



An
Bord
Pleanála

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

Inspector's Report ABP-311040-21

Strategic Housing Development

Demolition of buildings on site,
construction of 204 no. residential
units (98 no. houses, 106 no.
duplexes/apartment), crèche and
associated site works.

Location

Ballymany, Newbridge, Co. Kildare
(ballymany2.com)

Planning Authority

Kildare County Council

Applicant

Glan Developments Limited

Prescribed Bodies

(1) Transport Infrastructure Ireland
(2) Irish Water

Observer(s)

(1) Paul Dunny

(2) Ballymany Residents Association

Date of Site Inspection

19th October 2021

Inspector

Colin McBride

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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 application site, has a stated area of 6.76 hectares and is located to the southwest of Newbridge town centre, approximately 90-150 metres north of the M7 motorway. The site is currently under grass, in agricultural use and has an irregular narrow configuration. The Ballymany Manor and Rathcurragh housing developments are located to the east of the site, as is a petrol filling station. Two 38kv overhead power lines traverse the site. The site is quite level but does rise marginally from south-west to north-east. There are a number of agricultural sheds and a derelict house on site. Native hedgerow planting forms the boundary with the R445 with mature trees along same.

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises the demolition of an existing derelict house and 2 no. sheds. The renovation of an existing cottage and shed, and the construction of a new residential development with a crèche comprising of 204 no. dwellings including 98 no. houses and 106 no. duplexes/apartments.

The breakdown of units is as follows...

98 no. dwellings consisting of 2-2.5 storey semi-detached and terraced dwellings consisting of...

28 no. 2-bedroom houses;

48 no. 3-bedroom houses;

22 no. 4-bedroom houses;

106 no. duplexes/apartments in 7 no. 3 storey blocks consisting of...

23 no. 1-bedroom units;

77 no. 2-bedroom units;

6 no. 3-bedroom units;

The proposal entails construction of single-storey crèche including the renovation of existing cottage and adjoining shed for the purposes of ancillary activity area, plant room, store, bin and bicycle storage.

The proposal entails construction of c.335m long section of link street and provision of a new right turning lane at the proposed junction on the R445 (Ballymany Road).

Provision of car parking, bicycle storage and bin storage.

Improvement works to the existing foul sewer pump station located within the development site.

Provision of additional surface water storage capacity and attenuation pond.

Landscaping, play areas, boundary treatment and public lighting.

All associated site development works.

4.0 Planning History

4.1 Subject site

ABP-302922-18 : Permission refused for demolition of existing derelict house and sheds, construction 180 no. dwellings, new link street connecting onto R445 (Ballymany Road) and associated site works. Refused based on three reasons...

1. It is considered that the proposed design strategy for the overall development, and in particular the scale, mass and design of the apartment building at the entrance to the development, and also the design, layout and unit mix of the housing units proposed, does not provide an acceptable design solution having regard to the site's locational context. The design of the proposed apartment block is considered to be an inappropriate design response to the site, given its locational context, which requires a building of much greater architectural quality than that proposed. It is

considered that the arrangement and overall design of the apartment scheme is monolithic with repetitive proportions and an unrefined palette of materials. In addition, it is dominated by car parking and lacks proximate usable open space. Furthermore, the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government (2009), to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the overall residential development results in a poor design concept and layout that is unimaginative and substandard in its form, scale and layout and fails to provide a hierarchy of high quality usable open spaces. In addition, the proposal fails to establish a sense of place and includes a poor quality of architectural design and limited palette of materials to the proposed units and apartment block which would result in a substandard form of development lacking in variety and distinctiveness. Furthermore, the urban edge proposed to the south of the site lacks architectural quality, variety and sense of place. The proposed development would, therefore, be contrary to these Ministerial Guidelines which promote innovative and qualitative design solutions, and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, on the basis of the information submitted in respect of surface water management on the site and flood risk that the documentation received, both drawings and accompanying reports, is sufficiently detailed, is consistent and incorporates satisfactory SuDS measures to facilitate a comprehensive examination of the storm water proposals for the proposed development. Furthermore, it is considered that the flood risk report submitted is not sufficiently comprehensive nor does it comply with the requirements of the Flood Risk Guidelines entitled ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’). The Board cannot be satisfied, therefore, that the proposed development would not lead to a risk of flooding, including flood risk to third party properties and lands, and cannot be satisfied that the development would not be prejudicial to public health. In the absence of

certainty in relation to these matters, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed Link Street does not meet the design requirements for a link street in accordance with Objective SRO 5(b) of the Newbridge Local Area Plan 2013 – 2019. The design of the proposed street exhibits multiple road safety hazards, through the proliferation of domestic entrances along this route where cars must either reverse in or out, through impeded sight lines due to the likelihood of on-street car parking, and as a result of poorly designed traffic calming measures that fail to comply with the principles set out in the Design Manual for Urban Roads and Street (2013), and in particular the protection of vulnerable road users such as pedestrians. Furthermore, this Link Street as identified in the Local Area Plan will be required to be delivered through to Green Road in the future and a new junction constructed at this location, however, the proposed development may render this unviable due to improper design. Accordingly, the proposed development would be contrary to Objective 5 (b) of the Newbridge Local Area Plan 2013 – 2019, would endanger public safety by reason of traffic hazard, including hazard to vulnerable road users such as pedestrians, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Ref. 12/562 - Permission GRANTED for modifications to 10/112 and 05/271 to provide 102 dwellings, revisions to approved crèche, car parking layout and relocation of site entrance (increase of 25 no units from that previously approved).

Ref. 10/112 - Extension of duration of permission GRANTED for 05/271.

Ref. 05/271 - Permission GRANTED for demolition of existing house and sheds and construction of 77 residential units, crèche, pumping station and associated site works 4.2. 4.3.

4.2 Site to the northwest

ABP-310912-21: Current application for 336 no. residential units (245 no. houses, 91 no. apartments/duplexes), crèche and associated site works. Pending decision.

PL09.249038 (Ref. 16/658) – Permission granted on appeal by the Board for 280 dwelling units including dwelling houses, apartments and duplex (220 originally applied for but amended as per public notices received by ABP on 14 February 2018), crèche and 120 bed nursing home. Previous permission on this site expired in April 2018.

5.0 Section 5 Pre Application Consultation

- 5.1 A Section 5 pre-application virtual consultation took place with the PA and prospective applicant on the 20th October 2020 in respect of a development consisting of 210 no. residential dwellings in a mixture of houses, duplexes and apartments (86 No. houses of between 1 and 2.5 storeys and 124 No. duplexes / apartments), provision of a crèche facility with capacity for up to 56 children and a new 600m long link street connecting onto the R445. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted with the request to enter into consultations required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development.
- 5.2 In the opinion of An Bord Pleanála, the following issues required to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Design Strategy and Layout

Further consideration of documents and/or amendments, as they relate to the Design Strategy and Layout including further justification of, or amendments to, the materiality of the proposed scheme. Additional justification should take the form of

photorealistic CGI's and additional CGIs/Photomontages from various vantage points throughout the development, with a particular focus on the appearance of the proposed housing units, ensuring that sufficient diversity is provided in relation to external materials and detailed design. In addition, the location of the crèche unit requires further justification, having regard to the accessibility of same for users that may originate outside of the development, and having regard to the proximity of the crèche unit to existing residential properties.

Road Proposals

Further consideration of documents and/or amendments, as they relate to the detailed design of the proposed Link Road, having regard to the comments of the Planning Authority, the previous reason for refusal as relates to this site (Reason No. 3 of ABP-302922-18), and having regard to the requirements of DMURS in relation to the design of such roads. Indicative designs for the future completion of the road should be considered as part of the application or justification put forward for the non-provision of same. Additional consultation with the Planning Authority is recommended in relation to same.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the applicant was notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from the notification:

1. In addition to the comments of the Planning Authority's on the detailed design of the road and parallel parking on same, additional details and/or revised proposals in relation to other transport issues, having regard to the detailed comments contained within the Planning Authority's submission on this pre-application (dated 02nd September 2020) namely additional details in relation to road noise issues; clarification of the quantum of parking provided for the residential units and crèche

and layout of same; compliance with DMURS; lack of car parking; accessible car parking space and electric car charge points; revised Mobility Management Plan; details of pedestrian crossing points; surface water proposals; Stage 1 and 2 Road Safety Audit/Assessment; detailed design for a signalised 4 arm junction of the R445 Regional Road; any potential impacts on the M7 Motorway as a result of surface water proposals; cycle and pedestrian permeability links with Ballymany Manor; lighting details.

2. Additional details and/or revised proposals having regard to site services, having regard to the detailed comments contained within the Planning Authority's submission on this pre-application (dated 02nd September 2020) including those comments within the internal report from Water Services (dated 26th August 2020), and having regard to the submission from Irish Water (dated 4th September 2020), namely the requirement to ensure that the necessary upgrades to the Irish Water foul water networks are completed prior to connections being facilitated; the requirement to ensure that the relevant consents to connect to 3rd party foul water infrastructure are in place and that such infrastructure is of sufficient standard and has sufficient capacity; additional infrastructure required within and around the development site; additional details as relates to surface water proposals including, but not limited to, the requirement for an accurate depiction of the prevailing groundwater regime, which includes an on-site groundwater monitoring programme to commence immediately; additional details as relates to Flood Risk.

3. Additional details and/or revised proposals having regard to Landscaping Proposals, having regard to the detailed comments contained within the Planning Authority's submission on this pre-application (dated 02nd September 2020) namely recommendations in relation to arboricultural works; additional landscaping details as set out in the Parks Section Report; open space proposals including the possibility of combining the proposed open space within the development with the existing open space at Ballymany Manor; detail of boundary treatments; enhanced designs for the proposed attenuation pond and access road; additional details of play areas.

4. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, visual impact and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.

5. A Housing Quality Assessment which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.

6. All supporting technical/environmental reports to be updated as required.

7. Additional CGIs/visualisations/3D modelling.

8. A plan of the proposed open space within the site clearly delineating public, communal and private spaces.

9. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

10. Waste Management Details.

11. Site Specific Construction and Demolition Waste Management Plan.

5.3 A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

1. National Transport Authority
2. Transport Infrastructure Ireland
3. Minister for Culture, Heritage, and the Gaeltacht
4. Heritage Council
5. An Taisce – the National trust for Ireland
6. Inland Fisheries Ireland

7. Irish Water

8. Kildare County Childcare Committee

6.0 Relevant Planning Policy

6.1 National Planning Policy

6.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets • Childcare Facilities Guidelines for Planning Authorities
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2 Project Ireland 2040 - National Planning Framework

6.2.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating

physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities 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.

6.3 Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA)

6.3.1 The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

6.4 Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

6.5 'Housing for All - a New Housing Plan for Ireland' (September 2021).

6.5. Kildare County Development Plan 2017-2023 The Kildare County Development Plan 2017-2023 is the operative County Development Plan wherein Newbridge is

designated as a Large Growth Town II. In the County Plan it is stated that 'Outer Suburban/Greenfield' sites have stated general density parameters of 30-50 units/hectare.

6.6. Newbridge Local Area Plan 2013-2019

- This LAP provides that the site is zoned Objective C1- New Residential with part of the site zoned I-Agricultural.
- Policy HL6 – restrict apartment development to town centres and public transport connections, higher density schemes only considered where they exhibit high architectural design standard with duplex units not permitted;
- SRO5 (b) - link road from L7042 Green Road (c) to the L7037 Standhouse Road including new junction with the R445 Ballymany Road (d);
- NH3 – Protection of trees – Map 5 – 16 mature trees on both side of the R445 on approach from Ballymany interchange;
- The site is located approximately 800 metres from the Curragh pNHA.
- Policy NH6 – seeks to protect the Curragh pNHA with NH7 requiring development proposals within vicinity of or effecting Curragh pNHA to provide sufficient detail on how it will limit impact;
- Two Recorded Monuments are located within 200 metres of the site- a mound to the west (Ref KD023-019) and a Church to the south-east (Ref. KD023-020).

7.0 Statement of Consistency

- 7.1 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 National Planning Framework, Section 28 Guidelines and the Development Plan and I have had regard to same. A Statement of Material Contravention also accompanies the application with respect to the proposal for duplex apartment outside of town centre locations and the shortfall in parking provision which are matters contrary to the Development Plan.

8.0 Third Party Submissions

2 no. third party submissions were received. The concerns raised are summarised below: -.

8.1 Submission by Paul Dunny, 41 Moore Park, Newbridge, Co. Kildare.

- Newbridge population growth has been high while provision of infrastructure and amenities has not kept pace with such. There is a lack of school places currently in the area and the appeal site would be suitable site for a new school.
- Newbridge has existing traffic problems regarding congestion with a need for additional infrastructure. The proposed development would exacerbate existing traffic issues.
- There is a lack of investment or provision in public facilities such as a public square, footpaths, dedicated cycleways, swimming pool, playgrounds and a ring road.
- The proximity of the site to the Curragh and the Curragh Aquifer with concerns regarding impact on groundwater.
- The proposal will encourage car use with a lack of bicycle and pedestrian infrastructure.
- The development of Newbridge has become imbalanced southwards towards the Curragh to the detriment of the town with the current proposal exacerbating such.

8.2 Submission by Ballymany Residents Association

- Loss of sense of place and character for the existing Ballymany Manor development due to the amalgamation of the new development with existing residential development. The impact of additional traffic and potential overspill of car parking into the existing residential development is inappropriate. The

TIA and RSA submitted are deficient in that they fail to acknowledge the impact of traffic through the existing development as a result of the proposal.

- The submission is critical of the Social Infrastructure Assessment in its assessment of the proximity to public transport and open space facilities. The submission questions whether an existing wall defining the boundary of existing open space and open in the proposal is to be removed.
- Part of the proposed link road is on land zoned for Agricultural use. The proposed use does not appear to be facilitated by this zoning and should be within the residentially zoned lands.
- In relation to bats the submission indicates that the presence of such on the site should be treated with caution.
- The submission is critical of the conclusion of the TIA and RSA regarding negligible traffic impact with concern expressed regarding traffic levels and speed on the R445 and previous traffic fatalities.
- The submission raises concern regarding the residential amenity of the proposed development with such critical of level of parking proposed, open space provision and orientation of houses and potential overspill into Ballymany Manor. The submission is critical of the overall quality of the proposal.
- The impact of noise levels from the M7 would have an adverse impact on residential amenity and the quality of the development proposed.
- There are existing mature trees that should be preserved and incorporated in the design with no justification for removal protected Lime Trees.
- The proximity of a bin store serving apartments to no. 85-88 Ballymany Manor is unacceptable.
- Existing water supply at Ballymany Manor is deficient with the proposal premature pending the provision of a potable water supply.
- The submission includes individual submissions by residents of Ballymany manor. I am satisfied that the main submission highlights the issues raised in these.

9.0 Planning Authority Submission

9.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 30th September 2021. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports, Municipal District Meeting details, policy context. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Roads, Transportation & Public Safety department: Shortfall in parking standards, shortfall in provision of road under Objective SRO 5, lack of signalised junction onto R445. Refusal recommended on basis of noise levels for the M7, inadequate level of parking.

Environmental Section: No objection subject to conditions.

Housing Section: No objection subject to Part V condition.

Parks Section: Refusal recommended due to proposal retain a boundary between the proposed development and Ballymany Manor and inadequate design and layout of the attenuation pond in terms of landscaping, layout and ecological and amenity value.

A detailed and informative report has been received from the planning authority.

Pertinent issues raised therein shall be referred to throughout my assessment.

The report raises a number of concerns regarding the design and layout.

recommends a number of amendments.

- The report raises concerns regarding layout and quality of open space in particular lack of connectivity between existing (Ballymany Manor) and proposed

open space and a narrow strip of open space, which should be discounted with an alternative provision required.

- The proposal is considered deficient in relation to Objective SRO5(b) with the proposal to provide a partial level of the road required under the objective considered inappropriate. The issues raised in the Transportation report including provision of a signalised junction onto the R445, the lack of adequate car parking and noise impact from the M7 are highlighted.
- The proposal to remove all trees except one is considered inappropriate and inconsistent with Local Area Plan policy with more effort required to retain category A and B trees desirable.
- The issues raised by the Parks section are highlighted including connectivity issues between open space areas.
- The distribution and layout of car parking spaces relative to units is indicated as being an issue with as is the level of such space in the context of Development Plan policy and the layout of some spaces in term turning movements.

The report concludes that permission should be refused for 3 reasons, which can be summarised as follows....

1. The noise impact of the M7 motorway is considered to be such that it would severely impact the residential amenity of future occupants and the proposal would be contrary Objective EN4 of the Kildare County development plan 20127-2023 and the Council Noise Action Plan 2019-2023.

2. There is shortfall in the required level of parking spaces based on the standards under the DHPLG design Standards for new Apartments (March 2018) and the Kildare County Development plan 2017-2023. The layout of the parking is considered to be contrary the recommendations of Design Manual for Urban Streets and Roads. The design layout is deficient in quality in terms of parking and is

considered to be a traffic hazard due to the layout of parking and the potential for unauthorised parking and associated turning movements.

3. The proposal is considered to be deficient in terms of layout of open space in particular the proposal to retain a boundary wall between proposed open space and adjoining open space in Ballymany Manor, the provision to provide half of the required link road leading to further construction and nuisance to residents and the proposal to remove existing trees being contrary Objective NH3 of the Newbridge Local Area Plan 2013-2019.

The report includes a summary of the views of relevant Elected Members, as expressed at the Kildare Municipal District Special Meeting held on 09/09/2021 and are broadly summarised below:

- Inadequate extent of link road provided.
- Lack of school capacity for additional children in the area.
- Inadequate crèche provision.
- Inadequate boundary treatment
- Inadequate parking provision.
- Inadequate provision of social infrastructure, lack of playground and inadequate size of units.

10.0 Prescribed Bodies

10.1 The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority

4. Minister for Culture, Heritage and the Gaeltacht (archaeology)
5. An Taisce
6. The Heritage Council

Three bodies have responded and the following is a brief summary of the points raised.

Transport Infrastructure Ireland

The proposed development is to be undertaken in accordance with the requirements of the Transport (Traffic) Assessment and Road Safety Audit submitted.

Department of Housing, Local Government and Heritage (Development Applications Units

Recommendation that topsoil removal if necessary for construction of attenuation pond, pumping station and access track to be carried out subject to archaeological monitoring. In relation to architectural heritage it is recommended that there is provision for architectural record of buildings for demolition and reuse of material. Engagement of conservation architect in relation to renovation works in relation to buildings to be retained.

Irish Water

The submission acknowledges that the applicant has been issued confirmation of feasibility for connection(s) to the Irish Water network subject to evidence of consent to connect to third party infrastructure and evidence of capacity and condition of such. Irish water recommend attachment of a number of conditions in respect of water supply.

11.0 Assessment

11.1 I have had regard to all the documentation before me, including, inter alia, the report of the planning authority; the submissions received; the provisions of the Kildare County Development Plan 2017-2023 and the Newbridge Local Area Plan 2017-2023; as extended; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of the proposed development
- Density and Core Strategy
- Layout & Design/Development Control Standards
- Residential Amenity
- Noise Impact
- Traffic and transportation
- Material Contravention
- Infrastructure/Surface Water
- Flood Risk
- Ecological Impact/Tree Removal
- Archaeology/Architectural Heritage
- Chief Executive's Recommendation
- Appropriate Assessment
- Environmental Impact Assessment-Screening

11.2 Principle of the proposed development:

11.2.1 Having regard to the nature and scale of the proposed development, comprising of 204 no. residential units including 98 no. houses and 106 no. duplexes/apartments a crèche and associated site works, I am satisfied that the proposed development falls within the definition of Strategic Housing Development, as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act, 2016.

11.2.2 The majority of the site is zoned C1-New Residential with a stated objective 'to provide for new residential development' with part of the site along its southern boundary being within an area zone I-Agricultural with a stated objective 'To retain and protect agricultural uses'. The third party submissions question the fact that the proposed link road is located within lands zoned I-Agricultural and are of the view that such is not facilitated for under this zoning. The link road to the R445, the attenuation pond and pumping station serving the development are all within the agricultural zoning. I would note for the Boards information that the indicative line of the road on the Newbridge LAP zoning map is clearly shown within the 'I' zoning where it relates to the appeal site. I would also refer to the fact that the location of the link road on lands zoned I-Agricultural was not a source of issue or objection in the Chief Executives report with it considered consistent with Local Area Plan policy. The objective of this zoning is agriculture. Contrary to the observers opinion I would suggest that roads are a common feature in agricultural land not only within the environs of Newbridge but all over the country. I do not consider that the location of the road should be revised such that it is within the residential zoning. I consider it is imperative that the most efficient use is made of lands zoned for residential development and therefore I consider that the proposal to locate the road, pumping station and attenuation pond on agricultural land is acceptable.

11.2.3 The third party submissions and comments by elected members raise issues relating the principle of the proposed development and the zoning of the land for residential development. The third party submissions outline concerns about imbalance of development in the town towards the south and further away from the town centre, while the elected members raise concern about school provision and the suitability of the site for a new school. The application site is zoned for residential development under the Newbridge LAP and the Core Strategy of the County Development plan identifies a housing allocation for new dwellings between 2020-2023 (detailed in the section below). The principle of a housing development at this location is supported by both Local Area Plan and Development Plan policy, and would constitute planned development. The principle of the proposed development at this location is acceptable.

11.3 Density and Core Strategy:

11.3.1 The development comprise 204 residential units on a site with an area of 6.76 hectares. The net development area is 5.4 hectares and this excludes the area of the site dedicated to infrastructural development to the southwest including the new link road, upgraded pumping station and attenuation pond. This yields a density of 38 units per hectares. The Chief Executives report states that the density proposed is an appropriate density for an inner suburban site. National policy on density is contained under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'). Chapter 5 relates to Cities and Larger Towns. The application site is on the periphery of a large town and would constitute an Outer Suburban/Greenfield Site defined as "defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities". The guidelines identify that "the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally". The proposed density levels are consistent with the recommendation of national policy.

11.3.2 The Kildare County Development Plan 2017-2023 Core Strategy identifies Newbridge as self-sustaining growth town with a housing allocation of 669 no. dwellings between 2020-2023. The proposal accounts for 204 units with a separate proposal on lands to the northwest for 336 residential units currently under consideration under ref no. ABP-310912-21. The subject site is approximately a 25 minute walk into the centre of Newbridge and there are footpaths to facilitate pedestrian access. The subject site is also served by public transport, with bus routes in proximity to the site along the R445 (11 minute walk). The site is approximately a 10 minute cycle or 30 minute walk to Newbridge Train Station, however I note a lack of existing cycle infrastructure along routes between the site and the station. It would appear based on current information that the level of the provision of units proposed on lands zoned for residential under this application can

be facilitated under the core strategy of the Kildare County Council Development Plan.

11.4 Layout & Design/Development Control Standards:

Housing Mix

- 11.4.1 The proposal provides for 204 units split into 96 no. dwellings and 104 no. apartments/duplex units. 47% of units are dwellings with 53% apartment units. The mix of units provides more variety from the previous proposal on site (ABP-302922-18), which provided for 80.5% of the units as dwellings and 19.5% as apartments. Policy HL6 of the Newbridge LAP restricts apartment development to town centres and public transport connections, provides that higher density schemes will only be considered where they exhibit high architectural design standard with duplex units not permitted. While I consider that ensuring higher density schemes will only be considered where they exhibit high architectural design standard is reasonable and of merit, I consider that restricting apartments and duplexes outside of the two specified locations runs counter to National Guidance. The quality and design of these two typologies is a different matter which I will address in the next section, however in principle it is not considered appropriate to limit the mix of typologies within urban areas as to do same would prevent the achievement of sustainable and efficient densities on residentially zoned land.
- 11.4.2 I note that while the surrounding residential developments contain a mix of dwelling types, there remains a predominance of 3 and 4 bedroom houses in the area as many of the adjacent developments were permitted prior to the NPF or the RSES. I consider that the proposed mix of houses, apartment and duplex units is similar to those of surrounding more recently permitted developments and will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two storey own door houses only, particularly in developments > 100 units and I consider that the development is consistent with this guidance. As discussed above,

the density complies with the guidance for outer suburban sites in the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The development also meets the requirements of SPPR 1 of the Apartment Guidelines. The proposed housing mix is considered acceptable on this basis.

Development Control Standards:

11.4.3 The proposal entails a mix of dwellings (98) and apartments (106). The relevant guidance in terms of the apartments is the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020) whereas there are development control standards set out under the Kildare County Development Plan for housing developments as well as guidelines for housing developments under Quality Housing for Sustainable Communities including standards for space provision and room dimensions in dwellings. The submitted document include a housing quality assessment that outlines the standard of the proposed units in the context of key development control standards including unit area, room size/dimensions, private and public open space provision.

11.4.4 Minimum floor area for apartments under Section 3.4 of the Apartment Guidelines is 45sqm, 73sqm (two bed 4 person units) and 90sqm for one, two and three bed units respectively. All apartments meet these standards. In addition there is a requirement under Section 3.8 for “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom 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%)”. In this case this standard is also met.

11.4.5 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

All apartment units are dual aspect with some being triple aspect with the requirement of the guidelines met.

All apartment units are provided with balcony areas or garden areas. The requirement under the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) being for 6, 7 and 9sqm for one bed, two (3 person), two bed (4 person) and three bed units respectively. This standard is met in all cases. All apartment units meet the required standards in terms of room dimensions and storage space.

11.4.6 In case of the proposed dwellings the recommended room size/dimensions are as set out under the Quality Housing for Sustainable Communities guidelines. All dwellings are provided with rear gardens with the required standard under the Kildare County Development plan being 55, 60 and 75sqm for a two, three and for bed dwelling respectively. The proposal exceeds these standards in all cases.

11.4.7 The requirements for car parking under development Plan policy is under Table 17.9 of the County Development Plan. For apartments the requirement is 1.5 spaces per unit and 1 visitor space per 4 no. units. For dwellings the requirement is 2 spaces per dwelling unit. For cycle parking (table 17.10) the requirement is 1 space per apartment and 1 visitor space per 2 units. Based on the number of units proposed the parking requirement for the apartment portion of the development is 185.5 and for the dwellings it is 196. The parking provision in the scheme consists of 183 spaces to serve the dwelling units, 106 spaces to serve the apartment units, 13 spaces to serve the crèche and 31 visitor spaces. Not including the spaces identified for the crèche this is total of 320 spaces with the requirement under Table 17.10 being 381.5 spaces. Provision of bicycle parking for the dwellings is within their curtilage, 224 spaces are provided for the apartments and mid-tercre units, 72 spaces for visitors (Sheffield Stands) and 20 for the crèche in an ancillary structure. Bicycle parking provision is consistent with Development Plan policy. The documents submitted include a statement of material contravention in relation to parking provision, which is dealt with in a separate section of this report. The requirement for crèche development is 0.5 per staff member plus 1 per 4 children. The information

on file indicates that the crèche has a capacity for 54 children with no details of staff figures. Based on 54 kids and 3 staff the requirement is 15 (1 per 4 children and 0.5 per staff member) with 13 spaces provided.

11.4.8 The requirement for public open space is 15% of the total site area (Section 17.4.7). The appeal site has an area of 6.76 hectares with the net development area being 5.4 hectares (excluding area catering for link road, attenuation pond and pumping station). The level of public open space provided is 0.82 hectares which is above the 15% minimum requirement (0.81 hectares of the net development area of 5.4 hectares). The proposed development meets all relevant minimum Development Control requirements apart from car parking. This aspect of the proposal will be addressed further in later sections of this report.

Layout/Urban Design

11.4.9 One of the main issues of refusal of the previous proposal related poor quality design and layout. Weaknesses identified previous included the quality of the design of the apartment block adjacent the R445, the legibility of development and urban edge along the link road and variation in design and use of materials and provision of open space and connectivity through the site. The CE report identifies a number of concerns regarding the layout including the design and layout of parking, design and layout of open space. The potential overspill of parking is an issue identified onto the link road and within the development and is linked to the issue of shortfall of parking relative to Development Standards and its layout and distribution throughout the site. The issue of shortfall is dealt with under Section 11.6 below, but will be discussed in this section in relation to distribution of such throughout the scheme.

11.4.10 The applicants have submitted an Architectural and Urban Design Statement detailing how the proposal provides for a good quality design in layout in terms of Architectural character and variation in use of materials, is compliant with DMURS (a statement of compliance with DMURS is also include in the Traffic and Roads Assessment) in relation to provision of a street layout that caters for an integrated

street network that is accessible for pedestrian and cyclists as well as vehicular traffic. The statement also detail how the proposal provides for a good sense of place, quality open space areas throughout the scheme and good linkages throughout the site, between open spaces and the proposed link road. The statement details the variation in housing typologies, the design rationale for the structure adjacent the R445/road frontage of the site. The statement also details the planning history of the site and how the design deals with the issues raised under the previous refusal on site under ABP-302922-18. The statement also includes a section detailing how the proposal is consistent with the twelve principles of urban design identified in the Urban Design Manual.

11.4.11 The CE report is critical of a number of aspects of the layout and states that the proposal is not compliant with DMURS in particular the provision of a significant level of on street car parking in some case on both sides of streets. The distribution of spaces is considered deficient with it noted that in the case of some of apartment blocks the rate of provision is 1 space per unit, which is considered too low as well as the fact that some spaces are not sufficiently overlooked. The report highlights concerns regarding provision of accessible spaces at the end of cul-de-sac that would necessitate reversing a significant distance to turn. In the case of dwelling no. 71-79 it is noted that their orientation towards the link road would be contrary DMURS and that such are located a considerable distance from parking and do not overlook such. The parking for the crèche is not overlooked with concerns regarding outside of crèche hours. The CE report is critical of the layout of open space to west of unit no.s 31-35 due to its narrow configuration along the existing boundary wall with Ballymany Manor.

11.4.12 I would consider that the proposal is a significant improvement over the previous proposal refused on site. The current proposal provides for a better development strategy for the site with a better treatment of the southern edge of the development along the link road with the provision of gable fronted duplex units with a variation in setback at the corner elements and use of materials. There is a variation in the design and use materials throughout the development including the 2/2.5 storey

dwellings. The provision of open space throughout the site is evenly distributed, is varied in size and function with provision for a play area. The design and scale of the apartment adjacent the R445 is of satisfactory character and quality.

11.4.13 The applicant has stated that the design has had regard to the provision of the Design Manual for Urban Roads and Streets whereas the Local Authority is of the view that the proposal does not comply with such. One of the main issues concerning the design and layout relates to the link road along the southern edge of the site, which is an objective of the LAP. The previous development on site was refused due to the provision of multiple access points off such (was not a reason recommended by the Inspectors Report). It would appear that the intention of this road is as distributor road to provide access to a wide range of lands and such is to link from the Standhouse Road to the R445 and from the R445 to Green Rd. The link road proposed has a carriageway width of 6.5m with 2m wide footpaths on each side and a 3m wide two way cycle path along the northern edge. The link road features horizontal deflections along its length to encourage reduced speed. There is provision of a number of pedestrian access points along the length of the link road and two junctions providing vehicular access. The three-storey apartment development provides a degree of fringe/urban edge despite being setback with provision of visible permeable boundary railings. It is proposed to provide a high degree of planting along the link road.

11.4.14 The Design Manual for Urban Roads and Streets identifies three different categories relating to movement function for roads and streets, Arterial, Link or Local. I would consider that the link road falls in 'Link' category, "these provide the links to Arterial streets, or between Centres, Neighbourhoods, and/or Suburbs". The carriageway width of the link road is as per the recommendations of DMURS (6.5m). The link road provides sufficient space to provide for tree planting (proposed as part of landscaping scheme) to create a boulevard effect as advocated by the DMURS. The design of the junctions from the link road conform to the recommendations of DMURS for priority junctions between local roads and link streets and the junction radii proposed are consistent with DMURS recommendations. The proposal also

provides for raised tables at the junctions with the link road and the local streets within the housing scheme.

11.4.15 The design of the roads/streets within the main body of the development appear to have adequate regard to the recommendation of DMURS with the provision of carriageway widths of 6m and reduced to 5m at certain points. The proposal uses raised tables/sections of various materials/road surface finishes in particular where there are junctions. The street layout provides for good quality pedestrian spaces and linkages throughout the development. The street layout provides for junction radii in compliance with DMURS as well as grid pattern, raised tables, varied road surfaces, which will serve to ensure reduced traffic speeds and good quality environment for pedestrians. The dimensions of the parking spaces are also compliant with the recommendations of DMURs.

11.4.16 I would be of the view that the overall design and layout has adequate regard to the provision of relevant guidelines in relation to urban design such as the, Urban Design Manual-A Best Practice Guide, the Urban Development and Building Heights Guidelines for Planning Authorities and the Design Manual for Urban Roads and Streets. I am satisfied that the link road is designed and laid out in accordance with the recommendations for DMURs in relation to 'link' streets and that the design and location of units relative to such is satisfactory in the context of urban design, scale, design and variation of materials. The overall development provides for a satisfactory design and layout in terms of providing a sense of place, a good standard of amenity, adequate provision for vehicular traffic without being at the expense of the provision of pedestrian friendly spaces/infrastructure.

11.4.17 In relation to the specific criticisms of the Local Authority, I would disagree that the distribution of spaces is deficient with open spaces evenly spread throughout the development. There is provision of a narrow strip of open space to the west of units no.s 31-35 with such proposed to facilitate possible future amalgamation with the open space area within Ballymany Manor. I would consider that there is some logic to this provision. I would be of the view that despite the narrow configuration of such,

the remainder of open space areas are laid out in a manner that provides for good quality open space areas. As noted by the Local Authority in relation to apartment development there is provision of a rate of at worst one space per unit. I refer to my assessment of car parking under Section 11.7 and note that the distribution of car parking is satisfactory with a rate of one per apartment unit being consistent with the recommendation of the Apartment Guidelines (recommended provision is one space per apartment unit in a location such as this). In relation to the crèche parking, such is not overlooked directly by any dwellings, however is located at a point, which requires access through roads that are sufficiently overlooked by dwellings and the spaces in question are in close proximity to existing dwellings that can benefit from there use outside of the crèche opening hours. It is my view that the majority of parking spaces are well overlooked by residential units in the scheme.

11.4.18 In relation to the provision of accessible spaces at the end of cul-de-sacs with parking each side and concern regarding turning movements, I would consider that such could be dealt with by way of condition with relocation of these spaces from the end of the cul-de sac to the side.

11.5 Residential Amenity:

11.5.1 The application site is located on the outskirts of Newbridge and adjoins the existing the housing existing developments of Ballymany Manor and Rathcurragh which adjoin the north eastern boundary of the site. These existing developments are made up of two-storey semi-detached dwellings and the majority of the existing dwellings back onto the boundary with the application site (in some cases the side gable faces the boundary with the site). Boundary treatment adjoining the existing housing development is a block wall approximately 2m high. The development consist of 98 no. two/two and a half-storey dwellings, 106 no. apartment units including duplex units arranged in three-storey blocks and a single-storey crèche.

11.5.2 The layout of the development is such that where it adjoins existing residential development the units proposed are dwellings and are two/two and a half storeys in

height. The proposed dwellings back onto the existing boundary apart from an area of open space that adjoins the boundary with Ballymany Manor and the location of the crèche and its outdoor space, which also adjoins Ballymany Manor. The height, scale and pattern of development adjoining existing residential development has regard to and reflects the established pattern of development with the height and type of development similar in nature and pattern of development and a similar level of separation provided in the case of proposed dwellings backing onto existing dwellings with the common standard of 22m between opposing first floor windows applied. Some of the proposed dwellings are two and a half-storeys and feature a second floor level in the roof space. These dwellings are still similar in height to existing dwellings on the adjoining sites (ground level on site lower) and echo the suburban pattern of development in the area. The crèche structure is modest in scale being single-storey in height and does not have any impact in terms of physical scale relative to adjoining properties. The three-storey apartment blocks are located well away from the boundaries with the existing housing developments and are concentrated along the southern edge of the development and link road with the lands further to the south being agricultural in nature. There is a three-storey block adjacent the entrance to the development and the R445. Existing development to the north of this L-shaped block is commercial in nature (petrol station and forecourt) with no adverse impact on adjoining amenity.

11.5.3 The Building Height Guidelines seeks compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The applicant has submitted a Daylight and Sunlight Report with the application. The Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values (eg. ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that: *"Although it gives numerical guidelines, these should be*

interpreted flexibly since natural lighting is only one of many factors in site layout design.”

11.5.4 The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

11.5.5 The BRE guidelines state that in relation to daylight to existing buildings:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...” (para. 2.2.4)

11.5.6 In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property ‘is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.’ Therefore, the preservation of a minimum VSC of 27% and reductions no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing,

BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

11.5.7 The BRE guidelines recommend that loss of light to existing windows needs not to be assessed if the distance of each part of the new development from existing windows is three or more times its height above the centre of the existing window, if this is the case then the next check is whether part of a new building measured in a vertical section perpendicular to the main window wall of an existing building from the centre of the lowest window subtends an angle of more than 25 degrees to the horizontal, then diffuse light of the existing building may be adversely affected. If a window falls within a 45 degree angle both in plan and elevation with a new development in place then the window may be affected and should be assessed. In the case of the proposed development the scale and level of separation of the proposed dwellings/structures and existing dwellings on adjoining sites is such that a 25 degree angle from the centre line of the lowest level window on the existing dwellings would not be subtended in any case (cross sections included) and no further analysis is required in relation to impact on daylight.

11.5.8 In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. Is some part of the new development within 90degrees of due south of the main window wall of and existing building. If so if section drawn perpendicular to the existing window wall, the new development subtends an angle greater than 25 degree to the horizontal when measures from the centre of the lowest window to the main living room. As noted above where the development adjoins existing dwellings it does not subtend the 25 degree angle from the lowest windows facing the site and no further assessment is required.

11.5.9 The report includes an assessment of daylight level to the proposed development with Average Daylight factor being the relevant test. The BRE guidelines recommend an ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The BS 8206-2 standards recommends a minimum value corresponding to the use which has the highest recommended value with 2% for shared kitchen/dining/living space (k/d/l). The assessment of all the apartment blocks indicates across the board compliance with the recommended standards for kitchen, living and bedroom spaces, with shared k/d/l spaces also achieving the 2% standard

11.5.10 In relation sunlight to gardens the BRE guidelines recommend that to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The assessment report includes an assessment of the public open space areas provided with all meeting the required standard in terms of sunlight. The report includes a shadow study of the development showing the shadow impact of the development for various hours on the 21st of March, 21st of June and 21st of December. Such indicates that the proposed development would not give rise to any adverse levels of overshadowing of adjoining properties. The overall scale of the proposed development is not excessive relative to existing properties with the concentration of higher structures (three-storeys) along the link road to the south or adjoining existing commercial development. Where the development adjoins the existing residential development the scale of such and pattern of development/level of separation is very much in keeping with the existing.

11.5.11 In relation to overlooking Section 17.2.4 'Overlooking' of the County Development Plan states that in general, a minimum distance of 22m between opposing above-ground floor level windows is required for habitable rooms. In the proposed development, separation distances to surrounding existing dwellings, exceed 22m in all cases and the layout of the development is such that where it adjoins existing residential development the units proposed are 2/2.5 storey dwellings or the single-storey crèche buildings. The design and layout of the proposed development would not generate any overlooking concerns.

11.5.12 The third party submissions raise concern about the impact of the proposal on the amenities of existing housing due to the potential for amalgamation of green spaces, road network and overspill of parking. This relates to the proposal that provides for potential amalgamation with an area of open space located adjacent an existing area of open space within Ballymany Manor as well as the provision of a service road with potential to link into an existing service road in Ballymany Manor. The design and layout of the proposal provides a layout that could facilitate such in the future but does not have a concrete proposal for such an amalgamation to happen with an existing solid boundary separating the site from the existing housing development. There are no proposals to remove this boundary and such would require third party consent. I would be of the view that the provision of a design and layout that would facilitate a level of amalgamation in terms of providing larger and more useable open space areas, providing permeability allow for existing housing development to have the benefit of access to facilities such as the proposed crèche as well as traffic and pedestrian permeability would be in keeping with proper planning and sustainable development as well being consistent with the recommendations of documents such as the Urban Design Manual-A Best Practice Guide (May 2009). I would highlight that amalgamation of the proposed development and the existing housing development is not proposed as part of this application and is not currently in the power of the applicants to implement. I would consider that the design of a layout to facilitate such in the future if feasible would not be contrary to the proper planning and sustainable development of the area.

11.5.13 The third party submission raise concerns regarding potential overspill of parking and the proximity of bin storage to existing housing development. In relation to car parking there is a shortfall of car parking based on the Development Plan policy and this issue is discussed further in Section 11.7 (Traffic and Transportation). As noted above the proposal does not entail amalgamation of the proposed development and Ballymany Manor with the design facilitating such in the future. At present there is no potential for overspill of parking as the proposal is a separate housing development. Communal bin storage is provided for the apartment blocks adjacent the R445 and along the proposed link road to the south of the site. In particular the proximity of bin storage serving the L-shaped apartment block and its proximity to

no. 85-87 Ballymany Manor was highlighted as a concern. I would note that the bin storage for these apartments is located well away from the boundary with adjoining housing development and there are no instances where I would consider that such is provided in too close proximity to existing development.

11.6. **Noise Impact:**

11.6.1 The impact of inward noise from the M7 is identified as a matter of concern in the Chief Executives report as well as one of reasons that this report recommends refusal of the proposed development. The basis for refusal is exceedance of noise threshold level specified by the Kildare County Council Third Noise Action Plan 2019-2023 from the M7 motorway and such being injurious to the residential amenities of future occupiers. The issue of impact of noise levels is brought up in the third party submissions in terms residential amenity of future occupants. The Noise Action Plan requires a noise impact assessment for developments within 150m of a rail corridor or adjacent to major roads. The application is accompanied by an Inward Noise Assessment (June 2021) and a report entitled review of Benefits of Traffic Noise Barrier and other issues at Ballymany (April 18). The Inward Noise Assessment uses the Professional Guidance & Noise (ProPG) document to evaluate noise impact, which is the method espoused in the Noise Action Plan.

11.6.2 The Noise Action Plan specifies design goals in relation to external noise including locations exposed to significant levels, 70dB(A) Lden and 57dB(A)Lnight that it is appropriate to have target noise levels within noise sensitive rooms such as living rooms and bedrooms (BS 8233 Guidance on Sound Insulation and Noise, 2014). The noise report provides detail of baseline conditions using TII noise mapping for M7 and noise monitoring survey at three locations on site. This information was used to model baseline noise maps for different elevations from the ground (1.5, 4.0 and 6.5m). The baseline maps shows the overall site within the 70dB Lden contour at ground and first floor level with the majority of the site being within such at second floor level. The overall site is within the 57 dB Lnight contour at ground level with the majority of the site within such at first and second floor level.

11.6.3 The report identifies the relevant standards for external amenity spaces (not above the range of 50-55 dB LAeq16hr) and internal noise criteria for living (35 dB LAeq16hr, daytime), dining (40 dB LAeq16hr, daytime) and bedrooms (35 dB LAeq16hr, daytime and 30 dB LAeq8hr/45 dB LAmax, T*, night time). In relation to open windows a good standard is classified as 50-55 dB LAeq16hr, daytime and 45 dB LAeq8hr, night time while a reasonable standard is classified as 50-65 dB LAeq16hr, daytime and 50 dB LAeq8hr. These standards are based on ProPG guidance. In relation to the proposed development it is stated that at all facades without direct line of sight of the M7 can achieve good or reasonable internal noise level with the windows open during daytime and night time periods. In the case of facades where it is not possible to achieve these standards appropriate acoustic specifications to windows and passive vents to ensure appropriate noise level and internal ventilation. The report include noise mapping for the site development daytime and night time at ground, first and second floor levels. The report includes detail of specification of glazing, wall construction and ventilation to ensure achievement of internal noise levels as per BS 8233 Guidance on Sound Insulation and Noise, 2014, predicted external noise level for all amenity spaces is also within the recommended level of 55 dB LAeq. The report also includes additional modelling to account for the impact of the link road running along the southern edge of the development. The overall results of the assessment are that the noise levels for the vast majority of facades across the development fall at 70 dB Lden and 57 dB or below with a limited number of facades along the southern edge falling 1-2 dB in excess of the threshold at first and second floor level. The review of Benefits of Traffic Noise Barrier indicates that noise barriers would do little to mitigate noise with a reduction in noise of c. 1dB which is limited.

11.6.4 Based on the assessment received, the majority of the site meets the standard set out under the Noise Action Plan with some exceedance of the standards along the southern edge of the development. In the case of the properties at the southern edge, all the units are either dual or triple aspect with glazing on facades serving living spaces that are not directly facing the M7. I am satisfied that subject to adequate provision of high quality acoustic glazing and ventilation to achieve the internal acoustic standards specified above, the proposal is satisfactory in the

context of inward noise level. If the Board are minded to grant permission I would suggest that it might be appropriate to condition that the glazing specification is agreed in writing with the PA prior to commencement of development.

11.7 Traffic and Transportation:

11.7.1 The proposal entails the provision of a new vehicular entrance off the R445 to the north west of the site and the provision of a link road running along the southern edge of the development. The Newbridge LAP contains an objective to provide a road through this site which is outlined as follows: SRO5 (b) - link road from L7042 Green Road (c) to the L7037 Standhouse Road including new junction with the R445 Ballymany Road (d). The applicant is providing only part of the link road that coincides within their land ownership with the remaining section undeveloped. It is proposed to provide two junctions off the link road accessing the development. The Chief Executives report outlines concerns regarding the proposal for partial section of the link road and the provision of two junctions with the desired option being a provision of a link road on the entire extent of the applicants land ownership and the provision of three junctions. The CE report also outlines concern about potential overspill of car parking onto the proposed link road due to deficiencies in the amount of parking provided based on development plan requirements. The CE report also raises concern regarding the failure to provide a signalised junction onto the R445, the deficiency in car parking based on Development Standards and the layout and location of parking relative to the units it serves. The third party submissions raise issues concerning traffic safety in relation the proposal for traffic movements off the R445 as well as concerns in relation overspill of car parking due to deficiencies in parking provision.

11.7.2 The previous proposal on site had included provision of the link road for the entire extent of the applicant's ownership with the current proposal providing approximately half the length of the link road and a reservation for the remainder. In the applicant's statement of response to the ABP opinion it is stated that the level of link road necessary to facilitate the development is provided and such is consistent with a development permitted under ABP302142-18 (Athgarvan Road) with the remaining area of the site required to facilitate construction of the road as per the

Objective SRO5 reserved. It is stated that extension of this road into the Local Authority lands to the east is the remit of the Local Authority and will be facilitated by the applicant. There appears to be disagreement regarding the extent of the link road that applicants are willing to provide within lands in their ownership despite previous proposals to provide the full extent (the previous proposal entailed more individual access to units from the link road). The applicants note that Transport Assessment Report, preliminary Mobility Management Plan, DMURS Statement of Consistency and a Stage 1 Road Safety Audit have been submitted. It is stated that the layout of the link road, internal service road, car parking layout and level, cycle infrastructure is compliant with the recommendations of DMURS.

11.7.3 The proposal entails provision of a new priority junction onto the R445 with a new right hand turning lane on the R445. The Transport Assessment Report (TRA) includes details of trip generation, assignment and distribution, and an assessment of junction capacity with such operating within capacity for the opening year (2024) and design year (2039). The TRA also includes an assessment of junction capacity with provision of a four armed signalised junction (serving the application site and the site to the northwest, subject to application ref no. ABP-310912 and subject to permission granted under PL09.249038) with such operating within capacity for the opening year (2024) and design year (2039). The third party submissions raise concerns in relation to impact of traffic along the R445. The proposed development is on zoned and serviced lands with the proposed vehicular access location within the 50kph speed limit zone. The alignment of the public road and sightlines are of good standard. I am satisfied based on the information submitted as part of the TRA that the local road network has sufficient capacity to cater for the proposed development and that junction capacity will be sufficient to cater for the traffic generated and turning movements proposed.

11.7.4 The CE report indicates the desire for a 4-armed signalised junction onto the R445 which would also serve an access point on the opposite side of the R445 that allows continuation of the link road part of Objective SRO5 to the Standhouse Road. There is a current proposal on a site to the northwest (ABP-310912-21). This proposal is not directly opposite and is located further north along the R445 with its layout

facilitating connection to a section of link road on lands to the south west and onto the R445 opposite the application site. ABP-310912-21 does not have detailed proposal for the signalised junction with the entrance to such located further north along the R445 and the lands on opposite side of the road to the application site being assessed not part of the site associated with ABP-310912-21. The site on the opposite side of the road is an undeveloped site with an existing entrance and there is a set of traffic lights (appear to be defunct) on each side of the road.

11.7.5 The TRA includes and assessment of the proposed junction with the R445 in isolation and in the context of it being part of a 4 armed signalised junction. No firm design for such has been provided with an indicative outline layout provided in the TRA and it is not clear how this piece of infrastructure is to be provided with no concrete proposal for its continuation immediately opposite the application site. What is proposed is a priority junction and given there is no proposals for any development on the opposite side of the road, this is satisfactory and sufficient to cater for the proposed development. The proposal does entail the provision of a right hand turning lane on the R445. I would recommend a condition requiring the applicant to agree the final design details for the priority junction onto the R445 as well a requirement to liaise with the Local Authority on the provision of the right hand turning lane on the R445 prior to the commencement of development.

11.7.6 The function and provision of the link road serving the site is an issue. In relation to provision, the applicants' note that the level of such provided is sufficient to serve the development proposed whereas the Local Authority request that the entire extent of the road be provided. I would note that the level of provision is sufficient to cater for the proposed development. The link road is necessary to provide access to other lands to the east under the Local Authority's ownership and link the Green Road to the Standhouse Road to the west of the town SRO5 (b) - link road from L7042 Green Road (c) to the L7037 Standhouse Road including new junction with the R445 Ballymany Road (d). In my view that applicant is providing sufficient amount of the road to service the development proposed and the question does arise whether the burden of providing the full extent of road infrastructure to serve

an adjoining site does fall on the applicant. The applicant has noted that they are reserving the land needed for the remainder of the link road and will facilitate provision of such. The layout of the proposal has been designed to provide a third access and junction off such when it is provided in the future. The Local Authority raise concerns about the disruption construction of the remaining section would have on existing dwellings. I would consider that a sufficient level of the link road is proposed to facilitate the development being sought in this case and that the development as proposed is providing infrastructure in accordance with the Objective SRO5 and the level of provision would not compromise the provision an extended section into the lands to the east of the site. If the Board considers that insufficient extent of the link road is provided to serve the proposed development then it is possible that refusal is justified, I would however consider that a sufficient level of road infrastructure is being provided to serve the development proposed.

11.7.7 The design of the link road and its function is major issues. The current proposal has been designed as a distributor road with limited level of access off such with two access points/junctions and a possible third if the road is extended further east. The previous proposal on site entailed provision of more access points off the road and was indicated as a reason for refusal (not recommended by the Inspectors report) under ABP-302922). The design proposed appear to be more in keeping with the Local Authority's desire for a distributor road. The applicants have indicated that the design of the road is in keeping with DMURS. As stated earlier the design and function of the road as a link street is consistent with DMURS recommendations.

11.7.8 The Planning Authority's Transport Department has raised concern regarding the car parking proposed which it considers to be insufficient in number. I note that the applicant identifies a shortfall when compared to parking standards in the Development Plan and has submitted a Material Contravention Statement which includes reference to this matter. I consider matters of material contravention in section 11.8. The table below outlines the parking provision relative to required level under Development Plan policy.

Type	Ratio	Proposed	Required
Creche	0.5 per staff + 1 per 4 children	13	15 (my estimate based on 54 children and 3 staff).
Houses	2 per unit	183	196
Apartments	1.5 per unit	106	159
Visitor Parking	0.25 per apartment unit	31	26.5
Total		333	396.5

11.7.8 There is a shortfall of 63.5 car parking spaces when comparing the proposed development with parking standards in the Development Plan. In relation to the proposed crèche, it is provided well into the scheme with question regarding its location in terms of catering for users outside of the development. In relation to location I would note that it is reasonable to expect that the crèche will be used by a high level of occupants of the scheme itself and would not generate traffic for such users. The parking associated with crèche would also be available to use outside of crèche operating hours.

11.7.9 All houses in the proposed development have at least one car parking space, with the vast majority having 2 spaces. While the proportion of spaces for the duplex and apartment units, proposed does not reflect Development Management Standards in the County Plan, the approach is in keeping with the Apartment Guidelines which advises that car parking should be reduced in appropriate locations such urban/suburban location served by public transport in close proximity to town centres. As set out in section 11.3.2, the subject site is a reasonable walking distance to both the town centre and bus stops. The Apartment Guidelines also note “as a benchmark guideline for apartments in relatively peripheral or less accessible

urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required". The current proposal would exceed this standard. I do not consider the shortfall in car parking spaces for the proposed development to be significant, and I'm satisfied that adequate spaces are provided to serve the needs of the development, particularly in light of the proximity to the town centre and availability of public transport. I am of the view that this element of the proposal is not a material contravention of Development Plan policy and such is to be discussed in more detail in the following section.

11.8 Material Contravention:

11.8.1 Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that subject to paragraph (b), the Board may decide to grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.

11.8.2 Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

11.8.3 The applicant has submitted a Statement of Material Contravention with the application identifying a number of potential areas that may be considered material contraventions of the Development Plan. The public notices make reference to a

statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b) of the Act. I set out my assessment of the application in relation to this below.

11.8.4 The proposed development is identified by the applicant as materially contravening the following objectives in the Kildare County Development Plan 2013-2019 and Newbridge Local Area Plan (extended to 2021):

- i) Apartment / Duplex Units: The Newbridge Local Area Plan has a specific policy to restrict apartment development generally to town centre locations or suitably located sites adjoining public transport connections, and it is noted that duplex units shall not generally be permitted. The proposal includes both apartment and duplex units on a site defined as an outer suburban / greenfield location.
- ii) Parking: The Development Plan provides a car parking standard of 2 no. spaces for each house unit, 1.5 spaces per apartment and 1 visitor space per 4 apartments. The proposed development does not conform, to this standard with a shortfall in the number of spaces (outlined above under Section 10.6.7).

11.8.5 In relation to the provision of apartments and duplexes on the site, I note that policy HL 6 of LAP states the following:

To restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. Duplex units shall not generally be permitted.

11.8.6 Of the 204 units proposed there are 106 no. apartments and duplexes. I do not agree with the applicant that this represents a material contravention of the plan. In my view this policy seeks to restrict apartment developments *generally* to town centre locations or suitably located sites adjoining public transport connections (my emphasis). This implies that there are situations where apartments outside of these

locations are appropriate, and I have outlined in section 10.2 and 10.3 of my report why I consider the site to be appropriate for the proposed apartment and duplex units proposed. I am of the view that, given the qualified wording of the policy, the proposal here does not materially contravene same.

11.8.7 There is no over concentration of apartment units in the general locality, with the surrounding developments predominantly consisting of 1 and 2 storey housing. I am of the view that that the proposal is acceptable in terms of the height and design proposed and will create an attractive and sustainable living environment, as described in section 11.4 above. In relation to the duplex units proposed, policy HL 6 states that duplex units shall not *generally* be permitted (my emphasis), but I am of the view that the policy is worded so as to allow them in some instances, and I have set out in detail in sections 11.4 of this report above, why the characteristics of the site support the proposed apartment and duplex units within the development and with acceptable design and quality standards proposed. Given the qualified wording in the policy, I am not of the view that the proposal materially contravenes same.

11.8.8 Similarly, in relation to car parking, the County Development Plan describes standards for car parking in table 7.9, with a minimum of 2 spaces per housing unit and 1.5 spaces per apartment, with 1 visitor space for every 4 apartments. The proposed development does not conform with this standard, with less car parking spaces included than would be generated in accordance with the minimum quanta identified. The applicant therefore concludes that a material contravention of the plan arises. In my opinion, the aforementioned standards do not amount to a policy or objective under the plan and I do not agree that a material contravention arises. The standards described in section 17 of the County Development Plan are intended to guide the form that development takes, but there is recognition of flexibility in the application of standards to specific development proposals. In this sense, I note section 17.1 of the development plan which states:

There is an obligation on the Council to ensure that permissions granted under the Planning Acts are consistent with the policies and objectives set out in this Plan. This chapter focuses on the general planning standards and design criteria that will be

applied by the council to ensure that future development is in accordance with these policies and objectives. There is provision for a degree of flexibility of approach in particular circumstances. This applies where proposed development is otherwise consistent with proper planning and sustainable development and the preservation and improvement of amenities.

11.8.9 I am of the view that the development is consistent with the proper planning and sustainable development and the preservation and improvement of amenities, and provides for a development of sufficient standard and quality with such outlined under Section 11.4. It is my view that where a proposed development does not comply with the Development Management Standards described in section 17 of the County Plan, this does not amount to a material contravention of the plan. In summary, I consider no material contravention issues arises with respect to this application. I would refer to the Chief Executives report and note that although concern was expressed regarding issues such as a shortfall in parking these elements were not identified as being a material contravention of the County Development Plan by the Local Authority and the issue of provision of duplex apartments was not a recommended refusal reason.

11.9 Infrastructure/Surface Water:

11.9.1 The details of foul water drainage, surface water drainage/attenuation and water supply are outlined in the Site Services report by prepared by Donnelly Troy and Associates. Foul drainage discharges to an existing pumping station to the south west (owned by Horse Racing Ireland) and is to be upgraded as part of the proposal, this then discharges to the foul sewer along the R445. Surface water drainage and attenuation is provided including four soakaway locations and an attenuation pond with incorporating of SuDS measures including permeable paving, soakaways, surface water attenuation, rainwater harvesting, retention pond and tree planting. Water supply is to be from an existing 150mm watermain along the R445.

11.9.2 The previous proposal on site under ref no. ABP-302922-18 was refused on the basis that the Board were not satisfied that surface water proposals were sufficiently

detailed or incorporated satisfactory SuDS measures to facilitate a comprehensive examination of the storm water proposals for the proposed development. It was also considered that the flood risk report submitted was not sufficiently comprehensive or complied within the requirements of the Flood Risk Guidelines entitled 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').

11.9.3 Irish Water submission acknowledges that the applicant has been issued confirmation of feasibility for connection(s) to the Irish Water network subject to evidence of consent to connect to third party infrastructure and evidence of capacity and condition of such. Irish water recommend attachment of a number of conditions in respect of water supply. The CE report does not include a detailed Water Services report, which does not appear to been available at the time submission. The CE report does refer to recommended amendments in the event of a grant of permission including a redesign of attenuation, however there are no specific details in regard to such.

11.9.4 The surface water management strategy for the site is set out in section 4 of the Site Services Report prepared by Donnelly Troy and Associates and provides that it is proposed to use a SuDS approach to stormwater management. The surface water management strategy includes the provision to four soakaways within the site in the housing portion of the development. Test results indicate that three of the four zones have reasonable soakage with the one that does not to include a proposal for underground attenuation. The link is road to be drained to an attenuation pond with a flow control to limit discharge to a drainage ditch to the south. The proposal does entail SuDs measures incorporated (listed above). The applicants indicate that extensive on site testing has been carried out to determine the groundwater characteristics of the site and groundwater will not be impacted by the proposed surface water drainage scheme and that it is also proposed to use oil interceptors to prevent pollution. It is also stated that attenuation volumes have been calculated to cater for a 1 in 100 year storm event plus a 20% figure to cater for climate change. A flood risk assessment was submitted and such identifies the site as being in Flood Zone C with the site determined not to be impacted in terms of flood risk or

exacerbate flood risk elsewhere. The detailed assessment of flood risk is contained in the following chapter of this report.

11.9.5 As noted above, no detailed Water Services report was available at the time of submission of the CE report. The applicants' documents indicate that they got a copy of a detailed report from Kildare County Council Water Services after the pre-application consultation meeting and have provided a response to the issues raised in this report with the application. The report includes a response to a number of points. Based on this report, it would appear that majority of the issues relate specific design and issues and a number of elements that could be dealt with by way of a condition requiring that drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services. I would refer to the fact that the Chief Executives report although outlining potential amendments to the attenuation design, did not recommend refusal on this issue. I am satisfied that on the balance of information submitted that there has been adequate site investigations to determine the drainage/groundwater characteristics of the site and that the proposal does incorporate SuDs measures. I would consider that subject to an appropriate condition requiring compliance with planning authority's requirements and consultation on such prior to the commencement of development, the proposed development would be satisfactory in the context of drainage infrastructure.

11.10 Flood Risk:

11.10.1 The applicant has submitted a Site-Specific Flood Risk Assessment as part of the application. The report outlines the drainage characteristics of the site including identifying a stream located to the south of the site to which the intention is to discharge to (from the attenuation pond) at the current greenfield rate. The report identifies the most significant hydrological feature relative to the site being the River Liffey, which is deemed to be a significant distance away with no CFRAM map relative to such stretching to the site. Based on site investigations it is determined the groundwater levels below are such that they will not impact on surface water/attenuation.

11.10.2 The report identifies that there are no historical incidences of flooding impacting the site (OPW flood maps). The report outlines that the site is not impacted by fluvial flooding with the stream located at a much lower elevation than the site and the proposed level of discharge to such being at greenfield rates due to surface water management. In relation to pluvial flooding it is noted that the surface water management is designed to cater for storm events. The report identifies there is no risk of groundwater flooding with adequate investigation of the drainage and groundwater characteristics of the site. The report concludes that as the site is located within Flood Zone C that a justification test as specified under the Flood Risk Management Guidelines for Planning Authorities is not required.

11.10.3 The previous proposal on site was refused partly due to a consideration that the flood risk report submitted was not sufficiently comprehensive or complied within the requirements of the Flood Risk Guidelines entitled 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). I am satisfied on basis of the documentation submitted with the application including the site services report and site investigation report, that the applicants' have provided an accurate assessment of the drainage characteristics of the site. I satisfied on the basis of information on file that the site is within Flood Zone C and that a justification test is not required for the proposed development as per The Planning System and Flood Risk Management guidelines. On this basis the proposed development would not be at risk of flooding and would not exacerbate flood risk elsewhere.

11.11 **Ecological Impact/tree removal:**

11.11.1. There are a number of existing trees on site. The observers state that the LAP protects the mature lime trees that front the site (Policy NH3) onto the R445 with the removal of such identified in the Chief Executives report as being undesirable and it is suggested that existing trees be retained and incorporated into the scheme. The Boards opinion on the pre-application also recommended that the applicant provide for retention of existing trees where feasible. The application was accompanied by Arborist's report identifying existing trees on site, classifying such by/quality/value.

Category U (32 on site, existing value lost in 10 years due to condition), Category A (5 on site, trees of high quality/value), Category B (26 on site) trees of moderate quality/value) and Category C (30 trees + 6 hedges + 2 tree line on site, trees of low quality/value). These trees are colour-coded and identified on a number of drawings submitted. The proposal entails the removal of all vegetation with the exception of Tree no.s 1, 0597, 0580 & 0586-0589 and Hedge no. 6B to facilitate the proposed development. This includes one of 4 no. trees along the R445 frontage, and trees and a hedgerow along the eastern boundary. The report includes details of tree protection measures to protect such during construction as well noting that comprehensive landscaping scheme including new planting is proposed.

11.11.2 I would consider that the retention and incorporation of mature trees and vegetation of high quality and value is desirable, however such must be balanced with the objective to achieve efficient use of zoned and serviced lands. In relation to policy NH3 of the LAP, such relates to 4 no. lime trees along the R445, which are the highest value trees identified on site (Category A). It is proposed to retain one of these trees. In addition to policy NH3, it is an objective of the LAP under SRO5 for a link road from L7042 Green Road to the L7037 Standhouse Road including new junction with the R445 Ballymany Road. This requires a new vehicular entrance/junction onto the R445 and the provision of footpaths along the road frontage of the site. I would consider that removal of trees along the road frontage is unavoidable to facilitate road infrastructure necessary to facilitate the proposed development and the roads objective at this location and the removal of such would be in the interest of traffic safety. In relation the remainder of the site the removal of existing trees and vegetation is necessary to facilitate the efficient development of the site, which is zoned for such development. I am satisfied that the proposal does include for retention of some trees and vegetation on site and measures to ensure their protection during construction. Subject to an appropriate condition requiring implementation of tree protection measures, the proposal is satisfactory in this regard.

11.11.3 The application site is currently agricultural grassland with the remnants of a farmhouse and farm buildings on site. In terms of natural heritage designations, the

application site is not designated as an area of any special conservation interest in terms of flora and fauna. The application are agricultural lands and at the time of the site visit were being grazed by cattle and sheep. The third party submission raises concern about the potential impact on bat species on site. A Bat Survey report (carried out by Faith Wilson, Ecological Consultant) was submitted with application. The report states that no roosts were confirmed in any of the derelict buildings on site and did not confirm any roosts in any of the trees scheduled for removal but potential roosts were identified. The main areas for potential bat roosting is in the mature trees along the existing laneway and around the old farmhouse and farm buildings. These trees are identified as being of high value for in terms of providing a habitat for bats and other fauna.

11.11.4 The report includes mitigation including the creation of a dedicated bat roosting area within the refurbished cottage and stable buildings to be used as a crèche with non-illuminated access points in the structures. Mitigation measures during construction include re-survey buildings prior to construction and carrying out of works in response, resurveying of trees prior to removal and tree felling carried out in October/November when bat numbers are lower in trees, protection measures for trees and vegetation to be retained, landscaping proposals, green roof on the crèche and the attenuation pond has potential to accommodate wildlife, provision of artificial nest boxes, provision of wildlife friendly lighting scheme and employment of a bat specialist to oversee measures during construction.

11.11.5 The application site is zoned for residential development and the provision of such development is going to impact existing habitat for bats. I am satisfied that subject to implementation of the mitigation measures that the adequate provision is made for consideration for existing bat species during the construction phase and to facilitate the site as a habitat for bat species post construction. I recommend a condition requiring all mitigation measures identified to be carried out. Notwithstanding such a derogation licence from the NPWS would be required in any proposals impacting bats species.

11.12 Archaeology/Architectural Heritage

11.12.1 There are a number existing structures on site including a two-storey farmhouse, single-storey cottage and a number of outbuildings. The structures in question are derelict and in poor condition. It is notable that since the previous application on site there are proposals to retain two of the existing structures (single-storey cottage and single-storey stable block) with renovation and conversion to a crèche. I would consider this is a positive relevant of the proposal. A submission from the Department of Housing, Local Government and Heritage outlines recommendations including assessment and potential retention/re-use of the structures, recording of the structures or re-use of materials as well archaeological monitoring. The structures in question are vernacular structures that are not protected structures or on the National Inventory of Architectural heritage. The structures in question are in a very poor condition. I am satisfied that the proposal does entail the retention and reuse of some of structure in question, which is a positive factor and would note that an archaeological impact assessment report assesses the vernacular farm buildings on site which it concludes are of no architectural or historic significance and were not on the 1st edition OS map c.1838. In the absence of any historical or architectural significance or merit I consider that it is reasonable to facilitate their demolition particularly if it facilitates the provision of a high quality residential development of sustainable density. In relation to archaeology I would consider an appropriate condition requiring archaeological monitoring is sufficient.

11.13 Chief Executive's Recommendation

11.13.1 The CE report recommends refusal based on three reasons, which are outlined above under Section 9. 1. In relation noise impact from the M7, I am satisfied that the inward noise assessment submitted by the applicant demonstrates that noise levels within the majority of the proposed development would be satisfactory in the context of the Council's Noise Action Plan and that adequate mitigation measures are possible to deal with areas along the southern fringe of the development where noise levels would be highest. Subject to such mitigation measures the proposal would be satisfactory in the context of residential amenity of future residents.

11.13.2 It is acknowledged that there is shortfall in the level of car parking provides over that specified under Development Plan policy. I would be satisfied that having regard to the location of the site and the availability of alternative modes of transport and having regard to the recommendation of the Apartment guidelines, the level of parking proposed is sufficient to cater for the proposed development. I am satisfied subject to some minor amendment by way of condition that the roads and traffic layout is satisfactory in context of facilitating the turning movement likely to be generated without the threat of a traffic hazard and is compliant with the recommendations of DMURS.

11.13.3 I am of the view that the overall design and layout is of sufficient quality in terms of the configuration and distribution of public open space and that the provision of such provides sufficient quality in terms of residential amenity urban design. I am also of the view that the level of trees and vegetation loss proposed is reasonable to allow for the efficient use of zoned and serviced lands and loss of trees along the road frontage is unavoidable to facilitate access and road objectives contained in the Local Area Plan.

11.14 Environmental Impact Assessment-Screening:

11.14.1 The site is a greenfield site (existing dwelling and outbuildings) zoned primarily C1-New Residential with a portion of the site zoned I-Agricultural. The proposed development relates to the demolition of the existing structures and construction of 204 dwelling units including 98 no. houses and 106 no. duplexes/apartments a crèche and associated site works.

11.14.2 The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares.

11.14.3 The proposal for 204 no. residential units on a site of 6.76 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening and subsequent Stage 2 Appropriate Assessment set out in Section 11.14 concludes that the potential for adverse impacts on Natura 2000 site can be ruled out.

11.14.4 The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Architectural and Urban Design Statement
- Site Services Report
- Ecological Impact Assessment
- Transport Assessment Report
- Inward Noise Assessment

- Daylight, Sunlight and Overshadowing Report
- Outline Construction Management Plan

11.14.5 Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account I would note that the following assessments / reports have been submitted.

- Appropriate Assessment Screening and Natura Impact Statement has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) and also addresses requirements arising from the Water Framework Directive (and River Basin Management Plans) and the Urban Wastewater Treatment Directive.
- The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- A Preliminary Construction and Environmental Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive.
- The SEA carried out for the Kildare County Development Plan 2017-2023, which zones the development site for development including residential.

11.14.6 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I have taken account of all relevant I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

11.14.7 I have completed an EIA screening assessment as set out in Appendix A of this report. 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 Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.15 Appropriate Assessment:

11.15.1 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. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement and associated documents.
- Appropriate Assessment of implications of the proposed development on the integrity each European site.

Compliance with Article 6(3) of the Habitats Directive

11.15.2 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).

11.15.3 The applicant has submitted a Natura Impact Statement (NIS) including screening report for Appropriate Assessment as part of the planning application. It has been prepared by Roger Goodwill & Associates (June 2021). The Stage 1 AA Screening Report provides a description of the proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. The AA screening report concludes that acting on a strictly precautionary basis, an NIS is required in respect of the effects of the project on the Pollardstown Fen SAC (000396) only.

11.15.4 Having reviewed the documents and submissions, I am satisfied that the 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.

Screening for Appropriate Assessment - Test of likely significant effects

11.15.5 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 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.

Brief Description of the Development

11.15.6 The applicant provides a description of the project in Section 2.1 of the NIS report. It is noted that the subject site comprises 6.76ha the southwestern edge of Newbridge and consists of a development of 204 dwelling units (106 apartments and 98 dwellings). It is located c. 1.4km from Pollardstown Fen SAC.

Submission and Observations

11.15.7 The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 7, 9 and 10 of this report. None of the submissions raise concerns regarding effects on European Sites and the recommended reasons for refusal in the Chief Executive's report does not include any appropriate assessment issues.

11.15.8 In my opinion, having regard to the information submitted in the applicants Screening Statement for Appropriate Assessment and the Natural Impact Assessment, sufficient information has been submitted to allow for a full assessment of the impact of the proposed development on designated sites and to allow for a reasoned determination to be issued, which is outlined below.

European Sites

11.15.9 The development site is not located in a European site. While the proposed development site is not located immediately adjacent to a European site, it is c. 1.4km from Pollardstown Fen SAC. A summary of European Sites that occur within a possible zone of influence (15km) of the proposed development is presented in the table below.

Site Name & Code	Approx. distance from site
Pollardstown Fen SAC (site code 000396)	c.1.4km to the NW of the site
Mouds Bog cSAC (site code 002331)	c.4.5km to the N
River Nore and River Barrow SAC (site code 002162)	c.10.7km to the SW
Ballynafagh Lake SAC (site code 001387)	c.11.9 km to the N

Ballynafagh Bog SAC (site code 000391)	c.13.6km to the north
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11.15.10 The applicant's Screening Assessment lists the Identification and Assessment of Likely Significant Effects on Natura 2000 Sites within the Precautionary Zone of Influence of the Proposed Development (15km). The features of the proposed development that have the potential to directly or indirectly impact on the qualifying interests and/or conservation objectives located within the precautionary zone of influence are detailed. Each site is outlined below and a summary of the findings of the Screening Report with respect to the sites and the features of the development that have potential for likely significant effect and for which I concur with.

Pollardstown Fen SAC (site code 000396)

The site synopsis for this site states that the site is situated on the northern margin of the Curragh approximately 1.4km west-north-west of Newbridge lying in a shallow depression. About 40 springs provide a continue supply of water to the fen with the continual inflow of calcium-rich water from the Curragh and from limestone ground creating waterlogged conditions leading to peat formation. Owing to its rarity and the number of rare organisms found there the site is of international importance.

The site is a Special Area of Conservation (SAC) and is listed for the following qualifying interests two of which are priority (*):

- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210]*
- Petrifying springs with tufa formation (*Cratoneurion*) [7220]*
- Alkaline fens [7230]
- *Vertigo geyeri* (Geyer's Whorl Snail) [1013]
- *Vertigo angustior* (Narrow-mouthed Whorl Snail) [1014]
- *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016] The generic conservation objectives for this site seek 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.

Hydrogeological connection between the appeal site and Pollardstwon with potential for pollution of groundwater and significant effects on habitats and species identified as qualifying interests.

Mouds Bog cSAC (site code 002331)

Mouds Bog is located c.4.5km to the north of the site and is a raised bog with the following qualifying interests:

- Active raised bogs [7110]
- Degraded raised bogs still capable of natural regeneration [7120]
- Depressions on peat substrates of the Rhynchosporion [7150]

There is no hydrological, hydrogeological or ecological link to the subject site.

River Nore and River Barrow SAC (site code 002162)

River Nore and River Barrow is located c.10.7km to the southwest of the site with the following qualifying interests:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Reefs [1170]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glaucopuccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- European dry heaths [4030]
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- Petrifying springs with tufa formation (*Cratoneurion*) [7220]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

- *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaiite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Trichomanes speciosum* (Killarney Fern) [1421]
- *Margaritifera durrovensis* (Nore Pearl Mussel) [1990]

I note the reference in the NIS report which states that the Barrow system in the form of the Boherbaun/Finnery River, could theoretically be influenced by development at Newbridge since there could be a groundwater connection through the Curragh gravels, however work by Misstear et al (2009) shows the subject site is well within the Pollardstown catchment and groundwater flow is most unlikely to go south-west to the Tully Stream or sough to the Boherbaun/Finnery River. Any potential impact on this SAC is discounted on this basis and I consider that this is a reasonable conclusion to reach.

Ballynafagh Lake SAC (site code 001387)

Ballynafagh Lake SAC is located c.11.9 km to the north of the site with the following qualifying interests:

- Alkaline fens [7230]
- *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016]
- *Euphydryas aurinia* (Marsh Fritillary) [1065]

There is no hydrological, hydrogeological or ecological link to the subject site.

Ballynafagh Bog SAC (site code 000391)

Ballynafagh Bog is located c.13.6 km to the north of the site with the following qualifying interests:

- Active raised bogs [7110]
- Degraded raised bogs still capable of natural regeneration [7120]
- Depressions on peat substrates of the Rhynchosporion [7150]

There is no hydrological, hydrogeological or ecological link to the subject site.

11.15.11 As outlined above, it is considered that 4 no. designated sites can be screened out from further assessment. Mouds Bog cSAC (site code 002331), River Nore and River Barrow SAC (site code 002162), Ballynafagh Lake SAC (site code 001387), Ballynafagh Bog SAC (site code 000391) due to the nature of qualifying interests, their proximity to the site and lack of hydrological and hydrogeological links between the project and the designated sites.

11.15.12 It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase. The habitats and species of these 4 no. Natura 2000 sites at Mouds Bog cSAC, River Nore and River Barrow SAC, Ballynafagh Lake SAC, Ballynafagh Bog SAC are between 4.5km and 13.6km from the subject site. During the construction phase, standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run off can be excluded given the distance and lack of hydrological or hydrogeological connection and the nature and scale of the development.

11.15.13 It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Mouds Bog cSAC (site code 002331), River Nore and River

Barrow SAC (site code 002162), Ballynafagh Lake SAC (site code 001387), Ballynafagh Bog SAC (site code 000391). I am satisfied, and concur with the applicant, that there is no potential for likely significant effects on these 4 no. designated sites and they can, therefore, be screened out from further assessment.

11.15.14 I concur with the AA Screening Report that further assessment is required for Pollardstown Fen SAC (site code 000396). It is considered that the proposed development could result in likely significant effects in relation to: -

- The possibility of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase and operational from the proposed development site to the SAC through groundwater due to hydrogeological connections between the designated site and the appeal site with subsequent damage to the conservation status of habitats/species and dependent on good groundwater quality.

Screening Determination

11.15.15 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites, Pollardstown Fen SAC (site code 000396), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Mouds Bog cSAC (002331),
- River Nore and River Barrow SAC (002162),
- Ballynafagh Lake SAC (001387),
- Ballynafagh Bog SAC (000391).

Natura Impact Statement

11.15.16 The application included an NIS which examines and assesses the potential adverse effects of the proposed development on Pollardstown Fen SAC (000396). It was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed. The NIS evaluates the potential for direct, indirect effects along or in combination with other plans and projects having taken into account the use of mitigation measures. A summary of the Pollardstown Fen SAC (000396) is provided in the NIS, which includes its qualifying interests and conservation objectives.

Appropriate Assessment of implications of the proposed development

11.15.17 The following is a summary of the detailed scientific assessment of the implications of the project on the qualifying interest features of Pollardstown Fen SAC (000396). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

11.15.18 I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents available through the NPWS website (www.npws.ie). As noted above the main aspects of the proposed development that could affect European sites include:

- The possibility of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase and operational from the proposed development site to Pollardstown SAC through groundwater due to hydrogeological connections between the designated site and the appeal site with subsequent damage to the conservation status of habitats/species and dependent on good groundwater quality.

Pollardstown Fen SAC (site code 000396)

11.15.19 The NIS (Section 2.3) provides a detailed description of the Pollardstown Fen SAC. The proposed development site is wholly located outside of a European site and is located c. 1.4km from such. The site has hydrogeological links to with the application site and the proposal is for surface water drainage to be discharged to ground at each end of the site and attenuation in the centre. Surface water from the greater part of the site flows southeast to the Liffey and only the northern portion of the site contributes to flows to Pollardstown and is an extremely small part of the Pollardstown catchment. The conservation objectives for the qualifying interests of the SPA are noted in the table below.

Qualifying interest	Conservation Objective
<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]*</p> <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [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>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>

Surface Watre/Hydrogeological Link

11.15.20 The subject site has a hydrogeological link to the SAC with part of the site within the drainage catchment of the Pollardstown SAC and potential for surface water run off associated with the construction stage and operational phase could potentially enter the SAC. Therefore, there is potential for indirect effects on surface water quality during site preparation and earthworks, including potentially contaminating material such as oils, fuels, lubricants, other construction related solutions and cement based products would be used on site during the construction phase and the accidental emission of such a material would have the potential to undermine water quality within the SAC. During the operational phase there is potential for contaminated surface water run-off from fuel leaks or accidental spills to potentially undermine water quality. Any uncontrolled release of contaminated surface water to the SAC would likely be rapidly diluted and distributed. Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the designated site.

11.15.21. The NIS (Section 2.5 and 2.6) recommends a number of control mitigation measures, to protect the environment from pollutants. These include temporary drainage and sediment control measures, including silt fences and the correct storage, use and maintenance of all equipment, materials and chemicals and daily monitoring of works. Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks. Operational mitigation measures have also been included in the NIS (2.6) including control measures to limit surface water discharge to greenfield run-off rate, flow control device (hydrobrake), SUDS measures and use of by-pass separator to remove pollutants prior to discharge of surface water. The provision of these features would ensure that surface water emitted from the project would be adequately treated and would eliminate any risk of polluted surface water being discharged during the operational phase.

11.15.22. The submitted preliminary Construction and Environmental Management Plan also address all potentially polluting activities and includes mitigation measures for critical elements such as storage and handling of harmful materials. Having regard to the measures outlined as well as the application of best practice construction methods, I am satisfied that direct or indirect effects on the SAC can be ruled out with confidence.

In-Combination Effects

11.15.23. There is a current application under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (ABP-310912-21) for 336 no. residential units (245 no. houses, 91 no. apartments/duplexes), crèche and associated site works to the north west of the site on the opposite side of the R445. Drainage arrangements for this proposal entails connection to existing foul drainage and surface water drainage services. The current proposal entails connection to an existing pumping station that connects to foul drainage services along the R445. Surface water drainage is in the form of soakaways and surface water attenuation to the south of the site. I am satisfied that the project would have a negligible impact on the conservation objectives of Pollardswton Fen SAC and I am satisfied that the proposed project will not have an effect individually or together with any other plan or project.

Conclusion

11.15.24 The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Pollardstown Fen SAC (site code 000396). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its / their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site or any other European site, in view of the site's Conservation Objectives. This conclusion is

based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives the Pollardstown Fen SAC (site code 000396).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity the Pollardstown Fen SAC (site code 000396).

12.0 Recommendation

12.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an emerging area where a wide range of services and facilities exist and proximate to good public transport links. In my opinion, the proposal will provide a quality development, with an appropriate mix of units and an acceptable density of development, in accordance with national policy. Notwithstanding the report submitted by the applicant regarding material contravention, I do not consider that the proposal constitutes a material contravention of Development Plan or Local Area Plan policy. I have fully considered the Chief Executives report and do not concur with the recommendation to refuse permission.

12.2 I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission. In fact, I consider that the proposal, if constructed as permitted would add to the visual amenity of the area and enhance the streetscape at this location. I have no information before me to believe that adequate services and facilities are not available in the wider area, to cater for the development as proposed.

12.3 I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and

having regard to all of the above, I recommend that permission is granted, subject to conditions.

13.0 Reasons and Considerations

Having regard to the following:

- (a) the provisions of the Kildare County Development Plan 2017-2023 and the Newbridge Local Area Plan 2013-2019, including the zoning objective C1-New Residential with a stated objective 'to provide for new residential development',
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (c) the Housing for All-A New Housing Plan for Ireland (September 2021),
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the report of the Chief Executive and associated appendices and
- (n) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 06th day of August 2021 by Glan Developments Limited.

Proposed Development: The proposed development will consist the demolition of an existing derelict house and 2 no. sheds. The renovation of an existing cottage and shed, and the construction of a new residential development with a crèche comprising of 204 no. dwellings including 98 no. houses and 106 no. duplexes/apartments. The proposal entails construction of c.335m long section of link street and provision of a new right turning lane at the proposed junction on the R445 (Ballymnay Road). Provision of car parking, bicycle storage and bin storage. Improvement works to the existing foul sewer pump station located within the development site. Provision of additional surface water storage capacity and attenuation pond. Landscaping, play areas, boundary treatment and public lighting and all associated site development works. The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Council Development Plan 2017-2023 and Newbridge Local Area Plan 2013-2019 and also contains a statement indicating why permission should be granted for the proposed development, having regard to consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding

that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

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

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the following:

- (a) the provisions of the Kildare County Development Plan 2017-2023 and the Newbridge Local Area Plan 2013-2019, including the zoning objective C1-New Residential with a stated objective 'to provide for new residential development',
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (c) the Housing for All-A New Housing Plan for Ireland (September 2021),
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,

- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the report of the Chief Executive and associated appendices and
- (n) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than Pollardstown Fen SAC (site code 000396) which is the European site for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Pollardstown Fen SAC (site code 000396), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water and ground water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Site in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives the Pollardstown Fen SAC (site code 000396).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Pollardstown Fen SAC (site code 000396).

Environmental Impact Assessment

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

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 299C of the Planning and Development Regulations 2001 (as amended), the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in

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

Reason: In the interest of clarity.

2. Prior to the commencement of any house or duplex unit 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 number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units 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.

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.

3. The proposed development shall be amended as follows:

(a) The detailed design of the priority junction from the R445 and the right hand turning lane in the R445 shall be submitted and agreed in writing with the planning authority.

(b) The accessible parking provided at the end of a number of cul-de-sacs and between bin storage shall be reconfigured to be provided at the side of the cul-de-sacs and facilitate shorter reverse turning movements.

(c) Provision of a pedestrian crossing on the link road and a detailed drawings of road markings/surface materials to provide for a crossing point at the junction of the R445.

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

Reason: In the interests of orderly development.

4. Detailed specification of the glazing/ventilation proposed to minimise inward noise impact from the M7 is to be submitted and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. Proposals for an estate / street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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.

Reason: In the interest of urban legibility.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be

provided prior to the making available for occupation of any dwelling unit. Reason: In the interests of amenity and public safety

8.

(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Prior to the first occupation of the development, a finalised Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

(c) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and units over time and shall include a strategy for the community use and any car-share parking.

Reason: In the interest of encouraging the use of sustainable modes of transport.

9. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the planning authority.

Reason: In the interest of permeability and proper planning and sustainable development.

10. Bicycle parking spaces shall be provided within the site in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). Revised details of the number, layout, and design, marking demarcation and security provisions for these spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

11. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

(d) A maintenance policy to include regular operational inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors should be submitted to and agreed in writing with the planning authority prior to occupation of proposed dwelling units and shall be implemented in accordance with that agreement.

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

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

Reason: In the interests of clarity and public health.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

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

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

16. The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

Reason: In the interest of residential and visual amenity.

17.(a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the planning authority.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during the course of construction.
- e) A Construction Traffic Management Plan providing details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any footpath, cyclepath or public road during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. m) A record of daily checks that the works are being undertaken in accordance with the

Construction Management Plan shall be kept for inspection by the planning authority.

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

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

Reason: In the interest of sustainable waste management.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity 22. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, drawings showing all development works to be taken in charge designed to meet the standards of the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in

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

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

22. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

23. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement and Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting Pollardstwon Fen SAC and in the interest of public health.

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

part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

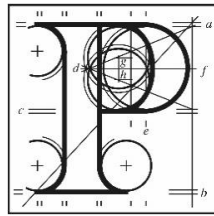
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

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

Colin McBride
Senior Planning Inspector

04th November 2021



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-311040-21
Development Summary		Demolition of buildings on site, construction of 204 no. residential units (98 no. houses, 106 no. duplexes/apartment), crèche and associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	NIS
	No	No

<p>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?</p>		
<p>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</p>	<p>Yes</p>	<p>Refer to section 10.12.5 in my report</p>

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>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.</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>Not significant in scale in context of the wider area.</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>Demolition of existing structures and construction of new structures on land in agricultural use. Uses proposed consistent with land uses in the area and with the C1 zoning. Residential uses and transition to more urban format of development permitted. No changes to topography or waterbodies.</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 used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</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. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard 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 construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan.</p> <p>No operational impacts in this regard are anticipated. Operational waste will be managed via an operational waste management plan. Foul</p>	<p>No</p>

		water will discharge to the public network. No significant operational impacts anticipated.	
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?	No	No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated. In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to watercourse.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA.	No

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Development of this site as proposed will result in an increase in residential units within Newbridge. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.</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>No</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<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 	<p>No</p>	<p>No. Potential for significant effects on Natura 2000 sites has been screened out.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</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>Yes</p>	<p>Pollardstwon Fen located 1.4km NW of the site. The proposal entails measures to prevent pollution detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</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>Yes</p>	<p>Pollardstwon Fen located 1.4km NW of the site. Flood Risk Assessment demonstrates site is within Flood Zone C and poses no flood risk.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No</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>No</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>Residential / community and social land uses. No significant impacts are envisaged.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

Inspector: _____

Date: _____

