptable having regard to the

proposed form, density and overall layout of the development in the context of existing neighbouring land uses on most boundaries to the site.

PA Comment on Residential Standards

- Unit Mix accords with SPPR1 of the Apartment Guidelines. Proposal appears to largely comply with residential standards.

PA Comment on Layout and Design

- Building heights generally accord with Urban Development and Building Height Guidelines.
- Third party submissions raise issues in relation to overlooking and overshadowing at units such no. 86, 87 and 100 Arconagh and No. 7 and 8 Devoy Terrace.
- CE's Report provides an assessment against 12 Criteria in Urban Design Manual, that accompanies the Sustainable Residential Development in Urban Areas, Guidelines. PA generally satisfied with urban design and layout indicating that the proposal responds to existing developments in the area albeit at a higher density. Consider layout unsatisfactory on western side the scheme close to no. 97-100 Ardconagh and associated open space - suggested that proposed public open space and building line should better integrate and question the proposed cul-de-sacs in area to the rear of these units. In terms of distinctiveness / detailed design PA consider the design to be uniform throughout with similar external finishes. More varied external finish would add interest to the scheme – PA requested more varied pallet of material finishes and recessed balcony to Unit Type K at pre-application stage. Hierarchy and variation of materials and finishes in public spaces welcome.

PA Comment on Open Space

- Open space is 15.4% of the overall site and complies with minimum standard of 15% in the CDP. POS includes a linear park along eastern boundary with potential for future connections north through St. Patricks Terrace to the R445

and south to John Devoy Road, with opportunities for a larger scheme on adjoining civic lands to the east.

PA Comment on Movement and Transport

- PA welcome network of pedestrian and cycle connections proposed to the east, west and north. PA consider the connections to be an integral part of the development as they represent and encourage best practice principles of permeability and placemaking.
- Welcome provision of over 500 no. cycle parking spaces.
- Concern regarding no. of car parking spaces proposed. PA's Transport Department recommend refusal due to the substantial shortfall of spaces proposed, stating that this would contribute to haphazard and unauthorised parking in the site and in adjacent housing estates and civic campus.

PA Comment on Water Services

- Confirmation of feasibility from IW noted. Water Services have no objection but recommend a condition in relation to revision of SuDS.

PA Comment on Other Matters

- No objection in relation to Part V provision. Recommend standard condition.
- Creche facility is acceptable in principle and complies with the policies of the County Development Plan.

CE's Recommendation

In summary, having regard to the Core Strategy of the KCDP 2017-2023 (as varied) and Key Town status, the 'New Residential' and 'Town Centre' zoning objectives pertaining to the lands in the Naas Town Development Plan 2011-2017 and the 'New Residential' and Key Development Area zoning objectives in the Draft Naas LAP, it is considered that residential development is appropriate on the subject site.

However, it is recommended that ABP refuse permission for the proposed development due to an inappropriate quantum of car parking.

Recommended Reason for Refusal: Having regard to an overall shortfall and haphazard positioning of on-site vehicular parking within the site, the proposed

development is not in compliance with Section 3 of the DHPLG “Design Standards for New Apartments” March 2018 and also contravenes the Design Manual for Urban Roads and Streets (DMURS) 2019. The location of a deficient number of parking space represents the hazard of unauthorised vehicular parking on streets and footpaths within the development, possibly at the offices of Kildare County Council, adjacent residential developments and on the John Devoy Road, its footpaths and cycle tracks causing an impediment to its distributor function and capacity. The reduced provision of vehicular parking spaces for the overall development represents a traffic hazard and the potential obstruction to traffic and endangerment of vulnerable road users. It is therefore concluded the vehicle parking standards of Table 17.9 of Chapter 17 of the Kildare County Development Plan 2017-2023 is applicable to this development site having consideration to the assessment of existing public transport links serving Naas. The proposed vehicular parking for the housing, creche and duplex / apartment development would be contrary to proper planning and sustainable development of the area and represents a traffic hazard for road users and residents in the proposed development.

Comments of the Naas Municipal District Members

- Support for development in general.
- Does density / housing mix comply with CDP standards? Density is too high. Call for age friendly units and 1-bed units on ground floor. Emphasis on units for first time byers and social and affordable units. Units just meet minimum standards – should exceed.
- Concern regarding linkages. Reference to linkage via Military Road Industrial area. KCC own 2 no. derelict dwellings to west of Military Road which would make for a better pedestrian / cycle link. More cycle lanes needed. Bicycle parking should be covered and have passive surveillance.
- Car parking below standard. Who operates and maintains e-charging infrastructure?
- Creche should be provided in Phase 1.
- Question in relation to overlooking from 5 storey block.

- Will open space have kick about areas, wild play. Hedgerows and trees should be retained.
- Call for more public participation.
- Concern in relation to SHD process.

10.0 Prescribed Bodies

10.1. Irish Water

Confirmation of feasibility previously issued. Further information is required prior to any connection application including documentation relating to connection via third party lands, capacity and integrity of infrastructure etc. Recommended that conditions be applied.

10.2. Transport Infrastructure Ireland

No observation.

10.3. Inland Fisheries Ireland

Recommendations regarding surface water quality, preparation of a Construction Management Plan, construction techniques, conditioning of maintenance contracts.

11.0 Assessment

The SHD site is at an inner suburban location close to the urban core of Naas. The Kildare County Council civic offices are to the immediate east and include a 4 storey civic building, 2 storey innovation hub (under construction), a Civic Defence Building and a surface car park. There is established two storey housing to the north and west and more recent housing estates to the south and south-east. There are a number of small scale industrial premises to the north that are accessed via St. Patricks Terrace with housing beyond. The site is accessed from John Devoy Road via an existing roundabout and there is a stream along the southern boundary.

Having considered all of the documentation on file, the PA's Chief Executive Report, the submissions from prescribed bodies and third party submissions, I consider that

the planning issues arising from the proposed SHD development can be addressed under the following headings:

- Principle of Development
- Quantum of Development and Building Height
- Car and Bicycle Parking
- Design and Layout
- Quality and Amenity of Development
- Residential Amenity Neighbouring Properties
- Traffic Impact
- Water, Drainage and Flood Risk
- Other Matters
- Material Contravention

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment Screening and Appropriate Assessment Screening in respect of the proposed development, as detailed in Sections 12.0 and 13.0 below.

11.1. Principle of Development

- 11.1.1. The Kildare County Development Plan 2017-2023 (KCDP) and the Naas Town Development Plan 2011-2017, as extended (NTDP) are the relevant statutory plans for the area. Kildare County Council published the Draft Naas Local Area Plan 2021-2027 in March 2021. This plan will replace the extended town development plan in time but has not come into effect at time of writing. The site is zoned C 'New Residential' under the NTDP with an objective *"to provide for new residential development and other services incidental to residential development"*. A small area of land along the eastern boundary is zoned A 'Town Centre' with an objective *"To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses"*. The proposed uses are acceptable in principle under both zoning objectives (Table 14.5 refers).
- 11.1.2. A number of submissions highlight the level of growth in this area of Naas. I would note that under the core strategy of the KCDP (Variation No. 1 adopted 9th June 2020)

Naas has a housing allocation of 898 no. units over the period 2020 to 2023. Permission was granted for 152 no. units on an adjacent site under the SHD process since the adoption of variation no. 1. Other recent SHD permissions predate the variation. The site is proximate to the urban core of Naas and the residential zoning is to be retained under the Draft Naas Local Area Plan 2021-2027, with the site identified as a Key Development Area. I am, therefore, satisfied that the proposed development is consistent with the core strategy and that the level of development proposed under the subject application is planned for.

11.2. Quantum of Development and Building Height

Quantum of Development

- 11.2.1. The proposed development comprises 221 no. residential units on a site of 3.97 ha (net). The proposed development has a density of 55.7 units per hectare, a plot ratio of 0.45 and site coverage of 21.7%. Many of the third party submissions express concern in relation to the density of the proposed development stating that it exceeds the 35-50 unit per hectare density standard detailed in Table 4.2 of the KCDP and the NTDP for outer suburban / greenfield sites. A number of submissions also note that the plot ratio does not accord with the standards in the KCDP and NTDP.
- 11.2.2. The applicant makes a case for the proposed density on the basis that the site is at an inner suburban location and can define its own density. Given the sites proximity to the town centre of Naas and to established housing that is sequentially further from the town centre, I would concur with the applications classification of the site as an inner suburban rather than outer suburban / greenfield site. The KCDP (Table 4.2) indicates that density on inner suburban sites will be site specific.

National planning policy set out in the National Planning Framework promotes (Objective 35) supports increased densities within urban areas. Section 28 guidance, including the Sustainable Residential Development in Urban Areas Guidelines (2009), the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) and the Urban Development and Building Height Guidelines (2018) provide policy guidance in relation to density. The Sustainable Residential Development in Urban Areas Guidelines do not specify a density range for infill sites and state that a balance has to be struck between the reasonable

protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) define the types of location in cities and towns that may be suitable for increased densities. The site meets the definition of an 'Intermediate Urban Location'¹ given its proximity to Naas town centre (<1000 m). Such areas are deemed to be suitable for smaller-scale higher-density development that may wholly comprise apartments, or alternatively, medium to high density residential development of any scale that includes apartments to some extent (generally greater than 45 dwellings per hectare net). The guidelines note that the scale and extent of development should increase in relation to proximity to core urban centres and public transport as well as employment locations and urban amenities. The SHD site is close to the urban core of Naas and is within walking distance of Naas Town Centre and a number of employment locations (e.g., KCC, Main Street, Naas Hospital), educational facilities and urban amenities. The site is also within walking distance (500m) of bus stops on the Newbridge Road that provide commuter services to Dublin City and other settlements but is not serviced by high frequency urban bus services. Given the site's proximity to a principal town centre and employment locations, as well as higher order urban services and facilities I consider that the site can sustainably support a density of 55.7 units per hectare. This density is justified at this location in my view given the designation of Naas as a Key Town under the RSES ² (Tier 3 Settlement) where sustainable, compact and sequential growth is supported. I am also satisfied that the issue of material contravention does not arise in respect of density as the relevant development plans do not specified a density for inner suburban locations.

The plot ratio standard in the KCDP and NTDP (Tables 17.1 and 13.1 respectively) is 0.5-1 for inner suburban sites. The proposed plot ratio of 0.45 falls below this. The applicant argues that plot ratio is just one measure for assessment and that a

¹ Locations within 800-1000 metres of a principle town or suburban centre or employment location; within 1,000-1,500 metres of high capacity urban public transport stops (such as DART or Luas); or up to 1,000 metres from high frequency urban bus services (min 10-minute peak hour frequency).

² Large economically active service and / or county towns that provide employment for their surrounding areas and with high quality transport links and the capacity to act as growth drivers to complement Regional Growth Centres.

proposal should not be assessed solely on plot ratio. I would concur and would also note that there is a conflict between the plot ratio standard in Table 17.1/13.1 and the residential density standards in Table 4.2. Having regard to the provision of the KCDP and NTDP in relation to residential density and national policy set out in the NPF and the Apartment Guidelines, I consider the overall density to be acceptable. The deviation in respect of Plot Ratio is discussed further in Section 11.10 Material Contravention.

Building Height

11.2.3. The issue of building height has been raised in many of the third party submissions and in the comments of the elected members. Submissions state that the proposed building heights are taller than the prevailing building heights and are excessive. The predominant building height in this area is 2 storeys. The proposed development is predominantly 2 to 3 storeys, stepping up to 4 and 5 storeys at three key locations. National planning policy set out in the National Planning Framework (Objective 35) and the Building Height Guidelines (SPPR1 and SPPR3) supports increased building height in urban areas having due regard to the locational context, availability of public transport services and other associated infrastructure. I consider the step up in building height and the transition from the existing two storey housing to be well considered in this instance. However, I would note that there is a deviation from the building height standards detailed in Section 17.2.1 of the KCDP. Section 17.2.1 states that “*tall buildings, defined here as buildings that exceed five storeys and / or 15 metres in height will only be considered at areas of strategic planning importance identified in a Local Area Plan*”. The SHD site is not identified as an area of strategic planning importance in the extant town development plan and on this basis the height limit would apply. The proposed 5-storey apartment block (creche block) with a parapet height of 17.8 metres (+2.8 metres) and the 4-storey “C1” duplex block with a ridge height of 15.66 metres (+0.66 metres) exceed the 15 meter height limit. The exceedance in respect of the 5-storey block could be considered material in my view. While the application is accompanied by a material contravention statement pursuant to Section 8 of the Act of 2016, the submitted statement does not address the issue of building height or make a case for the exceedance based on the criteria in Section 3.2 of the Urban Development and

Building Height Guidelines. I consider that the requirements to submit a statement under Section 8 of the Act of 2016 is not met in respect of building height and on this basis, that it may not be open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended. In the event that the Board is minded to grant permission it would be open to the Board to reduce the height of the apartment block below 15 metres. I would suggest that the exceedance in respect of the 4 storey 'C1' block is not material and that it would not be necessary to alter this block.

11.2.4. In relation to visual impact, I refer the Board to the 7 no. photomontage images submitted with the application. The images illustrate the proposed development within its immediate context. The increase in scale relative to the existing housing is relatively modest in my view and is consistent with national policy to increase building height and density within urban areas. While the outlook from the neighbouring lands will change due to the transition of the site from greenfield to residential, the change is consistent with the zoning objective and with the emerging character of the area. I consider the level of visual change to be slight and positive.

11.2.5. A third party submission has raised concerns in relation to the accuracy of submitted CGI's that should imagery within the development noting that it does not show the full extent of car parking. While I note the concerns raised, I am satisfied that the full suite of plans and particulars submitted with the application is sufficient to allow for an assessment of the proposed development.

11.3. Car and Bicycle Parking

Car Parking

11.3.1. The CE's Report recommends that permission is refused for a single reason relating to car parking provision, as follows:

"Having regard to an overall shortfall and haphazard positioning of on-site vehicular parking within the site, the proposed development is not in compliance with Section 3 of the DHPLG "Design Standards for New Apartments" March 2018 and also contravenes the Design Manual for Urban Roads and Streets (DMURS) 2019. The location of a deficient number of parking spaces represents the hazard of unauthorised vehicular parking on streets and footpaths within the development,

possibly at the offices of Kildare County Council, adjacent residential developments and on the John Devoy Road, its footpaths and cycle tracks causing an impediment to its distributor function and capacity. The reduced provision of vehicular parking spaces for the overall development represents a traffic hazard and the potential obstruction to traffic and endangerment of vulnerable road users. It is therefore concluded the vehicle parking standards of Table 17.9 of Chapter 17 of the Kildare County Development Plan 2017-2023 is applicable to this development site having consideration to the assessment of existing public transport links serving Naas. The proposed vehicular parking for the housing, creche and duplex / apartment development would be contrary to proper planning and sustainable development of the area and represents a traffic hazard for road users and residents in the proposed development". The issues raised in the CE's Report and in the Report of the PA's Transportation Section in relation to car parking and potential overspill car parking outside of the site are reflected in many of the third party submissions and in the comments of elected members.

11.3.2. Table 17.9 of the KCDP sets out a requirement for 2 no. car parking spaces per house and 1.5 no. spaces per apartment plus 1 visitor space per 4 apartments. The requirement for a creche is 0.5 spaces per staff member plus 1 per 4 children. This equates to a requirement for 416 car parking spaces. A total of 235 car parking spaces are proposed representing a shortfall of 181 spaces overall (43%). It is proposed to allocate 2 no. spaces per house and 12 no. spaces for the creche meeting the CDP standards. The remaining 151 spaces are to be shared between apartment / duplex units at a rate of 0.81 no. spaces unit (rate is 1.1 spaces per unit overall). The applicant argues that the site is suitable for reduced car parking provision based on its proximity to Naas Town Centre, proximity to public transport services including bus services on the Newbridge Road and the Sallins & Naas Rail Station and having regard to the quantum of cycle parking proposed. The applicants statement refers to a national objective of the NPF to reduce reliance on private car and move towards performance based standards (NPO13) and to guidance in the Apartment Guidelines which provides for reduced car parking standards. The submitted Material Contravention Statement addresses the shortfall in respect of the car parking standards detailed in the KCDP and on this basis the Board, has

recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should it consider the level of carparking to be acceptable.

A key consideration for the Board in my view, is whether the level of car parking provision is sufficient and balances the need for car parking with wider sustainability objectives. The Apartment Guidelines encourage a 'reduced' overall car parking standard in intermediate urban locations such as this but do not state a minimum level of provision. In more peripheral locations the guidelines advocate provision of 1.25-1.33 no. space per apartment. There is a requirement at all locations to demonstrate specific measures that enable car parking provision to be reduced and to show that the site is sufficiently well located in relation to employment, amenities and services.

The SHD site is proximate to Naas Town Centre and to a number of local employment areas and urban services (as discussed in Section 11.2 above). However, the site is not served by high capacity urban transport services based on the definitions provided in Section 2.4 of the Apartment Guidelines (10 min peak frequency). The bus (c. 500 m) and rail (+4 km) services referred to, provide important commuter connections between Naas and other urban settlements in the wider region (including Dublin City) but do not provide connections between employment sites and urban services in Naas. This is an important distinction when considering the level of car parking provision. This is highlighted in the Report of the PA's Transportation Section. In addition to this, there is no clear strategy for the efficient management of car parking or specific measures to enable car parking provision to be reduced to the extent proposed. I would note that the proposal to allocate individual spaces to houses (car parking allocation plan refers) would militate against the efficient turn-over of car parking spaces. I draw the Boards attention to a recent SHD permission for 152 no. apartments on an adjacent site (ABP-307258-20) that had a parking ratio of 1.15 spaces per unit. The reduction to 0.85 spaces per apartment in this instance is substantially below what was permitted on the adjacent site. I consider that some reduction in car parking provision for houses and apartment units (relative to the CDP standard) could be considered at this location given the sites proximity to the urban core of Naas and that there is a need to limit overall car parking provision to promote sustainable transport options. However, I would concur with the PA's view in this

instance that the level of provision in this instance is deficient having regard to the site's locational context and that it would be inadequate to serve the needs of the future occupants of the development.

11.3.3. In relation to the car parking layout I would note that section 4.4.9 of DMURS addresses the issue of on-street carparking. In summary the design manual states that on-street carparking when well-designed can have benefits but cautions that it has a finite capacity and that if on parking is over provided it can be visually dominant. The manual states that for densities over 50 dwelling per hectare, large areas of off-street parking, such as basements, will generally be required. The applicant in this instance has not proposed any off street carparking and seeks to rely on reduced parking rates and on street parking to serve the development. This strategy has not worked in my view. The rate of car parking is deficient as discussed above. In addition, I consider that the extent of car parking at surface level is excessive, and that the street environment would be dominated to an unacceptable degree by car parking with negative consequences for sense of enclosure and for the overall amenity of the development. Design recommendations in DMURS to reduce the visual impact of parking, such as limiting the size of parking bays and avoiding perpendicular parking on both sides of a street, have not been applied. In addition, car parking courts provided along the western boundary have poor levels of passive surveillance and landscaping. I consider that the layout contravenes design guidance in the Urban Design Manual - A Best Practice Guide, in particular criteria number 7 Layout and criteria number 11 Parking and the guidance in Section 4.4.9 of the Design Manual for Urban Roads and Streets which promote streets that are designed as places rather than roads and see safe and secure car parking areas. The concerns in relation to the isolated nature of the parking courts along the western boundary (and potential for anti-social behaviour) is raised in third party submissions.

11.3.4. I consider that the car parking strategy for this site, and in particular the failure to provide some level of off-street carparking at a density of 55.7 units per hectare, has resulted in an under provision of car parking, coupled with a layout that is visually dominated by car parking. I have considered options to address these issues by way of condition. However, having regard to the conflicting nature of the issues

arising, I consider that it would not be possible to resolve the issues by way of condition and I recommend that permission is refused. This is generally consistent with the PA's recommendation.

Cycle Parking

11.3.5. The submitted documents refer to a total of 520 no. bicycle parking spaces comprising 238 no. secure bicycle storage spaces in communal storage areas; 106 no. short stay spaces on street (Landscape Masterplan refers); 96 no. spaces within the terrace of ground floor apartments (Landscape Masterplan refers) and 72 no. in curtilage spaces for houses. The Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020 (as updated) and the KCDP (Table 17.10) recommend cycle parking provision at a rate of 1 no. cycle storage space per bedroom +1 no. visitor space per two apartments. This equates to a requirement for 411 no. spaces, 318 secure spaces and 92.5 visitor spaces. A total of 238 no. secure spaces and 106 no. short stay spaces are proposed falling short of the standards. I have not included the 96 no. terrace spaces on the basis that the Apartment Guidelines (Section 3.2) states that bulk storage areas associated with apartments would not generally satisfy bicycle parking requirements. Overall, however, I consider that the overall quantum of cycle parking is acceptable. The storage within private amenity areas would not typically be considered acceptable, however, in this instance the terraces have direct access and exceed the minimum spaces standards by a substantial amount. I therefore consider the arrangement to be acceptable in this instance.

11.4. Design and Layout

Block Structure and Public Realm

11.4.1. The housing blocks are laid out around a network of roads, pathways and open spaces. With the exception of the issues raised above in relation to car parking, there is generally a coherent relationship between housing blocks with good frontage to open spaces, a hierarchy of open spaces and a high level of permeability. The level of separation between blocks and sense of enclosure along key streets would be improved through the omission of perpendicular car parking on both sides and a tightening up of the block structure (as discussed in Section 11.3 above).

11.4.2. In terms of architectural design and finish the facade treatments use a brick finish to public streets and spaces and there is greater use of render to internal courtyards. The CE's Report suggests that a more varied palette of finishes could be used and that the protruding balconies on Block K could have been integrated into the block. I consider the finishes on primary elevations to be of high quality and do not see a need for significant variation in a development of this scale. I note the concerns raised by the PA in relation to protruding balconies in Block K. I am satisfied that this design detail is not excessively used and I accept the applicant's argument that the balconies will provide sunlight / daylight for longer and better animation.

Provision for Future Connections

11.4.3. Many of the third party submissions raise concerns in relation to references on the site layout plan to the "provision for future connection being made to application site boundary" at locations along the western and northern site boundaries. There is also concern in relation to a suggestion in the Architectural Design Statement that open spaces could be merged with an adjoining open space within the Arconagh Estate. A number of submissions request that a wall be provided along the shared boundary with the Arconagh Estate while others suggest that the existing chain link fence be retained. Owners and operators of the Military Industrial Park to the north of the site also object to the "provision for future connection" detailed on the site layout plan. Submissions highlight the fact the 'future connections' are not referenced in the development description / public notices and that there is no clear detail in relation to what is proposed. Other submissions argue that the connections are not adequate or appropriate due to deficiencies within the wider road network. A submission on behalf of a business at the southern end of St. Patricks Terrace states that any connection at this location would be unsuitable as it would interfere with established traffic movements and car parking arrangements associated with the industrial premises. It is argued that it would be unsafe for pedestrians or cyclists to come through this area and that the connection would undermine the viability of the businesses. I am satisfied that the site layout plan details 'potential future connections' to adjoining lands to demonstrate that the layout is permeable and can facilitate future connections within the urban environment. The 'potential connections' are similar to those detailed in the Draft Naas Local Area Plan (to which

the Board can have regard) and are consistent with national planning and transport policy (DMURS and the Urban Design Manual) which promote better connectivity and permeability within urban areas. However, I would note that the proposal before the Board does not include any connections to the north and west of the site that extend beyond the site boundary. The request to insert a wall along the Arconagh estate to ensure that open spaces remain separate is unnecessary in my view. There is substantial planting along this boundary that is to be retained.

Yeomanstown Stream

11.4.4. This Yeomanstown (Rathasker) Stream runs within an open channel over a distance of c. 40 metres along the southern boundary of the site close to the entrance from John Devoy Road. I would note the reference in submitted documents to a ditch, however, there was moving water in the stream at time of site inspection. The submission from Inland Fisheries Ireland notes that the development is in the catchment of the Rathasker stream. The submission states that comprehensive surface water management measures must be implemented during construction and operational stages to prevent any pollution of local surface waters and a number of standard requirements are detailed. I would note that there are a number of objectives in the KCDP relating to the protection of inland waterways. GI 20 seeks to *“maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities....”*. The proposed 3 storey duplex block containing units no. 1-9 maintains a setback of c. 7.5 metres from the top bank of the stream. The encroachment into the 10m biodiversity zone contravenes the provisions of Objective GI 20. This issue has not been addressed within the submitted documents or in the Material Contravention statement and no clear rationale has been put forward for the encroachment. I consider that this deviation could be considered a material contravention, and should the Board concur, it may not be open to then to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, in respect of this aspect of the development. I do not propose to include a reason for

refusal in relation to the encroachment as I consider that this matter could be dealt with by way of condition in the event that the Board is minded to grant permission through the omission of the duplex block. This is discussed further in Section 11.10 below Material Contravention.

Issues Raised in Third Party Submissions

- 11.4.5. A submission received from the owner / occupier of no. 100 Arconagh expresses concern in relation to the position of housing forward of the established building line. There is a varied building line within the Arconagh estate and on this basis, I consider that the layout within the SHD site should not be bound by these building lines, subject to border considerations in relation to the visual and residential amenity being met. These issues are considered separately in Section 11.4 and 11.8 below.
- 11.4.6. A submission from residents of Devoy Terrace requests that provision is made for a roadway along the north-west site boundary to provide access to the rear gardens of houses in Devoy Terrace to facilitate future development of the long rear gardens. While there may be merit in this suggestion, I would note that there is no objective in the land use plan to support this or indication that the applicant / landowner would support this. I consider that a change of the nature proposed would represent a material change to the development and that it would not be appropriate to impose a requirement of this nature on the applicant by way of condition.

Design and Layout Conclusion

- 11.4.7. I consider the general approach in terms of urban structure and public realm to be acceptable. I have identified an issue relating to the setback from a watercourse. I consider that this matter could be dealt with by way of condition.

11.5. Quality and Amenity of Development

- 11.5.1. The following assessment considers the quality and amenity of the development relative to relevant quantitative and qualitative standards for residential development. The assessment has regard to guidance set out in the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2020, the Kildare County Development Plan 2017-2023, the Naas Town Development Plan

and to BRE and BS guidance on daylight / sunlight referenced the Building Height Guidelines (2018).

11.5.2. Housing Mix and Apartment Design and Layout

The proposed development would provide for the following housing mix:

Unit Type	Apartments / Duplex	Houses	Total	%
1-Bed	63	0	63	28.5%
2-Bed (4 person)	111	0	111	50.2%
3-Bed	11	36	47	21.3%
Total	185	36	221	100%

SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. Objective HSO 8 of the KCDP is to “ensure that an appropriate mix of housing types and sizes is provided in each residential development” while Section 17.4.3 requires a Statement of Housing Mix to be submitted with planning applications for residential developments of 50 units + in larger towns. The CE’s Report notes that the unit mix complies with the standards in the guidelines and indicates no objection to same. While a Statement of Housing Mix has not been submitted it is clear from the submitted HQA that the proposed development provides for a broad range of housing types and unit sizes. I am satisfied that the proposed development meets the requirements of SPPR 1 of the Apartment Guidelines, 2020 and that it would not conflict with the provisions of Objective HSO 8 or Section 17.4.3 of the KCDP. On this basis, I consider that the proposed housing mix is acceptable.

11.5.3. 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 and 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. All of the 2-bed units are 4 person units.

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%). A total 103 no. apartment / duplex units (56%) exceed the 10% standard and I would note that a substantial number of the 1 bed units are only marginally below the +10% standard. 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. All of the duplex units are dual aspects equating to 91% of the apartment / duplex units overall.

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

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

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 balconies / terraces with minimum space and depth standards met and exceeded within the scheme.

11.5.4. Appendix 1 of the Apartment Guidelines sets out the following minimum area requirements for communal amenity space in new apartment developments:

Unit	Apt / Duplex No.	Per Unit (sq.m.)	Total Requirement
1 bed	63	5 sq.m	315 sq.m
2 bed (4 person)	111	7 sq.m	777 sq.m

3 bed	11	9 sq.m	99 sq.m
Total	185		1191 sq.m.

The scheme provides for a total of 4005 sq.m of communal open space within private courtyards that are enclosed within perimeter blocks. The requirement of the guidelines is met and exceeded within the scheme.

The scheme also meets the standards for apartments set out in Section 17.4.6 of the KCDP.

11.5.5. Houses Design and Layout

The proposed development contains 36 no. 3 bed houses. I refer to the standards for houses set out in Chapter 17 of the Kildare County Development Plan as these are the most recent standards and take precedent over the standards in the Nass Town Development Plan. There is a minimum floor area standard of 100 sq.m, a minimum storage area standard of 9 sq.m and a minimum private open space standard of 60 sq.m. All houses meet the minimum standards.

11.5.6. Public Open Space

The Kildare County Development requires public open space provision at greenfield locations at a rate of 15% of the site area. This is reflected in the Draft LAP. The proposed development incorporates 6169 sq.m of public open space which equates to 15.5% of the site area. The development standard is therefore met.

11.5.7. Daylight and Sunlight

I refer the Board to the submitted Sunlight and Daylight Access Analysis prepared by ARC.

The Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020 and the Development Management Criteria for taller buildings in Section 3.2 of the Urban Development and Building Height Guidelines 2018 recommend that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for

Buildings – Part 2: Code of Practice for Daylighting’. Section 4.0 of the submitted Sunlight and Daylight Access Analysis addresses daylight access to units within the proposed development. The BRE and BS guidance documents recommends that for new dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room, 1% for a bedroom and 1.5% for a living room / bedroom. Section 5.6 of the BS guidance states that where a room serves more than one purpose, the minimum ADF for the room with the highest value should be applied. An assessment of daylight access to a sample of the proposed residential units has been undertaken having regard to the standards and methodologies detailed in the BRE and BS guidance. In all instances the target ADF levels detailed in the BS and BRE guidance are met (Table 4.1 refers). In the case of combined kitchen / living / dining rooms ADF of more than 2% (highest value) is achieved. The rooms tested are at the lowest levels of accommodation and represent the worst-case scenario in my view. It is therefore reasonable to predict that rooms not tested would also meet the ADF standards.

Section 4.0 of the submitted Sunlight and Daylight Access Analysis addresses daylight access to proposed open spaces within the development. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). Table 5.1 details the sunlight access to the 6 no. open spaces within the development (semi-private and public areas) and to the external play area associated with the creche. All spaces are predicted to receive levels of sunlight substantially in excess of the level recommended by the BRE Guide. Based on the assessment submitted, and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under BRE guidance.

11.5.8. Other Matters

The blocks within the scheme are laid out such that there are distances greater than 22 metres between facades, and there are therefore no concerns regarding overlooking between blocks.

Provisions are made for waste storage within the curtilage of the houses and in shared bin stores at ground level for apartment and duplex units. The submitted documents include an Operational Waste Management Plan that addresses the level of provision and collection arrangements. In the event of a grant of permission I recommend that a condition is included that requires a finalised Operational Waste Management Plan to be submitted for agreement prior to the commencement of development.

In terms of microclimate impacts I am satisfied having regard to the predominant 2-3 storey building height that significant microclimate impacts are not likely to arise.

A submitted noise assessment prepared by Allegro Acoustics indicates that the noise environment in this area is dominated by traffic noise. It concludes that acoustic design criteria detailed in Section 6 of the assessment would provide an appropriate level of acoustic comfort to the residents and uses of the development.

11.5.9. Quality and Amenity of Development Conclusion

To conclude, I consider having regard to national and development plan guidance for residential development that that the design of the development is satisfactory and that there is a reasonable standard of residential accommodation for future residents.

11.6. Residential Amenity Neighbouring Properties

11.6.1. The site is bound to the north by a number of small scale industrial premises at the southern end of St. Patricks Terrace and there is two storey terraced housing to the north of this. To the north, west and south the site is bound by residential developments. The rear gardens of houses fronting onto Devoy Terrace to the north-west back onto the site. These properties have relatively long rear gardens (c. 20-26 metres). A newly constructed single storey dwelling to the rear of no. 6 Devoy Terrace abuts the site boundary (ABP Ref. PL09.248953). This dwelling is not shown on the submitted plans and particulars. To the west the site is bound by an access road in the Arconagh estate and an open space. To the southwest private gardens of residential properties no. 86 to 100 Arconagh back and side onto the site and there are also open spaces along the shared boundary. The boundaries are

marked with hedgerow for the most part. The closest dwelling (no. 100 Arconagh) sides onto the boundary and has a separation of c. 4 metres off the boundary. The closest dwelling that backs onto the site (no. 86 Arconagh) has a setback of c. 11.4 metres from the boundary. Dwellings in Elsmore Grove are situated to the south of the site (not shown on the submitted plans). The closest dwelling no. 13 Elsmore Grove is c. 24 metres from the 3-storey duplex block containing units no. 01-09. Given the interface with the existing properties, a key question for this assessment, in my view, is whether or not the proposed development would interfere with the amenities of the neighbouring residential properties in a manner that would justify refusing permission or substantially altering the proposed development.

11.6.2. Assessment of Daylight, Sunlight and Overshadowing Impacts

I refer the Board to the submitted Sunlight and Daylight Access Analysis prepared by ARC Architectural Consultants. The Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020 and the Urban Development and Building Height Guidelines 2018 recommend that PA's have regard to the quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The submitted Sunlight and Daylight Access Analysis sets out details of an assessment of likely impacts having regard to the standards and the methodologies detailed in the BRE and BS guidance. I have considered the submitted assessment and have had regard to the BRE and BS guidance documents referenced in Section 28 Ministerial Guidelines.

Light from the Sky

The BRE guidance on daylight is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Criteria set out in Section 2.2 of the guidelines for considering impact on existing buildings are summarised as follows:

- Is the separation distance greater than three times the height of the new building above the centre of the main window? In such cases the loss of

light will be small. If a lesser separation distance is proposed further assessment is required.

- Does the new development subtend an angle greater than 25° to the horizontal measured from the centre line of the lowest window to a main living room? If it does further assessment is required.
- Is the Vertical Sky Component (VSC) greater than 27% for any main window? If so, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- Is the VSC less than 0.8 of the value before? The BRE guidance states that if VSC is both less than 27% and 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- In the room impacted, is area of working plan which can see the sky less than 0.8 the value of before? If 'yes' daylighting is likely to be significantly affected. Where room layouts are known, the impact on daylight distribution in the existing building can be assessed.

The tests above are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise.

Section 2.2 of the Sunlight and Daylight Access Analysis includes an assessment of potential impact on daylight access to existing buildings. Windows considered to be sensitive to change based on the use of the properties and location relative to the application site are assessed³. Figure 2.1 sets out the location of the properties assessed (no.'s 1, 3, 5 and 7 Devoy Terrace; no.'s 13, 14, 88, 89, 99 and 100

³ Where window size / location could not be determined using online information or aerial photography an estimate was used.

Arconagh; no. 13 Elsmore Grove, at the Kildare Civil Defence building and the MERITS building). I am satisfied that the assessment is targeted to neighbouring windows to main habitable rooms at the most challenging locations. Daylight access before and after construction was measured using Vertical Sky Component (VSC). Table 2.1 sets out the calculated VSC to ground level windows to main habitable rooms in the sample of neighbouring dwellings tested. The VSC remains greater than 27% in most instances. At one window VSC drops below 27%, however, the reduction in VSC is marginal and would be more than 0.8 times its former value with the development in place.

Loss of Sunlight

Section 3.2 of the Sunlight and Daylight Access Analysis includes an assessment of impact on Annual Probable Sunlight Hours to the sensitive windows. As above, Figure 2.1 sets out the location of the properties assessed (no.'s 1, 3, 5 and 7 Devoy Terrace; no.'s 13, 14, 88, 89, 99 and 100 Arconagh; no. 13 Elsmore Grove, at the Kildare Civil Defence building and the MERITS building). BRE Guidance states that if a main window facing within 90° of due south and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sun-lighting of the existing dwelling may be adversely affected. It is noted that this will be the case if the window:

- receives less than 25% of annual probable sunlight hours March to September (summer), or less than 5% of annual probable sunlight hours September to March (winter);
- receives less than 0.8 times its former sunlight hours during either period;
- and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Table 3.1 sets out the existing and proposed Annual Probable Sunlight hours to the sample of windows. The results show that the predicted level of change would be at most imperceptible to slight. In most cases Annual Probable Sunlight hours exceed 25% in summer and 5% in winter with the development in place. In a number of cases the Annual Probable Sunlight hours are below 25% and 5% without the

development in place but in all cases the sunlight hours would be more than 0.8 times its value with the development in place.

Overshadowing

Section 3.3 of the Sunlight and Daylight Access Analysis includes a detailed assessment of a sample of gardens most likely to be affected by shadows cast on 21st March. Figure 2.1 shows the location of properties assessed (no.'s 1, 3, 5 and 7 Devoy Terrace; and no.'s 13, 14, 88, 89, 99 and 100 Arconagh were assessed). The BRE Guidance states that *“It is recommended that for it to appear adequately sunlight throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable”*.

Section 3.3 details the results of this assessment. In all cases the gardens assessed would continue to receive at least two hours of sunlight on 21st March after construction of the proposed development meeting the BRE minimum recommended standard. The change in sunlight access to the gardens assessed is either minor and will not be noticeable or there will be no change at all.

Conclusion

I am satisfied that the assessments undertaken in relation to daylight, sunlight and overshadowing are robust and comprehensive and that they demonstrate that any impacts on neighbouring dwellings with the proposed development in place would be imperceptible to slight at most and would meet the recommended standards set out in the BRE document “Site Layout and Planning for Daylight and Sunlight – a Guide to Good Practice” 2011 (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.

11.6.3. Issues Raised in Third Party Submissions

A number of submissions were received from residents and on behalf of the residents of the Arconagh estate (inc. the residents association and an environmental group). The submissions express concern in relation to development

along the shared boundary and close to dwellings no. 86 to 100 Arconagh. The submissions express concern in relation to the potential for visual impacts and overlooking of existing housing; the potential for antisocial behaviour and nuisance to arise from the parking courtyards and bin and bicycle stores along the boundary; the location of block B1 along the shared boundary where it presents a side gable to a public open space within the Arconagh estate and abuts the rear garden of no. 86; and the position of housing forward of the building line established by no. 100.

The proposed housing blocks are 2-storey along the shared boundary for the most part and generally maintain a setback of 25 metres and over from existing dwellings. No. 100 Arconagh sides onto the SHD site and a setback of 14.6 metres has been maintained from the side elevation of this property. No. 86 Arconagh backs onto the site. A proposed 3-storey duplex unit at the southern corner of the development sides directly onto the rear boundary of no. 86 and is setback by 11.4 metres from the dwelling at the closest point. Section 17.2.4 of the KCDP seeks a minimum separation of 22 metres between opposing first floor windows and a separation distance of 35 metres in the case of overlooking living room windows and balconies at upper floors. This standard is also contained in the Naas Town Development Plan 2011-2017. The 22 meter separation distance between opposing windows is met. However, in the case of the 3-storey duplex there is an upper level terrace at first floor that would side onto the rear garden of no. 86 Arconagh with a separation of 11.4 metres from the rear elevation of the dwelling. The 35 meter separation distance is not met. I consider that the separation of this three storey block from no. 86 Arconagh is insufficient and that the block would impact negatively on the privacy and amenity of this dwelling. I would also note that the 3 storey gable of this block has limited fenestration and presents a largely blank gable onto an existing open space within the Arconagh estate. I consider that this represents a poor design solution and while this could potentially be addressed by condition / design amendments, as proposed the block would impact on the outlook and amenity value of this open space. As discussed in Section 11.4 above, this block also encroaches into the required setback of 10 metres from the Yomanstown Stream in contravention of Objective GI 20 of the KCDP and I have recommended that the

block be omitted from the development in the event that the Board is minded to grant permission.

In terms of outlook from the existing units, I consider that apart from the 3-storey duplex block containing units 1-9 the level of visual change arising from the 2 storey housing to the rear of existing houses is such that undue overbearance impacts would not arise.

A submission on behalf of the residents of Devoy Terrace raises concerns in relation to the potential for impacts on the existing houses due to level differences. Given the length of the gardens in Devoy Terrace and the resulting setback from the existing dwellings coupled with the fact that the housing proposed along the shared boundary is two storey I am satisfied that any potential for undue impacts on the existing housing due to overlooking or overbearance can be excluded. I have consulted the online planning documentation for the dwelling to the rear of no. 6 Devoy terrace which is constructed along the shared boundary but not shown in the submitted plans and particulars. I would note that this dwelling has no windows in the rear elevation into the site and that closest proposed dwelling would be over 12 metres from this single storey dwelling. I am satisfied that the proposed development would not, therefore, have any impact on the amenity of this dwelling.

A submission made on behalf of the owner and occupier of a commercial premises to the north / east of the site (Sanctuary Landscapes) expresses concern in relation to the proximity of windows in the end gable of end house no. 178 and end duplex units no. 220 and 221 to this commercial property. The main concerns relate to the potential for overlooking of an external operational yard area and the impact on the future redevelopment potential of this site. The windows referenced are secondary windows to bedroom and living areas. In the event that the Board is minded to grant permission I recommend that above ground level windows in the eastern gable of unit no. 178 and in the northern gable of no. 221 are omitted. Otherwise, I do not see any potential for undue overlooking or for impact on the future redevelopment of the of the adjacent lands.

One submission expresses concern in relation to the potential for odour and nuisance from a proposed bin / bicycle store to the rear of no. 87 Arconagh. In this

regard, I would note that the proposed stores are durable roofed structures and that the removal of waste is to be managed in accordance with the submitted operational waste management plan. I would not envisage any significant odour or nuisance impacts.

11.6.4. Construction Phase Impacts

During the construction phase noise, vibration and dust emissions arising from construction activities on site could impact on the amenities of neighbouring properties. I consider that the impacts arising from the construction phase would be similar to those arising from any construction site. The submitted Noise Assessment addresses the potential for noise impacts and sets out construction noise limits, noise monitoring methodology and good practice to protect nearby noise sensitive locations during the construction phase. It is noted that any additional traffic noise would not be out of place within this urban area. I recommend in the event of a grant of permission that an updated Construction and Management Plan should be submitted to the PA for agreement prior to the commencement of construction to ensure that the potential for impacts is managed in accordance with best practice. I also recommend that the standard condition in relation to hours of operation is attached. I am satisfied that subject to the implementation of the agreed Construction Management Plan and construction hours that any impacts arising from the proposed development can be suitably managed.

11.6.5. Residential Amenity – Neighbouring Properties Conclusion

I am satisfied that the potential for impacts on neighbouring residential properties during the occupational phase has been reduced to an acceptable degree through the provision of suitable setbacks and design mitigation and that the potential for impacts during the construction phase can be managed to a satisfactory level by condition.

11.7. Traffic Impact

11.7.1. The site is accessed via an existing roundabout on John Devoy Road an access road that links Naas town centre to a southern ring road. This road has pedestrian and cycle facilities and public lighting. There is potential for future more direct

pedestrian and cycle connections to the town centre via adjacent lands to the north. The proposed pedestrian and cycle network within the site is designed to allow for future connections.

The application is accompanied by a document titled Traffic Impact Assessment which examines the impact of the proposed development on the local road network. Traffic surveys were undertaken on 3rd March 2020 over a 12-hour period at 8 no. local traffic junctions and detailed modelling was undertaken at 2 no. junctions, namely the priority controlled junction of John Devoy Road and the Kildare County Council HQ and at the roundabout junction that provides access into the SHD site. Trip generation rates for the development are forecast based on the trips arising from the adjacent Arconagh estate which were compared against and exceed figures taken from the NRA / TII approved TRICS database. PICADY9 software is used to assess the operational capacity of the junction into Kildare County Council HQ and ARCADY software is used to assess the capacity of the roundabout junction. The assessment takes account of the baseline traffic conditions, committed development and traffic growth. The proposed development is shown to have a negligible impact on the existing priority controlled junction into the KCC car park, while the roundabout providing vehicular access to the development will operate well within capacity. Based on the guidance set out in the TII's Traffic and Transport Guidelines 2014 and given the low trip generation rates forecast I am satisfied that the development, of itself, would not have a significant impact on the local road network. The volume of traffic generated during construction will be lower than that generated during the operational phase and on this basis, I am satisfied that no significant impacts would arise. Submissions received from third parties have expressed concern in relation to a reference in the Construction Management Plan to a potential second construction access via the Arconagh Road to the west of the development site. The submissions raise concerns in relation to the safety of this and impacts arising from increased noise and disturbance. The applicant has not demonstrated any clear need for a secondary construction access via the Arconagh estate or indicated why the proposed access via John Devoy Road would not be sufficient. In the interest of avoiding unnecessary disturbance to existing properties I recommended that the construction access should be avoided. I recommend in the

event of a grant of permission that an updated Construction and Management Plan should be submitted to the PA for agreement prior to the commencement of development. This plan should include a full traffic management plan for the construction phase and shall avoid construction access via the Arconagh estate road to the west, save for in exceptional circumstances where emergency access is required and where it is agreed in advance with the PA. This can be addressed by way of condition.

11.7.2. Traffic Impact Conclusion

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. Potable Water and Foul Drainage

It is proposed to connect to a recently constructed 225mm diameter foul sewer and 180mm diameter watermain on John Devoy Road. The submission received from Irish Water indicates no objection to the conditions. The submission notes that connections are proposed via third party infrastructure. IW seek assurances prior to connection in relation to owner consent, capacity and integrity of infrastructure, and deed of easement and transfer of arterial infrastructure to IW. I am satisfied that the issues raised can be satisfactorily addressed by way of condition.

11.8.2. Surface Water

It is proposed to connect to an existing 225mm diameter stormwater sewer on John Devoy Road. The proposed development includes a surface water system that combines sustainable urban drainage features (rainwater 'butts', permeable paving, tree pit drainage, swales, soakaways, road gullies and oil separator) and below ground attenuation. The run-off will be restricted to the greenfield run off rate. The CE's Report notes that the Water Services Section has no objection subject to

conditions that require revisions to the proposed SuDS design. In the event that the Board is minded to grant permission, I recommend that a condition is attached, requiring the developer to submit the revised details for the agreement of the PA.

11.8.3. Flood Risk

I refer the Board to the Flood Risk Assessment (FRA) submitted with the application. The site lies within Flood Zone C. The FRA indicates that the risk of flooding (tidal, fluvial, pluvial or ground water flooding) across the site is low and no further mitigation measures are proposed. Residential development is an acceptable land use within Flood Zone C (Table 3.2 Flood Risk Management Guidelines refers). I am satisfied that the requirements of the Flood Risk Management Guidelines are met.

11.9. Other Matters

11.9.1. Ecological Assessment

I refer the Board to the submitted Ecological (Biodiversity) Appraisal. The site is a greenfield site that is dominated by unmanaged grassland of relatively low species diversity with patches of bramble-dominated scrub. There is a corpse of semi-mature goat willow and silver birch trees in the centre of the site. The western and southern boundaries comprise semi-mature hedgerow / tree line. No indication of habitats or species of conservation significance were recorded within the site. In terms of drainage the site is in the Liffey and Dublin Bay catchment. The Yeomanstown Stream (or Rathasker Stream) is within the Liffey surface water catchment and flows into the Naas canal. Overall, the site has a relatively low ecological value and no long-term impacts are envisaged as a result of the proposed development.

11.9.2. Part V

The applicant has submitted Part V proposals. The CE's Report expresses concern in relation to proposed Part V provision noting a requirement for own-door units, greater mix of unit type and better spread of units throughout the entire scheme. The proposal to transfer units to Cluid acceptable. I am satisfied that the standard

Part V condition can be applied and in the event that agreement is not reached the matter in dispute (other than a matter to which section 96(7) applies) may be referred to An Bord Pleanála for determination.

11.9.3. Childcare, Schools and Other Social Infrastructure.

A number of the third party submissions have raised concerns in relation to the level of development within Naas and the need for commensurate provision of community facilities and amenities.

The application is accompanied by a Schools Demand and Childcare Facilities Assessment. A creche with capacity for 59 no. children is proposed in accordance with the requirements of the Childcare Facilities Guidelines. On this basis I am satisfied that the level of provision is adequate to serve the proposed development and that no further justification is required.

The Schools Demand and Childcare Facilities Assessment provides an overview of existing and planned school capacity in Naas and its environs with current enrolments. It is estimated that the proposed development would generate a demand for c. 60 places for primary school children equating to 1.3% of the capacity of the schools in the area. It is estimated that the proposed development would generate a demand for c. 40 no. post primary school places equating to 1.0% of the capacity of schools in the area. A total of 5 no. school projects are identified for the Naas area including a new post primary school at Millennium Park which is under construction. The assessment submits that Naas is well provided for in terms of the number and type of schools in the area and that there will be sufficient capacity to cater for school demand arising from the proposed development.

A Social and Community Infrastructure Audit has been submitted in accordance with the requirements of Objective CO2 of the KCDP. The audit shows that Naas has a broad range of established social, community and recreational facilities, including higher order medical facilities (hospital and primary care centre) and recreational and sporting outlets (inc. Grand Canal and a Racecourse).

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.

11.9.4. Archaeology

I refer the Board to the submitted Archaeological Assessment. There are no recorded monuments within or in the immediate environs of the site. The site is within c. 800m of the medieval town of Naas (east) and within c. 400m of a 17th century site at Jigginstown (west). Historic cartographic evidence shows that the eastern section of the site contained structures associated with Devoy Barracks a 19th century military barracks. This includes the western extent of Devoy Barracks including a Fever Hospital, Mortuary and Infant School. The Barracks were built in 1813 and operated until 1928. While these structures were not visible during site survey the submitted assessment states that if excavation takes place in this area the remains will be impacted on. It is noted that the northern site boundary is a townland boundary but that the original boundary hedge has been removed and replaced with a post and wire fence. The mitigation measures proposed in the assessment are to exclude construction in the area of the 19th century remains along the eastern site boundary and to preserve the remains insitu and to undertake archaeological monitoring during construction. I would note that the area of the 19th century remains detailed on 1988 to 1913 OSI map overlaps with the proposed north south pedestrian / cycle link. The proposed eastern building line would appear to extend up to the area of interest. On The potential conflict between the mitigation measures detailed in the Archaeological Assessment and the development proposal has not been addressed in any of the other reports. I would suggest that the issues raised in the Archaeological Assessment would need to be addressed prior to the commencement of any development on this site in consultation.

Architectural Heritage

There are no architectural heritage features within or immediately adjacent to the site. One submission highlights the sites proximity to the former Naas Cotton Mills. I would note that RPS Ref. NS19-215 a freestanding chimney (c.1930) that was part of the former Naas Cotton Mills is located c. 80 metres to the north-east of the closest housing block. This structure is visually separated from the proposed development by existing industrial structures and housing. I am satisfied that the proposed development would not impact unduly on the setting of the protected structure.

11.10. Material Contravention

- 11.10.1. The KCDP 2017-2023 (Table 17.1) and the NTDP 2011-2018 (as extended) (Table 13.1) set an plot ratio standard for inner suburban sites of 0.5-1. The proposed plot ratio of 0.45 is below this standard. The application includes a Material Contravention Statement that addresses the deviation from the plot ratio standard in the KCDP and NTDP and this statement is referenced in the public notices. The Board, therefore, has recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should it consider the exceedance to be material. A case is made for the proposed plot ratio in the context of national policy and on the basis that plot ratio is only one measure for assessment. I concur with this view and would also note that there is a conflict between the set plot ratio standard which is relatively low and the residential density provisions for inner suburban / infill sites (Table 4.2) which allows for site specific densities at such locations. Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act (as amended), and based on the assessment above in relation to quantum of development, I consider that a grant of permission, that may be considered to materially contravene the Development Plan with regard to plot ratio, would be justified in this instance under sub sections (i) (ii) and (iii) of the Act.
- 11.10.2. The KCDP 2017-2023 (Table 17.9) sets out car parking standards for residential development and a creche. The level of car parking provision for apartment and duplex units falls below (+50%) the rate of provision detailed in the KCDP. The application includes a Material Contravention Statement that addresses the deviation from the KCDP in respect of car parking and this statement is referenced in the public notices. The Board, therefore, has recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act. However, I consider that the level of car parking provision is deficient having regard to the site's locational context and that it would be inadequate to serve the needs of the future occupants of the development. On this basis, and as discussed in detail in Section 11.3 above, I consider that a grant of permission that may be considered to materially contravene the Development Plan with regard to car parking is not justified in this instance.

11.10.3. The KCDP (Section 17.2.1) states that “Tall buildings, defined here as buildings that exceed five storeys and/or 15 metres, will only be considered at areas of strategic planning importance identified in a Local Area Plan”. The SHD site is not identified as an area of strategic planning importance in the extant Naas Town Development Plan and on this basis the 15 metre limit would apply. While all blocks are within the 5 storey height limit, the proposed 5-storey apartment block (creche block) exceeds the 15m height limit by 2.8 metres and the 4-storey “C1” duplex block exceeds the 15m height limit by 0.66 metres. The submitted material contravention statement does not address the exceedance in respect of building height or the criteria in Section 3.2 of the Urban Development and Building Height Guidelines, which need to be satisfied before a PA can consider exceeding building height standards under SPPR3. I consider the deviation to be material. As the deviation is not addressed in the Material Contravention Statement it appears that it would not be open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, should the Board consider the deviation in respect of building height to be material. However, in the event that the Board is minded to grant permission it would be open to the Board to reduce the height of the apartment block below 15 metres. I would suggest that the exceedance in respect of the ‘C1’ block is not material and that it would not be necessary to alter this block.

11.10.4. Objective GI20 of the KCDP is to “*Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities. Strategic Green Routes / Blueways / Trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure Network*”. The proposed 3 storey duplex block containing units no. 1-9 encroaches into the 10 m minimum biodiversity zone for the Yeomanstown stream which runs within an open channel along the southern site boundary. I consider the level of encroachment to materially contravene Objective GI 20. As this issue is not addressed in the Material Contravention Statement it appears that it would not be open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, in respect

of this issue. In the event that the Board is minded to grant permission it would be open to the Board to address this issue by way of condition by omitting the duplex block. This would also address concerns raised in Section 11.6 with regard to the impact of this block on existing housing and on an amenity space within the adjacent housing development.

12.0 Screening for Environmental Impact Assessment

12.1.1. Brief Description of the Development

Permission is sought for 221 no. residential units and a creche on a site of 4.13 ha. The site is a greenfield site within the urban area of Naas. The area is characterised by residential and civic uses for the most part. Habitats on site comprise unmanaged grassland, trees, hedgerow and some areas of scrub. No habitats of conservation significance were identified during site survey. The site is serviced by public water, foul drainage and surface water drainage networks. The Yeomanstown (Rathasker) stream flows within an open channel along the southern site boundary. This stream is within the catchment of the River Liffey and is connected to Naas Canal (Grand Canal Corbally Line).

12.1.2. Requirement for EIA

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 zoned for residential development and does not fall within a business district. The proposal for 221 no. residential units and a creche on a site of 4.14 ha is below the mandatory threshold for EIA outside of a business district. The proposed development is therefore sub-threshold for the purposes of EIA.

12.1.3. EIA Screening for Sub -Threshold Development

Under the provisions of Section 299B of the Planning and Development Regulations 2001 (as amended) where a planning application for a sub-threshold development is made, a request for a determination under Section 7(1)(a)(i)(I) of the Act of 2016 was

not made and the application is not accompanied by an EIAR the Board is required to undertake a preliminary examination of, at the least, the nature, size or location of the development.

- Where the Board concludes, based on such preliminary examination, that there is no real likelihood of significant effects on the environment arising from the proposed development it shall conclude on the basis of this preliminary screening exercise that an EIA is not required.
- Where the Board concludes, based on such preliminary examination, that there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall satisfy itself that the applicant has provided (a) the information specified in Schedule 7A (b) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment and (c) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to EU legislation other than the EIA Directive have been taken into account.
- Under Article 299B (2)(b)(i) where the information referred to in article 299B (1)(b)(ii)(II) is provided by the applicant, the Board is required to make a screening determination in relation to the likelihood of significant effects on the environment arising from the proposed development.

In this case no request was made for a screening determination under Section 7(1)(a)(i)(I) of the Act of 2016 and the applicant has provided the information specified under Article 299B (1)(b)(ii)(II). The Board is, therefore, required to make a screening determination.

12.1.4. Screening Assessment

Article 299B (1)(b)(ii)(II) (A):

I refer the Board to the Schedule 7A information contained in the submitted EIA Screening Report. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The 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 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 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.

Article 299B (1)(b)(ii)(II) (B):

In relation to other relevant information on the characteristic of the proposed development and its likely effects on the environment I would note that the application is accompanied by the following documents: Ecological (Biological) Appraisal; Engineering Services Report; Traffic Impact Assessment; Construction Waste Management Plan; Stage 1 Construction Management Plan; Operational Waste Management Plan; Noise Assessment; Archaeological Assessment; Schools Demand & Childcare Facilities Assessment; Life cycle Report.

Article 299B (1)(b)(ii)(II) (B) & (C):

In relation to the results of other relevant assessments carried out pursuant to EU legislation other than the EIA Directive I would note the following:

- The application is accompanied by a Site Specific Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study undertaken in response to the EU Floods Directive.
- A Report in Support of Habitats Directive Screening has been submitted with the application. This report address requirements under the Habitats Directive and the Birds Directive.
- The Energy Strategy & BRE Report addresses requirements under the EU Energy Directives.
- I have also had regard to the SEA for the Kildare County Development Plan 2017-2023 (as varied) subject to SEA, AA, Strategic Flood Risk Assessment.

On the basis of the foregoing, I am satisfied that the information required under Section 299B (1) (b) (ii) (II) of the Planning and Development Regulations has been submitted.

12.1.5. Screening Determination

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. I recommend that a screening determination be issued to reflect this conclusion. This conclusion is consistent with the conclusions of the Screening Determination Form appended to this Report (Appendix 1 EIA Screening Form).

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.

13.1.1. 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 an Appropriate Assessment Screening Report as part of the planning application. The Screening Report has been prepared by Brady Shipman and Martin and is supported by an Ecological (Biodiversity) Appraisal. 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 “the development, individually or in combination with other (sic) plans and projects, is not likely to have a significant effect 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.

13.1.2. 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.

13.1.3. Brief Description of the Development

The applicant provides a description of the project in Section 4 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary permission is sought for 221 no. residential units and a creche on a site of 4.13 ha. The site is a greenfield site within the urban area of Naas. The area is characterised by residential and civic uses. The site is serviced by public water, foul drainage and surface water drainage networks. Habitats on site comprise unmanaged grassland, trees, hedgerow and some areas of scrub. No habitats of

conservation significance were identified during site survey. The Yeomanstown stream flows within an open channel along the southern site boundary.

13.1.4. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 of this Report. The submissions do not refer to AA concerns.

13.1.5. Zone of Influence

The site is not within or immediately adjacent to a Natura 2000 site. The closest Natura 2000 sites are Mouds Bog SAC (c. 7.6 km), Red Bog Kildare SAC (c. 9.3 km), Ballynafagh Lake SAC (c. 9.7 km), Ballynafagh Bog SAC (c. 10.6 km), Pollardstown Fen SAC (c. 11 km), Poulaphoca Reservoir SPA (c. 10.2 km) and Wicklow Mountains SAC (c. 13.6).

The applicant's screening report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development, examines whether there are any European sites within the zone of influence of the development 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. I consider the following potential impacts to be relevant:

Construction Phase

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream European sites.
- Disturbance and displacement of species of qualifying interest of European sites due to disturbance associated with construction activities and increased human activity.

Operational Phase

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream European sites.
- Foul effluent discharges impacting water quality in downstream European site.
- Potable water demand from Poulaphouca Reservoir SPA.

- Disturbance and displacement of qualifying species due to disturbance associated with the transition of the site to urban land use and increased human activity in the area.

In terms of potential surface water pathways, Yeomanstown Stream (or Rathasker Stream) runs in an open channel along the southern site boundary. Surface water from the site will be attenuated on site and will drain to a surface water sewer along John Devoy Road that outfalls to the Yeomanstown Stream. This stream is within the catchment of the River Liffey and is connected to Naas Canal (Grand Canal Corbally Line) both of which ultimately drain to Dublin Bay⁴. Wastewater from the development will drain (via the public network) to the Osberstown WWTP which in turn discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA) and ultimately drains to Dublin Bay. There is a potential source-pathway-receptor link to European sites in the downstream receiving environment of Dublin Bay from surface and foul water discharges (via Grand Canal and River Liffey). Water will be supplied from a mains supply which is likely to originate from the Poulaphouca Reservoir at Ballymore Eustace which is designated as an SPA indicating a potential connection. The potential for significant impacts on European sites via ground water is excluded in view of the ground conditions underlying the site (Engineering Services Report refers) and level of separation. The table below contains a summary of the European Sites within the potential zone of influence of the proposed development.

Summary of European Sites within the Potential Zone of Influence

Natura 2000 Site & Distance	Qualifying Interests and Conservation Objectives
Mouds Bog SAC (Site Code 002331) c. 7.6 km west	QI: Active raised bogs [7110]; Degraded raised bogs still capable of natural regeneration [7120]; Depressions on peat substrates of the Rhynchosporion [7150] CO: To restore the favourable conservation condition of Active raised bogs in SAC.

⁴ The Ecological Appraisal and AA Screening Report states in error that the watercourse flows into the River Liffey 3.5 km to the north-west of the site.

Red Bog Kildare SAC (Site Code 000397) c. 9.3 km east	<p>QI: Transition mires and quaking bogs [7140]</p> <p>CO: To maintain the favourable conservation condition of Transition mires and quaking bogs in SAC.</p>
Ballynafagh Lake SAC (Site Code 001387) c. 9.7 km north west	<p>QI: Alkaline fens [7230]; <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]*; <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]*</p> <p>CO: 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.</p>
Ballynafagh Bog SAC (Site Code 000391) c. 10.6 km north west	<p>QI: Active raised bogs [7110]; Degraded raised bogs still capable of natural regeneration [7120]; Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>CO: To restore the favourable conservation condition of active raised bogs in Ballynafagh Bog SAC.</p>
Pollardstown Fen SAC (000396) c. 11km south-west	<p>QI: Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]; Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]; Alkaline fens [7230]; <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]; <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]; <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p>CO: 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.</p>
Poulaphoca Reservoir SPA (Site Code 004063) c. 10.2 km south-east	<p>QI: Greylag Goose (<i>Anser anser</i>) [A043]; Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>
Wicklow Mountains SAC (Site Code 002122) c. 13.6 east	<p>QI: Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]; Natural dystrophic lakes and ponds [3160]; Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]; European dry heaths [4030]; Alpine and Boreal heaths [4060]; Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]; Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]; Blanket bogs (* if active bog) [7130]; Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]; Calcareous rocky slopes with chasmophytic vegetation [8210]; Siliceous rocky slopes with chasmophytic vegetation [8220]; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]; <i>Lutra lutra</i> (Otter) [1355]</p> <p>CO: 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.</p>

<p>South Dublin Bay SAC (Site Code 000210) c. 33.4 km north-east</p>	<p>QI: 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] CO: 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.</p>
<p>North Dublin Bay SAC (Site Code Site Code 000206) c. 36.7 km north east</p>	<p>QI: 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]; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]; Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]; Embryonic shifting dunes [2110]; Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]; Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]; Humid dune slacks [2190]; <i>Petalophyllum ralfsii</i> (Petalwort) [1395] CO: 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.</p>
<p>Rockabill to Dalkey Island SAC (Site Code 003000) c. 39.2 km north east</p>	<p>QI: Reefs [1170]; <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] CO: To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 33.4 km</p>	<p>QI's: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]; Oystercatcher (<i>Haematopus ostralegus</i>) [A130]; Ringed Plover (<i>Charadrius hiaticula</i>) [A137]; Grey Plover (<i>Pluvialis squatarola</i>) [A141]; Knot (<i>Calidris canutus</i>) [A143]; Sanderling (<i>Calidris alba</i>) [A144]; 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 (<i>Sterna dougallii</i>) [A192]; Common Tern (<i>Sterna hirundo</i>) [A193]; Arctic Tern (<i>Sterna paradisaea</i>) [A194]; Wetland and Waterbirds [A999] CO: To maintain or restore the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA.</p>
<p>North Bull Island SPA (Site Code 004006) c. 33.4 km</p>	<p>QI's: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]; Shelduck (<i>Tadorna tadorna</i>) [A048]; Teal (<i>Anas crecca</i>) [A052]; Pintail (<i>Anas acuta</i>) [A054]; Shoveler (<i>Anas clypeata</i>) [A056]; Oystercatcher (<i>Haematopus ostralegus</i>) [A130]; Golden Plover (<i>Pluvialis apricaria</i>) [A140]; Grey Plover (<i>Pluvialis squatarola</i>) [A141]; Knot (<i>Calidris canutus</i>) [A143]; Sanderling (<i>Calidris alba</i>) [A144]; Dunlin (<i>Calidris alpina</i>) [A149]; Black-tailed Godwit (<i>Limosa limosa</i>) [A156]; Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]; Curlew (<i>Numenius arquata</i>) [A160]; Redshank (<i>Tringa totanus</i>) [A162]; Turnstone (<i>Arenaria interpres</i>) [A169]; Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]; Wetland and Waterbirds [A999]</p>

	CO: To maintain or restore the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA.
Dalkey Island SPA	QI's: Roseate Tern (<i>Sterna dougallii</i>) [A192]; Common Tern (<i>Sterna hirundo</i>) [A193]; Arctic Tern (<i>Sterna paradisaea</i>) [A194] CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Howth Head Coast SPA	QI: A188 Kittiwake <i>Rissa tridactyla</i> . CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

13.1.6. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, with the exception of sites in Dublin Bay and the Poulaphouca Reservoir SPA, all sites (including the sites within a 15 km radius that are listed in the table above) can be screened out based on a combination of factors including intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. There will be no loss of habitat or species, fragmentation or disturbance to qualifying interests of these sites.

13.1.7. The European Sites within the downstream receiving environment of Dublin Bay which are deemed to be within the zone of influence of the site due to surface and foul water discharges are the South Dublin Bay SAC (site code: 0210), North Dublin Bay SAC (site code: 0206), South Dublin Bay and River Tolka Estuary SPA (site code: 4024) and the North Bull Island SPA (site code: 4006). The SHD site is over 33km from these European sites with greater separation following the flow of the River Liffey and the Grand Canal. The Poulaphouca Reservoir SPA (site code: 4063) from which drinking water supply for this development may originate is also considered to fall within the zone of influence of this project. The SHD site is over 10 km from this European site. I am satisfied that the potential for impacts on all other European sites can be excluded due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways. In relation to the potential connection to sites in the outer section of Dublin Bay I am satisfied that the Rockabill to Dalkey Island SAC, Dalkey Island SPA and Howth Head Coast SPA are not within the downstream receiving

environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites.

13.1.8. Screening Assessment

The following sites are considered to fall within the zone of influence of the proposed development and will be subject to a full screening assessment: the South Dublin Bay SAC (site code: 0210), North Dublin Bay SAC (site code: 0206), South Dublin Bay and River Tolka Estuary SPA (site code: 4024), North Bull Island SPA (site code: 4006) and Poulaphouca Reservoir SPA (site code: 4063).

- There is nothing unique or particularly challenging about the proposed greenfield development, either at construction phase or operational phase.
- During the operational stage surface water from the proposed development will outfall to a public surface water network that drains to the Yeomanstown Stream and ultimately drains (via the Grand Canal and River Liffey) to the Dublin Bay coastal water body 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 SPA. This 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 surface water sewer on John Devoy Road (See Engineering Services Report and Construction 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 European 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 European 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 also note that according to the EPA Map Viewer, both the Liffey Estuary Lower transitional waterbody and Dublin Bay coastal waterbody are classified as 'unpolluted'. Under the WFD 2010-2015, water quality of the Liffey Estuary transitional waterbody and Dublin Bay coastal waterbody have been classified as 'moderate' and 'good' respectively and the Dublin Bay coastal waterbody has a WFD risk score of 'not at risk'.

- Wastewater from the development will pass to the Osberstown wastewater treatment plant which has been recently upgraded. 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. The discharge from the site is negligible in the context of the overall licenced discharge at Osberstown WWTP, and thus its impact on the overall discharge would be negligible.
- Water supply to the site is likely to be from the Poulaphouca Reservoir at Ballymore Eustace which is designated an SPA. The water demand of this scheme is not significant in the context of the overall region and as such its impact on the SPA would be marginal.
- 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, North Bull Island SPA and Poulaphouca Reservoir SPA and that Stage II AA is not required.

13.1.9. AA Screening Conclusion:

It is reasonable to conclude that on the basis of the information on file, including the AA screening report and all of the planning documentation submitted by the applicant, 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 any European site, in view of the said sites Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1.1. I recommend that permission be refused for the reasons and considerations set out below.

15.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 15th day of April 2021 by the Land Development Agency, care of Brady Shipman and Martin, Block B, Canal House, Canal Road, Dublin 6.

Proposed Development:

The development will consist of the construction of a residential development comprising of 221 no. residential units, containing 36 houses and 185 apartments/duplexes ranging, in height from 2 to 5 storeys and a childcare facility with outdoor play area all of which will be provided as follows:

- 36 no. 2 storey 3 bedroom houses (House Types F1 & F2) including private open space in the form of gardens and solar panels on the roof of all house types.

- 185 no. apartments/duplexes (63 no. 1 bedroom, 111 no. 2 bedroom and 11 no. 3 bedroom) all of which have gardens, balconies or terraces set out as follows:
 - 20 no. 1 bed apartments and 8 no. 2 bed apartments in 1 no. 5 storey block (Unit Type X), with crèche of c.411.4 sq.m and outdoor play area of c.222 sq.m at ground floor.
 - 41 no. 1 bed apartments at ground floor and 41 no. 2 bed duplexes at first and second floor in 8 no. 3 storey blocks (Unit Type A2).
 - 1 no. 2 bed duplex at first and second floor in 1. No 3 storey block over a vehicular access route (Unit Type A4).
 - 11 no. 2 bed apartments at ground floor and 11 no. 3 bed duplexes at first and second floor in 2 no. 3 storey blocks (Unit Type B1).
 - 5 no. 2 bed duplexes at ground and first floor and 5 no. 2 bed duplexes at second and third floor in 2 no. 4 storey blocks (Unit Type C1).
 - 2 no. 1 bed apartments at ground and first floor and 1 no. 2 bed duplex at second and third floor in 1 no. 4 storey block (Unit Type D2).
 - 12 no. 2 bed duplexes at ground and first floor and 6 no. 2 bed apartments at second floor in 2 no. 3 storey blocks (Unit Type E1).
 - 21 no. 2 bed apartments in 7 no. 3 storey blocks (Unit Type K).

A new central public open space is provided to the east with a connected north-south landscaped route. In addition a public open space is provide to the west with a total public open space provided on site of c. 6,169 sq.m. Communal open spaces are provided centrally around the scheme with private open spaces provided in the form of gardens, balconies and terraces.

The scheme is accessed through the existing vehicular and pedestrian access at the Roundabout on the John Devoy Road and a new pedestrian connection is provided to the east of the site adjacent to the under construction MERITS

Building. The development will provide 235 no. car parking spaces (including 24 EV Charging and 9 no. accessible spaces), and 520 no. bicycle spaces.

The development will also provide for all associated ancillary site development infrastructure including 3 no. ESB sub-stations, bike stores, bin stores, plant rooms, public lighting & foul and surface water drainage; solar panels on all residential buildings; internal roads & footpaths; site landscaping, including boundary treatments; associated scheme signage, 1 no. temporary marketing signage for a period of 3 years, and all associated engineering and site works necessary to facilitate the development.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017-2023 and the Naas Town Development Plan 2011-2017.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes the Kildare County Development Plan 2017- 2023 and the Naas Town Development Plan 2011-2017 other than in relation to the zoning of the land.

Decision

Refuse permission for the above proposed development based on the reasons and considerations 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.

16.0 Reasons and Considerations

1. Having regard to the locational context of the site and in particular the absence of high frequency urban public transport services within easy walking

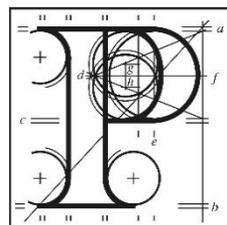
distance of the site and in the absence of specific measures that would enable car parking provision to be reduced to the extent proposed, the Board considers that the level of car parking provision is deficient and that it would not serve the needs of future occupants of the development. In this context, the Board also considers that the street environment would be dominated to an unacceptable degree by surface car parking and that this would undermine the sense of enclosure and overall amenity of the development, and be contrary to the provisions of the Urban Design Manual – a Best Practice Guide (in particular criteria number 7 Layout and 11 Parking) and the Design Manual for Urban Roads and Streets (in particular Section 2.2.1 and Section 4.4.9). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Kenny

Senior Planning Inspector

20th July 2021

17.0 Appendix I EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Application

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-309657-21
Development Summary		<p>221 no. residential units (36 no. houses and 185 no. apartment / duplexes), creche and associated works.</p> <p>Site at former Devoy Barracks, John Devoy Road, Naas, Co. Kildare.</p>
	Yes/ No/ N/A	

1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report submitted with the application.	
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		
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 (as varied) and the Naas Town Plan 2021-2018 (as extended) subject to SEA.	
B. EXAMINATION	Yes/ No/ Uncertain	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 or measures proposed by the applicant to avoid or prevent a significant effect.	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)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding environment?</p>	<p>Yes</p>	<p>The development comprises the construction of residential units and a creche on a greenfield site in Naas. The uses are consistent with the surrounding area. The building heights of up to 5 storeys are higher than that of surrounding housing but are consistent with the scale of the KCC civic offices and recent permitted development in the area and with government policy which promoted increased building height.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding urban area.</p>	<p>No</p>
<p>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?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. There will be no significant loss of natural resources or local biodiversity as a result of the development.</p>	<p>No</p>

<p>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?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature. The implementation of a final Construction Management Plan will satisfactorily mitigate any potential impacts. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</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 urban construction sites. Noise and dust emissions are likely during construction. Such construction impacts would be local and temporary in nature and implementation of a final Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be satisfactorily managed via a Waste Management Plan mitigating any potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p>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?</p>	<p>No</p>	<p>No significant risk identified. Operation of a finalised Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no significant excavation proposed. The operational development will connect to mains water and drainage services.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a finalised Construction Management Plan and adherence to standard construction noise and vibrations ELV's. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>No significant emissions to water are anticipated. Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a final agreed Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an intensification of use and an increase in population at this inner suburban location. The development will meet an identified accommodation demand. The childcare facility will cater for childcare demand within the urban area.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>The proposed development is independent of other projects in the area with a different applicant and landowner. On this basis this issue of project splitting (as raised in third party submissions) can be discounted. The development is one of a number of construction sites in the area that are being developed for housing. This is resulting in a level of change to the character of the area. The sites are being developed based on the land use zoning objectives set out in the Naas Town Development Plan 2011-2018 (as extended). The land uses are also consistent</p>	<p>No</p>

		with the zoning objectives in the Draft Naas Local Area Plan 2021-2027 (to which the Board can have regard) which has been subject to SEA and AA Screening.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 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 	No	There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are: Mouds Bog SAC (c. 7.6 km), Red Bog Kildare SAC (c. 9.3 km), Ballynafagh Lake SAC (c. 9.7 km), Ballynafagh Bog SAC (c. 10.6 km), Pollardstown Fen SAC (c. 11 km), Poulaphoca Reservoir SPA (c. 10.2 km) and Wicklow Mountains SAC (c. 13.6). There are no hydrological or ecological pathways to these sites. There is a potential pathway to Dublin Bay and to European Sites in Dublin Bay (+33 km) due to surface and foul discharges from the site that drain to the River Liffey. The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 13 above.	No
<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, over-wintering, or migration, be affected by the project?</p>	No	No impacts on such species are anticipated. Refer to submitted Ecological Appraisal.	No

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>No significant landscape, historic and archaeological items identified on site. Protected structure RPS Ref. NS19-215, a freestanding chimney (c.1930) that was part of the former Naas Cotton Mills is c. 80 metres to the north-east of the site. No impacts anticipated. Potential for localised impacts on subsurface archaeology that formed part of the Devoy Barracks. No clear mitigation strategy to addresses potential impacts. However, the potential impacts would not be significant in context of wider environment. The development does not impact on protected views.</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>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The development will implement SUDS measures to control surface water run-off. Condition recommended to address proximity to open water course.</p>	<p>No</p>

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence of issues in this regard. No basement excavation proposed as part of the development. Standard Construction methodologies can adequately mitigate any risks arising in this regard.</p>	<p>No</p>
<p>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?</p>	<p>No</p>	<p>This brownfield site is served by the local and regional urban road network. Consolidation and intensification of development in Naas will contribute to mitigating wider congestion issues. No significant additional traffic or congestion impacts are anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>There are a number of other housing developments recently completed and / or under construction in the area. Consistent with planning policy contained in the Naas Town Plan 2011-2018 (as extended) and with the Draft Naas Local Area Plan 2021-2027 (to which the Board can have regard) which both envisage a residential neighbourhood at this location. No existing or permitted developments have been identified in the</p>	<p>No</p>
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		vicinity which would give rise to significant cumulative environmental effects.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION		
No real likelihood of significant effects on the environment.	EIAR Not Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned C 'New Residential' with an objective "to provide for new residential development and other services incidental to residential development" and A 'Town Centre' with an objective "To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses",
- (c) The pattern of development in surrounding area,
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (a) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (b) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Engineering Services Report, Construction Waste Management Plan, Construction Management Plan, Operational Waste Management Plan, Noise Assessment and the Energy Strategy & BRE Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ Karen Kenny

Date: 20th July 2021