



An
Bord
Pleanála

Inspector's Report ABP-310219-21

Development

The demolition of the existing derelict house and the construction of 10 no. dwelling houses. Revised by Significant Further Information consisting of, a revised site layout, reduction in the no. of houses to 9 total, increase in the number of on-site parking spaces to 18 total, omission of vehicular entrance along front boundary, significant reduction in the extent of proposed culverting, and submission of Natura Impact Statement.

Location

Site at Fuller's Court Road, Ballitore, Athy, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

20243

Applicant(s)

Una Keightley.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal	Third Party
Appellant(s)	Pauline Fleming.
Observer(s)	Tara Byrne.
Date of Site Inspection	22 nd March 2022.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is located in South Kildare, approximately 18km from Athy and 30km from Naas. It is within the village of Ballitore which is positioned between the M9 to the east and the R448 to the west. The historic Quaker village is centred around a crossroads formed by Main Street and Ballitore Hill and is surrounded by open fields in agricultural use. The River Greese flows in a north-south direction along the eastern side of the village and eventually connects with the River Barrow at the Laois / Kildare boundary.
- 1.2. The subject site is on the outskirts of the village, approximately 140m to the south of the village square. It has a stated area of 0.244ha and is a long, wedge-shaped site directly adjoining a terrace of five buildings that all open on to Fullers Court Road. The first four buildings closest to the site are listed on the Record of Protected Structures and the site directly adjoins the southern boundary of the Ballitore Architectural Conservation Area. Towards the front of the site is the remnants of a cottage which would appear to have been constructed using red bricks. The cottage is derelict and overgrown with only some of the lower walls remaining.
- 1.3. A low rubble limestone wall with a half round top finished in cement forms the eastern boundary of the site with gateway in place in the north-eastern corner. The northern site boundary is formed by the gable of the neighbouring house at No. 1 Butler's Court, (a protected structure), the back of the stone outbuilding to the rear of this house and intermittent stone walls. The remaining site boundaries appear to be formed by trees and hedgerows although safe access to the rear of the site was not possible due to the site conditions and the presence of Japanese Knotweed on the site.
- 1.4. There is an open stream along the southern side of the site which flows from west to east. This stream flows to the River Greese, approximately 130m to the east of the site, and is culverted under the public road at the south-eastern corner of the site. On the occasion of the site inspection, the water in the stream was not flowing freely through the culvert and there was a pool of standing, murky water at the edge of the site.

- 1.5. A housing development is currently under construction directly to the south of the site. This development was permitted under PA Ref. 20/156 and would share an access road with the proposed development.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing derelict house and the construction of 9 two storey houses; (2 x 3-storey, 3 bedroom and 7 x 2-storey, 2-bedroom), along with 18 surface car parking spaces landscaping and footpaths through the site. The houses would be positioned in an east-west orientation in 3 intermittent blocks throughout the long site.
- 2.2. Block 1 would comprise House No's 1 and 2 and face directly onto the main street to replicate the existing terrace of houses on Fullers Court Road. Block 2 would be positioned towards the centre of the site and would be formed by a terrace of three houses numbered 3-5. Block number 3 would be located to the rear of the site and would be formed by House No's 6-9.
- 2.3. All of the houses would open directly onto the public footpath and would face onto the shared parking area to the front of the buildings. Each house would have private open space in the form of rear gardens which range in size from 60-80m².
- 2.4. Landscaping would be provided throughout with a public open space of 154m² shown to the rear of House 1 and 2 and between Houses 3-5. The existing stream would be culverted at points under the public road to allow access to the parking area. Vehicular access would be provided to the site via a shared roadway into the adjoining development to the south of the site, which is currently under construction. The existing stone rubble wall along the eastern boundary would be removed to facilitate House No's 1 and 2 and the stone walls along the northern site boundary would be retained and repaired.
- 2.5. The development was substantially altered under further information. The original development comprised 10 houses; 8 x 2-storey, 2-bedroom houses and 2 x 3-storey, 3-bedroom houses), laid out in a north-south orientation in 3 blocks facing onto an access road along the southern boundary. The revised design changed the layout of the site to provide three small terraces rather than a long terrace facing onto the road and also allowed for additional space within the site by agreeing to

provide a shared access with the adjoining development to the south. The vehicular access to the site was omitted and replaced with a pedestrian access.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to 29 planning conditions which were mainly standard in nature.

- Condition No. 3 relates to the removal of Japanese Knotweed from the site.
- Condition No. 5 (a) requires the retention in full of the existing stone wall fronting onto Fuller's Court Road. This would require the front façades of Houses 1 and 2 to be set back from the site boundary by a minimum of 2m from the building line of the adjoining house and a full repair of the existing stone wall.
- Condition No. 5 (b) requires that House No's 1 and 2 be modified to remove the section of flat roof at the top and to replace it with a pitched slate roof of similar slope, eaves to ridge height and profile to the neighbouring roofs within the Architectural Conservation Area. The roof shall be finished in Bangor blue natural slates.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports which were prepared during the assessment of the proposed development.

The report of the Planning Officer, (PO), dated the 9th June 2020 requested further information with regard to 27 points and the report of the 19th April 2021 assessed the response submitted by the applicant.

The report of the PO dated the 9th June 2020 includes the following:

- The proposed development is in accordance with the 'C1- New Residential' zoning objective for the site.

- The quantity of units is in accordance with policy VRS 6 of the Kildare County Development Plan 2017-2023, (KCDP). However, the density of 40 units per hectare is excessive and not in accordance with Table 4.2 of policy VRS 4 of the KCDP.
- The units comply with the development management standards outlined in Chapter 17 of the KCDP in terms of floor area, storage space and private amenity space.
- A revision to the design would mitigate against any overlooking of properties to the north of the site.
- Further information is requested with regard to the following:
 - The provision of a shared access arrangement with the adjoining development to the south of the site.
 - A management plan to address the invasive species, Japanese Knotweed, on the site.
 - Revisions to the scheme to address the density of the scheme and issues regarding overlooking of adjoining property.
 - Information on general standards and layout of units such as bin stores, storage and floor areas.
 - A Stage 1 Appropriate Assessment Screening.
 - Permission from the relevant Fishery Authority regarding culverting the stream.
 - An Arboricultural Assessment and Landscaping Scheme.
 - Impact assessment on the nearby Protected Structures and the Ballitore ACA.
 - Details of the public lighting, traffic and roadway arrangements for the site.

A response to the further information request was submitted by the applicant on the 9th March 2022. The response included revised designs for the houses and the site layout, as well as the following documents:

- Housing Quality Assessment,

- Arboricultural Assessment,
- Natura Impact Statement,
- Invasive Species Report,
- Drainage Report,
- Irish Water Connection Letter,
- Mains Drainage Map,
- Architectural Heritage Impact Assessment,
- Methodology Statement & Landscape Specification,
- Public Lighting Layout,
- Road Safety Audit,
- Traffic Assessment Report.

3.2.2. The second report of the PO dated the 19th April 2021, stated that ‘having regard to the plans and particulars submitted, to the nature of the development, to the zoning of the site, to the internal reports received, reports from the prescribed bodies and to the third party submissions, it is considered that the proposal adheres to the policies of the Kildare County Development Plan 2017-2023 and the Ballitore Village Plan’. It was recommended that planning permission be granted.

3.2.3. Other Technical Reports

- Water Services – The report dated the 6th April 2020 recommended that further information be requested with regard to a pre-connection enquiry to Irish Water and that permission should be obtained from the Fisheries Authority for any works to the salmonid running through the site.
- Housing Section – The report dated the 8th April 2020 states that application is subject to Part V requirements. The applicant is requested to submit further information with regard to the layout and arrangement of units. The second report dated the 23rd March 2021 states that the Housing Section does not support the redesign of the houses and recommends a refusal. In the event of

a grant of permission, clarification is required on internal layouts, sheds and bin stores.

- Roads Department – The report dated the 17th April 2020 recommended that further information be requested with regard to details of the footpath connections, road surfacing and the provision of car parking. The second report dated the 24th of March 2021 had no objection to the proposal subject to conditions.
- Conservation Architect – the report dated the 19th April 2021, following the submission of further information recommended the retention of the stone rubble wall to the front, the set-back of the new building line by 2m and the omission of the flat roof section of the roof.
- Environmental Health – the report dated the 21st April 2020 had no objection to the development and recommended planning conditions which related to noise, air quality, bin storage, pest control, ventilation and lighting.
- Roads & Transportation & Public Safety Department – the report dated the 24th April 2020 recommended that further information be requested with regard to providing a shared access road with the adjoining site and connections with same, car parking spaces, pedestrian and cycle facilities, site layout and road safety for users. The second report dated the 30th March 2021 states that there is no objection to the proposal subject to planning conditions.

3.3. Prescribed Bodies

- Irish Water – the response dated the 7th April 2020 recommended that further information is requested. The applicant is requested to engage with Irish Water to determine the feasibility of a new connection.
- Inland Fisheries Ireland, (IFI) – the response dated the 14th August 2020 noted that the site is in close proximity to the Greese River which is one of the more important salmon spawning tributaries of the Barrow SAC system, and also borders a tributary of the Greese River. The IFI are opposed to culverting

the stream on site. The stream should remain open and could be incorporated into the open space for the development. Construction methodologies are outlined that would help to protect the waterways. The response following the further information submission and dated the 23rd February 2021 states that IFI are happy with the site layout and configuration with regard to the stream.

3.4. Third Party Observations

4 no. third party observations were received during the initial public consultation phase. The following issues were raised,

- Increase in traffic,
- Visual impact on the historical village and protected structures,
- Overlooking,
- Impact on existing waste services,
- Capacity of mains and waste-water services,
- Existing vacant houses should be used first,
- Historical flooding on the site,
- Density not in accordance with the Ballitore Village Plan,

2 third party observations were lodged following the submission of the further information and raised the following concerns;

- Density is still high,
- The scale of the combined developments is excessive,
- No progress on the proposed link road between the L8036 and the L8035 which would go through the site,
- Location of parking spaces for Houses 1 & 2,
- Impact on Protected Structures,
- Impact on the stream,

- Traffic,
- No access to schools for children

4.0 Planning History

No planning history for the subject site.

On the adjoining site to the south:

20/156 – Planning permission granted for the construction of 33 houses, a new vehicular entrance landscaping and all associated ancillary site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan for the site is the Kildare County Development Plan 2017-2023, (KCDP).
- 5.1.2. Within the settlement hierarchy for Kildare, Ballitore is designated as a Village, (Table 3.1, Settlement Strategy).
- 5.1.3. A Village Plan has been prepared for Balitore and within this plan the subject site is zoned objective 'C – New Residential'. This zoning provides for new residential development and associated ancillary services.
- 5.1.4. The subject site directly adjoins the Architectural Conservation Area of Ballitore village and also adjoins a terrace of Protected Structures facing onto Fullers Court Road, Refs. B36-55 – B36-60.
- 5.1.5. The following sections of **Volume 1 of the KCDP** are relevant to the proposed development:

Chapter 4 – Housing.

Table 4.2 – Indicative Density Levels

- Edge of centre sites within small towns / villages –20-35 units per ha.

- Edge of small town / village –15-20 dwellings per ha, (as long as such lower density development does not represent more than 20% of the total new planned housing stock of the village in question, Table 4.1).

Section 13.8 – Invasive Species

Policy NH 15 - Require, as part of the planning application process, the eradication/control of invasive introduced species including Japanese Knotweed, when identified on a site or in the vicinity of a site, in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

Section 13.10.1 – Trees, Woodlands & Hedgerows

Policy GI 11 - Ensure that hedgerow removal to facilitate development is kept to an absolute minimum and, where unavoidable, a requirement for mitigation planting will be required comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking in to existing adjacent hedges. Native plants of a local provenance should be used for any such planting.

Table 15.1 – Sets out the Guiding Principles for Development in Consolidation and Expansion Areas, including infill and backland development sites.

Chapter 17 – Development Management Standards

Section 17.2 sets out the general development management standards for building height, site coverage, plot ratio, separation distances, daylight & sunlight / overshadowing etc.

Section 17.4.5 sets out the requirements for houses in terms of minimum floor areas, private open space & storage requirements, design, layout and boundary treatments.

	Floor area	Storage	Private Open Space
2-bedroom	85m ²	6m ²	55m ²
3-bedroom	100m ²	9m ²	60m ²

Section 17.4.7 – Public open space should be provided at the rate of 10% of the total site area.

Table 17.9 – sets out the car parking standards, which allows for a maximum of 2 spaces per house.

5.1.6. The following sections of **Volume 2 of the KCDP** are relevant to the proposal:

Section 2.4 – Village Plans and Rural Settlement Policies

VRS2 - Facilitate sustainable population growth in the identified villages with growth levels of up to 25% over the Plan period to cater primarily for local demands.

VRS4 - Generally permit density levels in accordance with indicative levels outlined in Table 4.2 of this Plan. Proposals shall also conform to the Development Management Standards contained in Volume 1, Chapter 17 of this Plan. Exceptions may be made to development management standards in infill / brownfield sites within village centres or settlement cores where the scheme is of exceptional quality and design.

VRS5 - Develop lands in both the villages and settlements sequentially and generally in accordance with the following:

- Development will be encouraged from the centre outwards,
- The development of 'infill' sites and lands with opportunities for brownfield/ regeneration will be encouraged,
- Leap-frogging' will be strongly resisted,
- Phasing of individual developments may be conditioned as part of a grant of planning permission in villages/ settlements.

VRS6 - Generally control the scale of individual development proposals to 10-15% of the existing housing stock of any village or settlement over the lifetime of the Plan in accordance with the Sustainable Residential Development in Urban Areas Guidelines (2009).

Section 2.5.2 – Village Plan for Balitore.

Section 2.5.12 of the Village Plan sets out the Village Plan Principles for development which include,

- Development should take place in a coherent manner,
- The rate of growth should be at an appropriate scale,
- Suburban style development shall not be permitted,
- The physical and natural environment shall be protected and enhanced,
- New development should have regard to the character, form and scale of existing development & reuse existing buildings and outbuildings,
- All new development shall have regard to the requirements of the ACA,
- Existing stone walls, trees and hedgerows shall be conserved and integrated into new development.

Objective RD1 of the Village Plan requires the following on lands zoned C on Map V2-2.3A:

- A new vehicular route connecting Abby's Row with Fuller's Court with adequate pedestrian and cycling facilities to be provided,
- Retention and integration of existing trees and vegetation,
- High quality traditional building materials and indigenous landscaping,
- No diminution of existing residential amenity by virtue of new development,
- Improvements in pedestrian and cycling facilities to the village centre.

Objective HE1 - Protect all RPS structures, along with their settings, in Ballitore as listed in this Plan and illustrated on Map V2-2.3B, in accordance with Volume 1, Chapter 12 Architectural and Archaeological Heritage of this Plan.

Objective HE4 - Have regard to the policies and objectives included in Volume 1, Chapter 12 in relation to development proposals that impact on the character and quality of all designated protected structures and development within and adjoining the designated ACA.

5.2. National Guidance

5.2.1. Project Ireland 2040 - National Planning Framework (NPF)

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

The following sections and National Policy Objectives, (NPO's) are of relevance to the appeal;

Chapter 6 – People Homes & Communities

NPO 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2.2. **Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009**

The Guidelines set out the key planning issues to be considered in the provision of new housing development in terms of sustainable development.

Chapter 6 – Smaller Towns and Villages

Advice contained in this chapter states that;

- Development in smaller towns and villages must be plan led.
- New development should contribute to compact towns and villages,
- Higher densities are appropriate in certain locations,
- Offer alternatives to urban generated housing,
- The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.

Section 6.11– Density – Edge of centre sites.

Densities to a range of 20-35 dwellings per hectare will be appropriate.

Section 6.12 – Density – Edge of small town / village

It is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

5.2.3. Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).

Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), seek to address the regulation of commercial institutional investment in certain housing developments.

The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage.

They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

5.3. Natural Heritage Designations

5.3.1. No designations apply to the subject site.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(b)(i) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,

- 5.4.3. It is proposed to construct 9 no. of houses with associated site works and landscaping. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below.
- 5.4.4. The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects would be marginal. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the vicinity. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It would not give rise to a risk of major accidents or risks to human health.
- 5.4.5. Having regard to: -
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
 - The location of the site on lands that are zoned for 'New Residential' uses under the provisions of the Kildare County Development Plan, and the results of the strategic environmental assessment of the Kildare County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
 - The location of the site which will be served by public infrastructure,
 - The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
 - The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
 - The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following:

- The Village Plan states that the rate of growth must cater for local demand at an appropriate scale. There is a question as to whether there will be a demand or need for a development of this scale and type within the village.
- There is a concern regarding the combined scale of the subject development and the development on the adjoining site to the south, (PA Ref. 20/156), for 33 houses.
- The proposed density of 40.98 units per/ha is well above the recommended 30-35 units per/ha for edge of centre sites in small villages. Public open space for the development would be in the order of 12%, which is less than the 15% requirement in the KCDP.
- The subject site is narrow with limited road frontage and access and egress onto a narrow road. It is unsuitable for the number of houses proposed.
- There are a number of derelict and unused buildings within the village that should be used for housing before permitting new development.
- It is an objective of the Village Plan to construct a new link road from the L8063 at Fuller's Court to the L8035 at Abby's Row. Construction of this road should be confirmed prior to any development of the subject site and the site to the south of it.
- There is extensive growth of Japanese Knotweed on the site which has been left unresolved for a number of years.
- Culverting the stream would be inappropriate and could result in a flood risk.

- It is requested that there is confirmation of the technical feasibility that the existing mains water and wastewater services have sufficient capacity to cater for the scale of development proposed.

6.2. Applicant Response

A response from the applicant was received on the 11th June 2021. The main points are outlined below.

- The scale of the proposed development is relatively small at 9 dwellings. The appellant seems to be linking the development to the development on the adjoining lands, which was permitted under 20/156.
- With regard to the density of the development, NPO 35 of the National Planning Framework seeks to increase density in settlements. Policy VRS 4 of the KCDP notes that exceptions to recommended densities set out in Table 4.2 of the Plan can be made in infill / development sites in villages and settlement cores subject to quality and design.
- The development will deliver a compact infill development on a brownfield site close to the village centre with an appropriate density.
- The appellant has not provided any supported evidence of derelict and unoccupied dwellings in the village. A combination of new dwellings and the restoration of existing buildings would be the most appropriate way of delivering housing.
- The proposed design makes optimum use of the narrow brownfield site.
- It is not agreed that the provision of a bridge or culvert is a fundamental issue, nor is the narrow frontage.
- With regard to public open space, under Section 17.4.7 of the KCDP only 10% public open space is required as the site is a brownfield site.
- The new link road forms part of the development on the adjoining lands. It cannot be delivered on the subject site as it would render the site too narrow for development.

- Japanese Knotweed was addressed in the management plan prepared by Dr. Naimh Ní Bhroin. The applicant is happy to accept a condition of planning permission to address this issue prior to commencement of development as per condition No. 3 in the decision of the PA.
- In relation to mains water and wastewater, the PA have issued a grant of permission which clearly indicates that there is sufficient capacity for the development.

6.3. Planning Authority Response

A response was received from the PA on the 10th June 2021.

- No further comments to make. Regard was had to the KCDP 2017-2023, the Balitore Village Plan 2017-2023, all third-party submissions, internal reports and the proper planning and sustainable development of the area.
- It is requested that the Board uphold the decision of the PA to grant permission.

6.4. Observations

One observation was received from Tara Byrne, a local resident, and raised the following issues,

- Overlooking and loss of privacy,
- Untreated invasive species,
- Negative impact on the character of the Quaker village, the Quaker houses and the adjoining protected structures,
- Increase in traffic on the narrow village roads,
- Traffic conflict with agricultural vehicles and machinery,
- Flooding from the stream on the site,
- Capacity of the existing wastewater system,
- Derelict houses and unfinished housing estates should be addressed first,
- Access to the local school – no public transport,

- No local employment or facilities for children in the village.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Layout & Design
- Residential Amenity
- Architectural Heritage
- Invasive Species
- Drainage
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The subject site is located within a village settlement and on a site which is zoned objective 'C – New Residential' in the Ballitore Village Plan. I consider the site to be an 'edge-of-centre' site as it is located approximately 140m to the south of the village square and at the end of a terrace of buildings that form an almost continuous street frontage along the south-western side of the village. On the occasion of the site visit a housing development was under construction on the adjoining site to the south. Within this context, the site could also be considered as an infill site. I am satisfied that the principle of a residential development on zoned land within a village settlement is acceptable, subject to the policies and objectives of the KCDP and national guidance.
- 7.2.2. Concerns were raised in the grounds of appeal regarding the proposed density of the development within the context of the site location. The development proposal is for 9 houses on a site of 0.22ha, which would yield a density of 40 units per hectare. I note that the size of the site changed from 0.244ha to 0.22ha as part of the amendments carried out under further information. The Sustainable Residential

Developments in Urban Areas Guidelines and the KCDP recommend a density of 20-35 units per hectare for edge of centre sites in smaller towns and villages. The proposed density is marginally higher than the recommended range. National planning policy seeks to consolidate development in existing settlements, and within this context I am satisfied that the density proposed is acceptable for the small-scale development on an infill site on the edge of the village centre. Furthermore, the consolidation of settlements also helps to create a critical mass of population for the provision of services and facilities, which third parties noted were lacking in the village.

- 7.2.3. The combined impact of the proposed development and the adjoining development to the south of the site was also raised by the appellant. I note that the development currently under construction to the south of the site, (Ref. 20/156), was not subject to the appeal process. A total of 42 new dwellings would be provided by both developments. Policy VRS 6 of the Development Plan states that it is the policy of the PA to generally control the scale of individual development proposals to 10-15% of the existing housing stock of any village or settlement over the lifetime of the Plan in accordance with the Sustainable Residential Development in Urban Areas Guidelines (2009). The 2016 CSO figures for Ballitore states that the village has a population of 793 and a housing stock of 306 units. The delivery of both developments would provide an additional 13% of housing stock from the 2016 figure, which is in accordance with Policy VRS 6 of the Development Plan and also with Section 6.3 of the Sustainable Residential Development in Urban Areas Guidelines 2009.

7.3. Layout & Design

- 7.4. Concerns were raised in the grounds of appeal regarding the link road proposed in the LAP. This road connection does not form part of the subject proposal. However, planning permission granted on the adjoining site under Ref. 20/156 allows for the future extension of the access road to accommodate the link road between the L8036 and the L8035.
- 7.4.1. As noted in Section 2.4 above, the layout of the site and the development was significantly altered during the further information process. This resulted in the

omission of one house and a complete redesign of the site layout. The revised layout comprises nine houses laid out in three blocks within the long narrow site. There are two, three-storey dwellings to the front of the site that open onto Fullers Court Road. Behind these houses, and towards the centre of the site is a terrace of three houses facing onto a small cul-de-sac with an additional four houses forming a terrace to the rear of the site.

- 7.4.2. Car parking for 18 cars would be provided in a grouped parking arrangement between the blocks and is in accordance with Development Plan standards. Parking spaces for the houses facing onto Fullers Court Road would be to the rear of those houses but all other spaces would be positioned in the shared space to the front of the houses. Concerns were raised regarding the practicality of positioning of the parking spaces for House No's 1 & 2 to the rear of the dwellings. I would agree that the layout could be inconvenient. However, there is not enough space for on-street parking to the front and if the spaces were moved closer to the rear gardens, it would impact on the size and layout of the public open space. On balance the central positioning of the car parking is acceptable.
- 7.4.3. A pedestrian entrance allows access to the footpath from Fullers Court Road and vehicular access is from a shared access road with the adjoining development to the south. The open stream along the southern boundary would be culverted at two points to allow for vehicular access to the car parking spaces. This arrangement has been agreed with Inland Fisheries Ireland.
- 7.4.4. A Landscaping Plan has been submitted with the application to detail how the public realm and shared spaces will be designed. It is planned to retain and repair the stone wall along the northern boundary, which will add to the character and setting of the site. I would have some concerns regarding the design and arrangement of the houses facing onto Fullers Court Road in terms on their impact on the adjoining protected structure and the ACA. This will be addressed in full in Section 7.6 below.
- 7.4.5. Overall, I am satisfied that the site layout provides an acceptable response to the long, narrow site. The buildings are laid out in short terraces, overlooking central spaces with House No's 5 and 9 orientated to face onto the public footpath which would provide passive surveillance of the public realm.

7.5. Residential Amenity

- 7.5.1. I am satisfied that the proposed houses would provide an acceptable standard of residential amenity for future residents. All of the proposed houses meet, and in most cases exceed, the quantitative requirements of Chapter 17 of the Development Plan in terms of floor area, storage and private open space. I am satisfied that the internal spaces to each house would receive sufficient levels of daylight and sunlight given the design, scale, orientation and separation distances.
- 7.5.2. There is a discrepancy on the drawings regarding the quantum of public open space to be provided to the rear of House No's 1 & 2. Drawing No. PL004 states that the space has an area of 183m², whereas the Drawing PL003-Proposed Ground Floor Plan has a figure of 154m². The written documentation provided by the Architect and Planning Consultant refers to the quantum of public open space as 154m², which would indicate that the figure of 183m² is an error. Therefore the figure of 154m² is taken to be the correct figure.
- 7.5.3. The provision of 154m² of public open space would be in the order of 7% of the total site area, which is less than the 10% requirement in the Development Plan. However, there are areas of passive open space between the houses and the vehicular access road which are not included as they are on the adjoining site. Whilst these areas are not technically within the site, they form the overall setting for the development with all houses having open access to them. Therefore, I am satisfied that the quantum of public space is acceptable for the nature and scale of the development proposed and within the context of the adjoining site which is currently under development.
- 7.5.4. The site does not face directly on to any houses on the opposite side of Fuller's Court Road. Within the site, the houses would be orientated in an east-west direction and would not directly overlook the adjoining properties to the north. I am satisfied that the proposed houses would not result in any negative impacts on existing residential amenity in terms of overlooking or overshadowing by virtue of their scale, orientation and the separation distances provided between existing houses. Therefore, no further analysis on the impact of the proposal on existing houses in terms of daylight and sunlight is required.

7.6. Architectural Heritage

- 7.6.1. The subject site is not located within the Ballitore Architectural Conservation Area and does not contain any protected structures. However, it does directly adjoin a terrace of four Protected Structures to the north, (Refs. B36-55 – B36-58), and it also adjoins the southern boundary of the Ballitore ACA. There are two more protected structures c. 60m to the south of the subject site; The Quaker Meeting House, (Ref. B36-54) and Ballitore House, including its gates and railings, (Refs. B36-28 & B36-49). Given the separation distance between the subject site and the Quaker Meeting House and Ballitore House, I am satisfied that the proposed development would not result in any undue negative impact on the character and setting of these protected structures. Therefore, only the impact of the proposal on the architectural heritage of the protected structures and the ACA to the north of the site will be assessed in this section.
- 7.6.2. There are two considerations regarding the impact of the development on the architectural heritage of the area;
- The alterations proposed to the built fabric within the site and,
 - The impact of the proposal on the adjoining protected structures and the ACA.
- 7.6.3. An Architectural Heritage Impact Assessment, (AHIA), was prepared by Dr. Judith Hill and submitted in response to a request for further information. The report concluded that the proposed development would have a slight impact on the setting of the ACA by virtue of its replacement of a rural setting with a suburban environment and that the impacts on the adjoining protected structure will be slight and will include positive impacts.
- 7.6.4. The demolition of the existing cottage is justified on the grounds that it is not architecturally significant and is in an extremely poor state of repair. Historic maps show a structure on the site in the 1830's. Based on the use of red brick and render, it is likely that the current cottage is a replacement which dates from the 1890's or the early 1900's. The AHIA recommends that, in the interest of recording vernacular structures and prior to demolition, the dimensions of the house should be recorded, and a full photographic survey carried out for submission to Kildare County Council archives. It is also recommended that the stone from the wall could be used as part of the boundary to the north of the site.

- 7.6.5. The original cottage is not listed on the RPS and is not listed for mention on the National Inventory of Architectural Heritage, (NIAH). There is also very little left of the original building, which is in ruins. I am satisfied that the removal of the cottage would not result in the loss of any significant architectural heritage and would be acceptable within the context of providing additional housing within the village settlement. It is also proposed to completely remove the low rubble limestone wall along the eastern boundary of the site in order to facilitate two houses. This wall appears to be in good repair and adds to the character of the historic village. The retention of this wall or parts thereof, would be preferable to its removal and is discussed further in the following sections.
- 7.6.6. It is proposed to continue the form and scale of the existing terrace by constructing two, semi-detached, three-storey houses at the front of the site and opening onto Fuller's Court Road. The applicant states that an effort was made to reference the existing scale and form of the adjoining protected structures in terms of height, fenestration and roof profile. However, instead of a traditional pitched roof profile, both houses would have a flat section in the middle of the roof with a shallow pitch to the front and rear. This design would allow for a bedroom and an attic space at second floor level. The report of the Conservation Architect for the PA recommended that this roof profile be altered as it would have a negative impact on the setting of the adjoining protected structures. It was also recommended that the front boundary wall be retained, and the houses set back by a minimum of 2m from the existing building line.
- 7.6.7. I would agree that the half-pitch / half-flat roof profile does not present a coherent built form that would compliment, or contribute to the character of the adjoining ACA. The flat section of the roof also increases the bulk and mass of the upper level of the houses and results in a roof profile which is discordant with the adjoining historic terrace. In order to reduce the visual impact of the development on the adjoining protected structure, I recommend that a condition be attached to remove the flat section of the roof and to replace it with a simple pitched profile to the front and rear.
- 7.6.8. Setting back the houses to the front of the site by 2m would result in a staggered building line between the existing terrace and the new development to the south. However, it would also reflect the original building line and retain the original stone wall. The AHIA makes reference to the importance given to the gables of the historic

buildings throughout the village. There is a first-floor window on the side of the protected structure facing onto the subject site. Under the proposed arrangement, the gable of House 1 would be approximately 0.96m from this window. The proximity of the proposed house would impact on the setting of the protected structure by blocking light to the window opening, which could impact on the internal layout of the house. Setting back the front building line of both houses would resolve this issue and would also serve to retain the front boundary wall. I recommend that a condition be attached that requires a set-back of the houses to the front of the site and the retention of the existing front boundary wall. I acknowledge that it may be necessary to alter the wall in some form or to provide a second opening for the internal footpath. However, the retention of the maximum amount of the wall possible would contribute to the character of the historic village and mark the evolution of the village centre.

- 7.6.9. The landscaping proposal for the development states that the existing stone wall along the northern boundary will be retained and repaired to a height of 2m with rubble stone as necessary. This wall contains the remnants of a carriageway arch and forms part of the curtilage of the protected structure. It is also the boundary to the ACA. The retention and repair of the original stone wall is supported. It is an important feature that marks the evolution of the historic village and adds to its character and setting. I would also agree with the recommendations of the AHIA, that where possible, materials from the cottage or attendant buildings should be used to repair the historic wall.
- 7.6.10. On balance, I am satisfied that the proposed development would not result in any significant negative impact on character and setting of the adjoining protected structure and the ACA.

7.7. Invasive Species

- 7.7.1. The presence of Japanese Knotweed is confirmed on the site. This species is listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) as a non-native species subject to restrictions under Regulations 49 and 50. Under Regulation 49(2) any person who plants, disperses, allows or causes to disperse, spreads or otherwise causes any of

the invasive plants listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) shall be guilty of an offence. Furthermore, Sections 52(7) and (8) of the Wildlife Act, 1976, as amended, make it an offence to plant or otherwise cause to grow in a wild state exotic species of plants.

- 7.7.2. A management plan for the invasive species was prepared by Dr. Niamh Ní Bhroin BSc, PhD, and submitted to the PA in response to a request for further information. Large stands of Japanese Knotweed were identified to the front of the property and adjacent to the eastern boundary: towards the centre of the site and adjacent to the northern boundary and, along the banks of the stream on the western boundary. No signs of Japanese Knotweed were found in the village, or either upstream or downstream of the River Greese, at Glanbia or along the riverbanks. The pattern of colonisation indicates that it may have been introduced to the site through dumping.
- 7.7.3. The management plan outlines the protocols for dealing with Japanese Knotweed with reference made to treatment methods identified by the National Roads Authority. It states that a combination of treatments will be required to eradicate the plant and will require the input of experts in the field. It is recommended that a full management plan be developed between eradication experts, Inland Fisheries Ireland and Kildare County Council. In the interim, a number of preliminary steps are outlined in order to contain the spread of the plant and to reduce its vigour.
- 7.7.4. On the occasion of the site visit it was evident that no mitigation measures had been carried out and stands of Japanese Knotweed were visible. Whilst the document submitted does not contain a comprehensive strategy for the management and removal of the invasive species, it is accepted that given the presence of a salmonid stream along the southern boundary of the site, consultation with Inland Fisheries will be required. I am satisfied that the strategy for eradication can be developed in compliance with planning conditions.

7.8. Drainage

- 7.8.1. The proposed development would have new connections to the existing mains water and wastewater services. Concerns were raised in the grounds of appeal regarding the capacity of the existing wastewater network to accommodate the new

development. The response to further information makes reference to a letter from Irish Water dated the 17th February 2021 which confirms that the proposed connections can be facilitated. The subject site is not located in a Flood Risk Area and does not require a Flood Risk Assessment.

7.8.2. Surface water drainage for the site would involve a two-stage process whereby a new surface water drain would collect the surface water run-off from the new roof areas and discharge to an attenuation tank in the public open space between Blocks 1 and 2. The surface water from the tank will then discharge to the adjoining stream from the tank. Permeable paving would be used throughout as part of the SUDS measures for the site. I am satisfied that the surface water runoff can be adequately dealt with. I note that the PA had no objection to the proposed surface water drainage system subject to planning conditions.

7.8.3. The existing stream along the southern boundary of the site has been identified as a salmonoid stream serving the River Greese by Inland Fisheries Ireland. The partial culverting of the stream was agreed with Inland Fisheries who specified construction details for the culverts. On the occasion of the site inspection I noted that there was a pool of standing water at the south-eastern corner of the site where the stream discharged to the culvert under the public road. Water was passing through the culvert on the opposite side of the road. However, there may be a blockage which requires maintenance. This issue would require further investigation during the construction phase.

7.9. **Appropriate Assessment**

7.9.1. A Stage 1 Screening Report for AA was not submitted with the application, but an NIS was prepared as further information. The NIS concluded that, *'The application of the mitigation measures will ensure that there is no significant impact by the proposed development on the River Barrow and River Nore Special Area of Conservation'*.

7.9.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to

consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening. As a Stage 1 Screening Report has not been submitted by the applicant, this screening has been carried out de-novo.

Stage 1 - Screening

- 7.9.3. The proposed development relates to the demolition of a derelict cottage and outbuildings and the construction of 9 houses and 18 car parking spaces on a brownfield site on the edge of Ballitore Village. The development would be connected to the public mains water and wastewater services and surface water would be attenuated on site prior to discharging to an existing stream running along the southern boundary of the site. There would also be localised culverting of the stream to provide vehicular access.
- 7.9.4. The stream along the southern boundary of the site connects to the River Greese at a distance of c. 140m to the east of the site. The River Greese flows into the River Barrow at the Laois / Kildare border approximately 20km from the subject site. This creates an indirect hydrological connection to the River Barrow and River Nore SAC, (IE 002162). The presence of Japanese Knotweed, an invasive species listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011), has been confirmed on the site.
- 7.9.5. 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 any European site. Any potential impacts on European sites from the development would be restricted to the discharge of surface water from the site during the construction and operational phases and the vegetative transfer of plant matter from Japanese Knotweed, which could result in colonisation in other locations.
- 7.9.6. The closest European sites are:
- The River Barrow and River Nore SAC, (Sitecode IE002162), which is c. 8km to the south of the site and c. 12km to the west of the site and,

- The Slaney River Valley SAC, (Sitecode IE000781), which is c. 9km to the south-east of the site at its closest point.

7.9.7. The qualifying interests and conservation objectives of both sites are outlined in the table below:

The River Barrow and River Nore SAC Ref. IE002162	
Distance from site; c. 8km to the south of the site and c. 12km to the west of the site	
Qualifying Interests	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p>

	<p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p> <p><i>Margaritifera durrovensis</i> (Nore Pearl Mussel) [1990]</p>
Conservation Objectives	To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.
The Slaney River Valley SAC Ref. IE000781	
Distance from Site; c. 9km to the south-east of the site.	
Qualifying Interests	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>
Conservation Objectives	To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.

7.9.8. There is no direct or indirect connection between the subject site and the Slaney River Valley SAC. Therefore, the proposed development would not result in any

significant impacts on the integrity and conservation objectives of this site and the Slaney River Valley SAC can be screened out of any further assessment.

- 7.9.9. There is an indirect hydrological connection between the site and the River Barrow and River Nore SAC via a stream on the site which flows into the River Greese, which in turn flows into the River Barrow. During the construction phase of the project there is a potential for silt in uncontrolled surface water runoff to enter the adjoining watercourse and flow into the River Barrow and River Nore SAC. Given the presence of Japanese Knotweed on the site, there is the potential for fragments of aerial growth or rhizome material to enter the water column and be transported downstream. The transfer of plant fragments could lead to the propagation of further strands downstream which could in turn result in the loss of biodiversity within the SAC.
- 7.9.10. The indirect hydrological connection between the subject site and the River Barrow and River Nore SAC creates the potential for significant impacts on the designated site in the absence of mitigation measures. For this reason, I will carry out a Stage 2 Appropriate Assessment.

Stage 2 Appropriate Assessment

- 7.9.11. The applicant has submitted a Natura Impact Statement. The NIS concluded that:
- ‘The application of the mitigation measures will ensure that there is no significant impact by the proposed development on the River Barrow and River Nore Special Area of Conservation’.*
- 7.9.12. The River Barrow and River Nore SAC comprises 23 qualifying interests; 12 of these are listed as Annex I Habitats and the remaining 11 are Annex II Species. The conservation objectives for the SAC can be summarised as:

To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.

Factors likely to give rise to potential impacts.

- 7.9.13. The following impacts have the potential to result in significant effects on the conservation objectives of a European site:

- Surface water runoff during the construction phase
- Transfer of plant matter from Japanese Knotweed on the site.

7.9.14. In the absence of standard control measures of mitigation measures, surface water and construction related runoff could enter the watercourse which flows to the SAC. However, given the distance of the site to the SAC, even in the absence of construction phase controls the impact would be minor as any residual silt or construction material be subject to hydrological mixing and settlement and would fall out of the watercourse prior to entering the SAC.

7.9.15. The NIS states that the installation of silt barriers during the construction phase will prevent any silt from entering into the water course. During the operational phase, surface water runoff will be managed through attenuation on site and the use of SUDS throughout the site. During periods of high rainfall storm water will be attenuated and a hydro brake will control the release of water to the stream on the site. The attenuation system will facilitate the degradation of hydrocarbon particulates and pollutants that may be collected in surface and storm water.

7.9.16. I am satisfied that the mitigation measures outlined for the management of surface water runoff during the construction and operational phase are sufficient to prevent the potential for surface water runoff from the site into the SAC.

7.9.17. There is a potential for the spread of Japanese Knotweed from the site through fragments entering the stream on the site during site clearance or the construction phase. This could result in the spread of the invasive species further downstream and within the SAC, which could result in habitat fragmentation and/or the loss of biodiversity.

7.9.18. The NIS has considered the potential impacts of the invasive species on the conservation objectives of all of the qualifying interests for the SAC. It is noted that only four of the qualifying interests make reference to a specific threat from invasive species in their conservation objectives. These are,

- Killarney Fern,
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels,
- Old Sessile Oak Woods and,

- Alluvial Forests.

- 7.9.19. Within the conservation objectives for the qualifying interests listed above, Japanese Knotweed is specifically identified as a negative indicator species within the Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels. It is not listed as a negative indicator species for the Old Sessile Oak Woods, Alluvial Forests or the Killarney Fern. The NIS also states that the threat from 'Invasive non-native species' to the SAC is 'medium' from a location inside the SAC.
- 7.9.20. A management plan for the eradication of Japanese Knotweed on the site has been prepared and was submitted with the application. The plan acknowledges that the full eradication of the invasive species will require a combined approach using herbicides and physical removal of matter to be carried out on a phased basis. It also outlines the primary treatment required to contain the spread within the site prior to engaging a fully qualified and indemnified professional to oversee the full treatment and removal.
- 7.9.21. I am satisfied that the mitigation measures outlined for the management of Japanese Knotweed within the site are sufficient to prevent the potential spread of the invasive species from the site to the SAC. Following the implementation of the management plan, the source of the potential threat to the SAC from the invasive species will have been removed and will no longer form a key component in the source-pathway-receptor model.

In combination effects

- 7.9.22. There are no strategies or objectives in the County Development Plan or in the Ballitore Village Plan that are likely to result in significant in-combination effects. Recent planning history for the adjoining site to the south includes permission for the construction of 33 houses, (Ref. 20/156). This development is currently under construction. Any potential in-combination effects from this development would relate to the discharge of ground or surface water to the stream during the operational phase. Surveys carried out for this development did not identify any invasive species on the adjoining site.
- 7.9.23. The development currently under construction to the south of the site will be connected to the public mains water and wastewater services. A CEMP was submitted with the application but is not available on the public record. Surface

water drainage will be managed through a range of measures which include standard SUDS measures and attenuation on site. The presence of invasive species on the site was not identified. Given the nature and scale of the development to the south and the proposed development, I am satisfied that there will not be any significant cumulative effects from the proposed development and the development permitted under Ref. 20/156.

Conclusion

7.9.24. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

7.9.25. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. IE002162, or any other European site, in view of the sites Conservation Objectives by virtue of,

- The distance from the subject site to the SAC,
- The residual hydrological mixing and silt outfall from the stream before arriving from the SAC,
- The mitigation measures to prevent surface water runoff,
- The measures set out in the Invasive Species Management Plan,

7.9.26. This conclusion is based on a complete assessment of all aspects of the proposed project alone (and in combination with other projects) including possible construction related pollution, wastewater treatment and invasive species.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the development for the following reasons and considerations and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed residential development, within the village of Ballitore and on a site with a 'New Residential' zoning objective, it is considered that, the proposal would be in accordance with the Kildare County Development Plan 2017-2023, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 10th March 2020, as amended by the further plans and particulars submitted on the 9th March 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of any development on site, the development shall be amended as follows and shall be agreed in writing with the Local Authority:</p> <ul style="list-style-type: none">• The existing stone rubble wall fronting onto Fuller's Court Road shall be retained and repaired. Where interventions are necessary, the proposals should be accompanied with a detailed method statement

	<p>for the repair of the stone rubble wall with the cement and mortar to be removed and replaced with a non-cementitious traditional lime mortar. The works shall be carried out under the professional supervision of an architect or expert with specialised conservation expertise.</p> <ul style="list-style-type: none"> • To facilitate this, the front façade of House No's 1 and 2 shall be set back from the site boundary by a minimum of 2m from the building line of the adjoining house to the north. • The roof profile of House No's 1 and 2 shall be modified so that the flat roof profile is omitted and replaced with a pitched slate roof with a similar slope, profile and eaves-to-ridge height as the neighbouring protected structures in the Architectural Conservation Area. The roof shall be finished in Blue Bangor blue natural slates. <p>Reason: In the interest of protecting the architectural heritage and integrity of the adjoining Architectural Conservation Area and to reduce the impact on the character and setting of the adjoining protected structures.</p>
3.	<p>4. Prior to the commencement of development, the developer shall submit, for the written agreement of the Planning Authority, a Japanese Knotweed Invasive Species Management Plan which shall include measures for the eradication of the Invasive Species and timeframes for same. Construction shall not commence until the Japanese Knotweed has been eradicated from the site to the satisfaction of the Planning Authority. The developer shall consult with the Inland Fisheries Ireland and the Heritage Officer and/or the Parks Department of Kildare County Council, prior to the preparation of the Plan.</p> <p>Reason: To prevent the spread of Japanese Knotweed.</p>
5.	<p>The developer shall engage with Irish Water prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p>Reason: In order to ensure a proper standard of development.</p>

6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority on the 9th day of March 2021 shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
9.	<p>The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.</p> <p>Reason: In the interest of the amenities of the occupants of the proposed housing</p>
10.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with,</p>

	<p>the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p>Reason: In the interest of amenity and public safety.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>The developer shall comply with the requirements of the Roads and Transportation Departments of the Planning Authority.</p> <p>Reason: To ensure a satisfactory standard of development.</p>
14.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
15.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the</p>

	<p>number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the</p>

	<p>security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
18.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and</p>

	<p>disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management</p>
21.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>

Elaine Sullivan
Planning Inspector
19th April 2022