



An  
Bord  
Pleanála

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

### Inspector's Report ABP-312704-22

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#### Strategic Housing Development

336 residential units in the form of 245 houses, 64 maisonettes and 27 apartments, creche and all associated site works.

(ballymanyshd.ie)

#### Location

Ballymany, Newbridge, Co. Kildare

#### Planning Authority

Kildare County Council

#### Applicant

Briargate Development Newbridge Limited

#### Prescribed Bodies

1. Irish Water
2. Department of Housing, Local Government and Heritage.

**Observer(s)**

None.

**Date of Site Inspection**

29<sup>th</sup> July 2022

**Inspector**

Paul O'Brien

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## 1.0 Introduction

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

## 2.0 Site Location and Description

2.1. The subject site with a stated area of 11.4 hectares, comprises lands to the south west of Newbridge town, Co. Kildare, approximately 1.8 km from the town centre (junction of Main Street and Station Road). The site is approximately 800 m to the north east of the junction of the Ballymany Road and the M7 Dublin to Limerick motorway. The site slopes downwards on a south east to north west axis.

2.2. The site is located on the urban fringe of Newbridge and is a greenfield site located to the north west of the Ballymany/ R445 Newbridge to Kildare Road. The R445 is the regional road designation given to the former N7 national primary road between Naas and Limerick, and which has been replaced with new dual carriageway and motorway sections. The proposed access to the site is from the Ballymany Road and also from the Standhouse Road to the north, which connects Newbridge to the Curragh racecourse.

2.3. The adjoining lands to the south west and to the north are in agricultural use. The lands to the north east and to the south east, beyond the Ballymany Road, are primarily in residential use. The lands to the south east and the access to the site from the Ballymany Road form Phase 1 of this overall development and which is substantially complete with a majority houses occupied/ available for occupation.

2.4. Newbridge is located on the Dublin to Cork railway line and the railway station is approximately 1.8 km to the north east of the site. There is one train an hour to/ from Newbridge and Dublin Heuston with extra trains in the peaks to Heuston and also Grand Canal Dock. Most southbound services go to Portlaoise, though some Galway and Waterford trains stop here also in the peaks.

2.5. The nearest bus stops indicated on google maps are approximately 860 m to the north east on the Ballymany Road at the front of a large Tesco's supermarket. It is possible that buses that use the Ballymany Road towards Kildare, will stop along

the front of the site if requested to do so. A variety of bus routes serve the Tesco stop and I have summarised them in the following table:

<b>Route (operated by):</b>	<b>From</b>	<b>To</b>	<b>Frequency – Off Peak</b>
126/A/B/D/ E/T/U/X (Go- Ahead Ireland)	Dublin – Amiens Street (Variations to other locations such as UCD/ DCU)	Newbridge and onto Kildare/ Rathangan	Every two hours and extras in peak.  Reduced service on Sundays.
726 (Dublin Coach)	Dublin Airport via Red Cow and Naas	Newbridge and onto Portlaoise	Hourly – 24 hours a day.
826 (K Coach)	Monasterevin	Naas via Newbridge	9 departures each way on weekdays only.

The 126 operates from the north eastern part of Main Street on a half hourly frequency. The 120B/F operates between Newbridge and Dublin via Clane and Straffan with four services a day. The 883 Local Link service operates from Newbridge to Athy four times a day with two extra services on a Thursday to Saturday.

2.5.1. As can be seen the 126 and the train service provide a regular service between Newbridge and Dublin City Centre. The other bus routes and their associated variations provide connections to other parts of County Kildare and a direct connection to and from Dublin Airport by way of the 726-bus route.

### 3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of 245 houses and 91 apartment/ duplex units. This is supported with a creche for 102 children, public open space, car parking and all other necessary infrastructure.

3.2. The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Gross Site Area</b>	11.42 hectares
<b>Net Site Area</b>	9.61 hectares
<b>No. of Houses</b>	245
<b>No. of Apartments</b>	27
<b>No. of Duplexes/ Maisonettes</b>	64
<b>Total</b>	<b>336</b>
<b>Density – Net Site Area</b>	35 units per hectare
<b>Public Open Space Provision</b>	28,895 sq m. – 25% of the site area.
<b>Car Parking –</b>	
Houses	561
Apartments/ Residents	35
<b>Total</b>	<b>596</b>
<b>Creche Parking</b>	21 (1 visitor and 1 EV Space)
<b>Bicycle Parking</b>	146

**Table 2: Unit Mix**

Houses				
Bedrooms	2 Bed	3 Bed	4 Bed	Total

	<b>17</b>	<b>184</b>	<b>44</b>	<b>245</b>
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<b>Apartments/ Duplexes</b>				
<b>Bedrooms</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<b>No. of Apartments</b>	13	13	1	<b>27</b>
<b>No. of Duplexes</b>	32	16	16	<b>64</b>
<b>Total</b>	<b>45</b>	<b>29</b>	<b>17</b>	<b>91</b>

- 3.3. **Vehicular access is from the permitted/ constructed access onto the Ballymany Road and also to the Standhouse Road to the north.**
- 3.4. **Water supply and foul drainage connections to the existing public network will be provided.**
- 3.5. **Public open space is proposed to be provided throughout the site area.**
- 3.6. **The site is divided up into 16 ‘Urban Blocks’ – UB01 to UB16.**
- 3.7. The application was accompanied by various technical reports and drawings, including the following:
- Planning Context Report - Simon Clear & Associates
  - Statement of Consistency – Simon Clear & Associates
  - Material Contravention Statement – Simon Clear & Associates
  - Response to An Bord Pleanála Opinion – Simon Clear & Associates
  - Social Infrastructure Audit - Simon Clear & Associates
  - Ballymany Design Statement – Reddy Architecture + Urbanism
  - Building Lifecycle Report – Briargate Developments Newbridge Limited.
  - Arboricultural Impact Assessment – Lawlor Landscapes
  - Arboricultural Method Statement – Lawlor Landscapes
  - Tree Survey – Lawlor Landscapes
  - Landscape Report – Jane McCorkell Landscape Architect

- Daylight and Sunlight Report (Neighbouring Properties) – Right of Light Chartered Surveyors
- Daylight and Sunlight Report (Within Development) – Right of Light Chartered Surveyors
- Engineering Planning Report – MUIR Associates Ltd.
- Outline Construction and Demolition Waste Management Plan – MUIR Associates Ltd.
- Outline Construction Management Plan – MUIR Associates Ltd.
- Outline Travel Plan – MUIR Associates Ltd.
- Site-Specific Flood Risk Assessment – MUIR Associates Ltd.
- Traffic and Transport Assessment – PMCE
- Outdoor Lighting Report – Sabre Electrical Services Ltd.
- Natura Impact Statement – Panther Environmental Solutions Ltd.
- Noise Impact Assessment – Decibel Noise Control
- Environmental Impact Assessment Report - Simon Clear & Associates

#### 4.0 Planning History

**ABP ref. 310912-21 refers** to a November 2021 decision to refuse permission for 336 no. residential units (245 no. houses, 91 no. apartments/duplexes), crèche and associated site works at Ballymany, Newbridge. This development and its site area are the same as the subject application. Permission was refused for a single reason: 'Having regard to the provision as set out under Paragraph 10 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended the proposed development falls within class 10(b)(iv) of the Regulations as the gross site area is stated to be 11.42 hectares and is in excess of 10 hectares threshold as specified in the Regulations, therefore, an Environmental Impact Assessment Report is a mandatory requirement in this case. As the application was not accompanied by an Environmental Impact Assessment Report permission is hereby refused in



accordance with the provisions of sub section 5 of section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 as amended’.

**P.A. Ref. 16/658** refers to an April 2018 decision to grant permission for a mixed-use development comprising 280 no. units, a single storey creche facility, nursing home and a section of Link Road at Ballymany, Newbridge. This forms the southern part of the subject site.

**ABP Ref. 305410/ PA Ref. 19/710** refers to a February 2020 decision to refuse permission for amendments to an initial phase of development granted permission under Ref. 249038. The reason for refusal stated:

‘The site of the proposed development is located on residentially zoned (Objective C2) and serviced lands within the boundary of Newbridge Town, and in close proximity to a range of established community facilities and services and in a location (Larger Town – Outer Suburban) where paragraph 5.11 of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities issued by the Department of Environment, Housing and Local Government in May 2009 states that the greatest efficiency in land usage will be achieved by providing net residential densities in the general range of 35-50 units per hectare and where development at net densities less than 30 units per hectare should generally be discouraged in the interests of land efficiency. Compliance with the density provisions of these guidelines is supported by Section 4.5 of the Kildare County Development Plan, 2017-2023 and Policies LD01 and LD03 of the same plan which states that it is policy to ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands and that it is policy to require higher residential densities at appropriate locations as set out in the Sustainable Residential Development in Urban Areas Guidelines. Notwithstanding the specific density provisions of the Newbridge Local Area Plan, 2013-2019 (extended until 2021) which indicates a maximum density of 15 units per hectare on lands zoned Objective C2, it is considered that the proposed development of 22.6 units per hectare and the

impact of the proposed amendment on the density of the overall residential development of the appeal site and adjoining lands to the north which would increase to approximately 24.3 units per hectare, would therefore result in a form of development which would result in an inefficient use of scarce zoned and serviced lands, and which would be contrary to the provisions of the Guidelines and the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

ABP Ref. PL09.249038/ PA Ref. 16/658 refers to a grant of permission for a mixed-use development consisting of 222 houses, creche and a 120-bedroom nursing home facility on this site.

## **5.0 Section 5 Pre-Application Consultation**

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Team due to Covid-19 restrictions in place, on the 18<sup>th</sup> of December 2020; Reference ABP-308498-20 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for 348 no. dwellings (254 no. houses, 94 no. apartments/ maisonettes) and associated site works at Ballymany, Newbridge, Co. Kildare.

Note: Permission was refused under ABP Ref. 310912-21 due to the lack of submission of an EIAR with the application. ABP-308498-20 refers to the tri-partite meeting in reference to that application. As the subject development is the same as ABP-310912-21 save for the inclusion of an EIAR, it was agreed that the tripartite meeting under ABP-308498-20 would suffice in this case.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The following information, as summarised, was to be submitted with any application for permission:

1. Design and Layout – Southern portion of the site: Revisions/ amendments to the layout along the southern portion of the site, along the distributor road and

adjoining the approved Phase 1, to ensure the proposed development protects the residential amenities of houses approved under Phase 1.

2. Design and Layout – Northern section of the site: Further consideration / amendment of the layout of the public open space, and surface car park at the northern boundary with Standhouse Lane to improve the relationship with the public road and the public realm; the layout should ensure suitable permeability through the site.
3. Open Space: Revisions/ amendment of the layout to ensure suitable provision of safe active and passive public amenity spaces. Also provide a landscaping and design plan with drawings/ documentation clearly indicating how the areas of public open space integrate with/ enhance the development.
4. Transportation: Further consideration of the documents as they relate to access to the site. Clarity is to be provided concerning the delivery, capacity and function of the proposed distributor road; the status of any planning and other consents required to deliver the infrastructure and the timelines involved in the delivery of the required infrastructure in the context of the proposed development.
5. Further consideration/ amendment of the proposed street hierarchy within the scheme, including the provision of homezones, to ensure that through traffic is directed towards the proposed distributor road and not through the residential scheme.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that the following specific information should be submitted with any application for permission:

1. A site layout plan which clearly indicates the permitted development under construction and timelines for completion of same, the permitted development that is subject to proposed amendment under the SHD application and the proposed development. In addition, appropriate documentation to demonstrate appropriate consents/compliance with the parent permission, where applicable, in so far as it may relate to any consideration of the proposed SHD development that would be dependent on such previous permission(s).

2. A report that addresses and provides a clear design rationale for the proposed density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the requirement to provide high quality, robust and sustainable finishes and details which seek to create a distinctive character for the development. The documentation should where applicable, ie. where density, height and housing typologies contravene the local area plan/development plan, consider the 2018 Urban Development and Building Height Guidelines, SPPR3, criteria 3.1 and 3.2 to support any such deviation from development plan standards.
3. A report providing a clear rationale and / or justification for the extent, location and visual dominance of proposed car parking.
4. A report that addresses and provides a justification for the proposed housing mix.
5. Visual Impact Assessment including CGIs and photomontages.
6. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
7. A site layout plan indicating the location of bicycle parking and bin storage for the apartment units.
8. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
9. Childcare demand analysis, including but not restricted to the status of the creche as located within Phase 1, justification for size of the proposed crèche located in Phase 1 having regard to the existing childcare facilities in the vicinity of the site, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.

10. School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

11. A landscape and permeability plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces, areas to be gated and proposed boundary treatments.

12. Address the issues raised in the report of Irish Water dated 15<sup>th</sup> December 2020 and the report of the planning authority's Water Services dated 3<sup>rd</sup> November 2020.

13. Submission of an Archaeological Impact Assessment.

14. An Appropriate Assessment Screening Report or a Natura Impact Statement, as may be necessary.

15. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Department of Culture, Heritage, and the Gaeltacht
3. Kildare County Childcare Committee

5.4. **Applicant's Statement**

5.4.1. A document titled 'Planning Response to An Bord Pleanála Opinion' prepared by Simon Clear & Associates was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information was provided in response to the opinion:

**Issue 1 – Design and Layout – Southern portion of site:** The masterplan layout has been developed to include improved connections to the link road/ distributor road and which includes additional open space at the Ballymany Road end. The relocation of the creche towards the centre of the site has allowed for more open space and an improved childcare facility which will cater for the development and the permitted Phase 1. The number of housing units along the southern section of the link road has been reduced to reflect the density of the Phase 1 lands; this has allowed for greater setbacks between the development and the Phase 1 houses, ensuring the protection of residential amenity. Due to level changes, connectivity between the Phase 1 and the subject houses is not possible and the proposed houses will have a lower roof level than the Phase 1 units.

**Issue 2 – Revisions to Open Space at northern section:** The proposed design has been revised to incorporate a landmark building that is set-back from the roadside edge and enables the provision of a landscaped area adjacent to the junction. Car parking is integrated with the streetscape; the reduction in car parking allows for more open space. Footpaths are provided along this frontage connecting into existing footpaths along the Standhouse Road.

**Issue 3 – Open Space:** Following consultation with Kildare County Council Parks Department a comprehensive and integrated open space design and layout has been prepared. This includes suitable homezones, play areas and larger amenity spaces. Full details are provided.

**Issue 4 – Transportation:** The Kildare County Development plan indicates that a link road be provided between from Green Lane across Ballymany Road (R445) and which extends to Standhouse Road. This link road is not a 'distributor road' and has been designed and permitted to DMURS 'link road' standards. The permitted road has commenced under Phase 1, and the applicant states that it will be completed and delivered by mid-2022. Frontage development to 23 houses has been replaced by 4 short cul de sac junctions and this revision will improve the cyclist and

pedestrian passage alongside the link road as well as improve the access to Newbridge railway station.

**Issue 5 – Street Hierarchy:** Drawing Ref. D1920-MAL-00-XX-C-033 has been prepared and sets out the strategy for road and streets hierarchy. The main road runs along the western boundary and removes much of the potential through traffic from the residential areas. A central road with a 6 m wide carriageway provides access for car traffic and a homezone network is proposed throughout the site.

**Additional Information to be provided in support of the application:**

**1. Site Plan indicating details of the development under construction and**

**interaction with the proposed development:** Reddy Architecture have prepared comparison and Detail plan - Drawing No. P20-071K-RAU-XX-XX-A-DR-31018 and which provides the site plan for the permitted development and how the proposed development interacts with it. Houses in phase 1 were on sale in August 2021 and were due for completion in May 2022. The SHD development is not dependent on the previous permissions. The land is in single ownership and the only consents required are for footpath improvements along Standhouse Road, and for which consent has been received from an adjoining landowner.

**2. Provision of a report that sets out a rationale for the density, design, character and material finishes of the proposed development:**

Reddy Architecture have prepared a suitable report. A Statement of Material Contravention has been prepared to address issues that contravene the Kildare County Development Plan and the Newbridge Local Area Plan.

**3. Rationale for the extent, location and visual dominance of car parking:** The layout has changed to ensure that there is no visual dominance of car parking on the site. Houses are provided with two spaces in curtilage and similar measures are proposed for the duplex units. Car parking for the apartment building is proposed to be located to the east and western sides of the building. A total of 617 car parking spaces are proposed as follows:

Houses – 477 Spaces, 2 per house except Type D which are allocated one space per unit.

Duplexes – 78 spaces, 1.25 per unit except Type 1a which are allocated 1 space per unit.

Apartments – 35 spaces, 1 per unit and 8 visitor parking spaces.

Visitors – 6 spaces provided throughout the site.

Creche – 21 spaces and three drop-off spaces.

The car parking provision is in accordance with the Sustainable Urban Housing: Design Standards for New Apartments 2020 and the Statement of Consistency provides further details.

The access arrangement for pedestrians to Newbridge train station has been improved through a land swap which allows for provision of a linked footpath extending from the site frontage to reach existing footpaths on the southern side of Standhouse Road and continues from there to the train station. This connectivity to public transport has allowed for a suitable reduction in car parking provision on site.

**4. Justification for the housing mix:** The Planning Report provides suitable details on this.

**5. Visual Impact Assessment and supporting documents:** Suitable details have been provided in the GNET Photomontages, through the Design Statement and supporting CGIs and to the Landscape strategy. A Visual Impact Assessment using the GNET Photomontages is included in the submitted Planning Report. The EIAR includes a chapter on Landscape and Visual Impact Assessment.

**6. Taking in Charge Plan:** Details are provided in the ‘Proposed Taking in Charge’ Drawing No. P20-071K-RAU-XX-XX-DR-A-31013.

**7. Bicycle Parking and apartment bin storage plan:** Details are provided on Drawing no. P20-071K-RAU-XX-XX-DR-A-31015.

**8. Phasing Plan:** Details are provided on Drawing No. P20-071K-RAU-XX-XX-DR-A-31017 and a separate Proposed Part V Layout and Schedule is indicated on Drawing No. P20- 071K-RAU-XX-XX-DR-A-31016.

**9. Childcare analysis details:** A creche will be provided in Phase 2 and full details of the childcare provision are provided in the submitted Social Infrastructure Audit.

**10. School Demand and Concentration Report:** Relevant details are provided in the Social Infrastructure Audit; adequate educational capacity is available in Newbridge.

**11. Landscaping and permeability plan:** The Landscape Architect, Jane McCorkell, has prepared an integrated landscape and permeability plan and further details are provided in a Landscape Masterplan, an Open Space Plan and a Boundary Details Plan.

**12. Irish Water Details:** A response to the items raised by Irish Water and Kildare County Council have been provided by Muir Associates Consulting Engineers.



**13. Archaeological Impact Assessment:** The EIAR includes a Cultural Heritage Chapter which has been prepared by Byrne Mullins & Associates. An identified archaeological site towards the north west of the site will be preserved and protected in a designated open space area.

**14. Appropriate Assessment Screening Report or Natura Impact Statement as necessary:** A Natura Impact Statement prepared by Panther Environmental Solutions Ltd has been provided. Subject to suitable mitigation measures, there would be no potential for significant impacts on any European sites due to the proposed development.

**15. Material Contravention details:** A Statement of Material Contravention has been prepared by the applicant and is included with the submitted application.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

**Chapter 4** of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

**Chapter 6** of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy 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’.

- National Policy 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’.

- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

#### 6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

**Other Relevant Policy Documents include**

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

## **6.2. Regional Policy**

### **6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031**

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including County Kildare and supports the implementation of the National Development Plan (NDP).

The retail hierarchy under Table 6.1 identifies Newbridge as a Level 2 settlement in the region. A Local Transport Plan is to be prepared for Newbridge.

## **6.3. Local/ County Policy**

### **Kildare County Development Plan 2017 - 2023**

6.3.1. The Kildare County Development Plan 2017 - 2023 is the current statutory plan for County Kildare, including Newbridge.

6.3.2. Chapter 2 – ‘Core Strategy’ indicates that Newbridge is a ‘Self-Sustaining Growth Town’. The ‘Settlement Strategy’ is provided in Chapter 3 of the Plan and indicates that Newbridge has been allocated 699 dwellings over the period 2020 – 2023. Chapter 4 provides details on urban development, density, dwelling mix etc. Chapter 6 refers to Movement and Transport, Chapter 7 – Infrastructure and Chapter 15 refers to Urban Design with Development Management Standards covered in Chapter 17. Also relevant are Chapter 12 – Architectural and Archaeological Heritage, Chapter 13 – Natural Heritage and Green Infrastructure and Chapter 14 – Landscape, Recreation and Amenity.

#### **6.4. Newbridge Local Area Plan 2013 – 2019 – Extended to 2021**

I note that this plan was extended to the 22<sup>nd</sup> of December 2021, however no replacement plan has been adopted to date. The following are relevant to this application:

The land is zoned C2 – New Residential with the objective: ‘This zoning provides for new residential development and associated ancillary services. Permission may also be granted for home based economic activity within this zone subject to the preservation of residential amenity and traffic considerations. New residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and the landscaping of open space’.

There is a specific objective for ‘A maximum density of 15 units per hectare will apply’.

Part B of the plan includes Policies and Objectives, and the following are relevant:

‘It is the policy of the Council:’

‘HL 1: To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space’.

‘HL 3: To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area’.

'HL 5: To require applications for residential developments over 20 units, to demonstrate the provision of an appropriate mix of dwelling types having regard to the following:

- The nature of the existing housing stock and existing social mix in the area;
- The desirability of providing for mixed communities;
- The provision of a range of housing types and tenures;
- The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle;
- The need to cater for special needs groups'.

'HL 6: 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'.

'HL 7: To facilitate and co-operate in the provision of community facilities in tandem with residential development including, in particular, local services, schools, crèches and other education and childcare facilities, including youth facilities'.

'HL 8: To require applications for residential developments over 25 units, to demonstrate how the proposed increase in population will be accommodated in terms of education provision'.

'HL 9: To require all new residential estates to provide the "White Light" Compact Fluorescent Lamp (CFL) public lighting concept'.

'HL 10: To facilitate sustainable development in Newbridge in accordance with the settlement strategy set out in Kildare CDP 2011–2017'.

'It is an objective of the council:'

'GMO 2: That all development proposals would promote walking and cycling modes in Newbridge by ensuring consistency with the relevant measures contained in Chapter 9 of the Draft Transportation Strategy for the Greater Dublin Area 2011–2030 (or as amended) during the period of this plan'.

‘GMO 10: To ensure that all works in Newbridge accord with the principles as set out in the Design Manual for Urban Roads and Streets (DMURS), (2013)’.

‘GMO 13: To encourage and seek the provision of landscaped pedestrian and cycle links between and within residential estates and between residential areas, the town centre, industrial areas and the railway station’.

‘SRO 5: To seek the construction of the following transport links, subject to environmental and conservation considerations, as identified on Maps 2 and 7 and to preserve these routes free from development:

b) A link from the L7042 Green Road (C) to the L7037 Standhouse Road (E), including a new junction with the R445 Ballymany Road (D)’.

## **7.0 Third Party Submissions**

None received.

## **8.0 Planning Authority Submission**

8.1. The Chief Executive’s report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 1<sup>st</sup> of April 2022. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives and provides a planning assessment of the development.

8.2. The CE report also includes a summary of the views of the elected members of the Kildare/ Newbridge Municipal District Meeting held on the 16<sup>th</sup> of March 2022, and these are outlined as follows:

- The density is too high for this peripheral location.
- Concern that the site may not be able to cater for surface water attenuation.
- There is a lack of proposed car parking spaces.
- The proposed playground is not suitable.
- No public vehicle charging points are provided.
- Inadequate bicycle parking facilities, such to be enclosed for safety reasons.

- Need for better cycle facilities along Standhouse Road.
- The apartment block should be centrally located on the site.
- The childcare facility should be located to the north of the site to allow for better traffic flow.
- Concern about the quantity of open space and how this was calculated.

### 8.3. Planning Assessment

This is summarised as follows under the relevant headings of the Chief Executive Report.

#### **Opinion as to whether the SHD would be consistent with the relevant objectives of the development plan or local area plan:**

Principle of Development: The Planning Authority refers to the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019 as extended. The sites are located on C2 lands which are suitable for development, though with a density restriction of 15 units per hectare. There is an existing permission on this site under PA Ref. 16/658 for 280 units, of which 54 are under construction under Phase 1 of this permission. The Planning Authority consider that the development is generally acceptable having regard to the policies and objectives of the Kildare County Development Plan and the Newbridge Local Area Plan.

Density: The subject site has a stated area of 9.61 hectares that can be developed. The provision of 336 residential units would allow for a density of 34.96 units per hectare and this is in excess of the 15 units per hectare set out in the Newbridge Local Area Plan. A Material Contravention Statement has been prepared to provide a justification for this density. Previous permissions on site allowed for development of 190 units and ABP requested that the number of units be suitably increased. The Planning Authority has consistently refused permission due to the issue of material contravention of the zoning/ density objective. The Planning Authority consider that the site is remote from public transport, the nearest bus stop is over 490 m from the site and Newbridge railway station is over 1.7 km to the north east of the site. The

category of Newbridge as a Self-Sustaining Growth Town within the RSES is noted, however the Planning Authority consider that a graded reduction in densities is appropriate in settlements such as Newbridge. A four-storey apartment building is proposed to the north west of the site and Policy HL6 of the Newbridge Local Area Plan seeks to restrict the location of such apartments to town centre locations or adjacent to public transport. The site is classified as a Greenfield Edge Development under Table 15.1 of the Kildare County Development Plan and on such lands, apartments are not normally permitted. The Planning Authority note that the applicant has prepared and submitted a material contravention statement in support of the application.

**Plot Ratio:** The proposed development has a plot ratio of 0.3 and this is acceptable in terms of the requirements of the Kildare County Development Plan 2017 – 2023.

**Public Open Space:** The proposed development provides for 15.4% of the site area as public open space. This complies with the minimum standard of 15% as set out in the Kildare County Development Plan 2017 – 2023. A variety of open spaces are provided throughout the site and the Planning Authority have identified concern regarding some of these spaces in terms of quality, safety, and lack of passive surveillance. The discounting of these areas reduces the overall open space quantity to 13.6% of the overall site area. In addition, some areas of the open space are to be used for the undergrounding of drainage systems. Insufficient provision of SuDS/ Nature Based Solutions is provided, and areas of open space are therefore compromised. The phase 1 lands, which were under construction at the time of preparation of the CE report, also provide for open space.

**Residential Mix:** The proposed development provides for a mix of unit types in the form of 245 house and 91 apartments/ duplexes. The Housing Section of Kildare County Council have made a number of comments in relation to the proposed residential units and in particular those that are to provide for Part V housing; these issues may be addressed by way of suitable conditions.

**Creche:** A childcare facility was to be provided in phase 1 of this development and would accommodate 47 children. The proposed development provides for a facility



that would accommodate 102 children and with a floor area of 616 sq m. The proposed development has a requirement for 92 childcare spaces and the proposal exceeds this number. Suitable open space and set-down areas have been proposed. The Planning Authority do not object to the proposed childcare facility.

Water Services: Foul and public water are available to serve the proposed development. Irish Water have raised no issues subject to conditions in the event that permission is granted for the proposed development.

Access, Permeability and Car Parking: Access to the development is from the R455/ Ballymany Road and this is under construction as part of Phase 1 of the development of these lands. The access provides part of the link road to the west of the site, and which demonstrates compliance with SR05 of the Newbridge Local Area Plan 2013 – 2019 as extended. The link road will connect the Ballymany Road to the south with the Standhouse Road to the north. Revisions to the layout are recommended and it is reported that there is a shortfall of 65 no. car parking spaces through the development when assessed against the requirements of the Kildare County Development Plan 2017 – 2023. Car parking for duplex blocks 7, 8 and 13 is considered to be deficient and the development should provide for a comprehensive breakdown of the car parking provision for the entire site.

Residential Development Management Standards: The proposed development is considered to be generally compliant with relevant residential standards. General storage in House Types B1, C1, C3, C5 and DU1 do not meet the required standards and the floor to ceiling height of 1-bedroom duplex unit does not meet the required standards. Some other issues have been identified, though it should be possible to suitably alter these.

Qualitative Assessment: These have been considered in the context of the 12 no. criteria set out in the Urban Design Manual: A Best Practice Guide (DoEHLG, 2009) and are detailed on pages 24 to 30 of the CE report; most of the issues of concern have been raised already by the Planning Authority in their report.

Environmental and Technical Reports: The submitted supporting reports are noted. An Bord Pleanála is the Competent Authority for the consideration of the Appropriate Assessment and the Environmental Impact Assessment.

Internal Reports: A number of internal reports from Kildare County Council have been received and are included in Appendix B of the CE report. I have summarised them as follows:

Environmental Health Officer: The development will take about 36 months to complete and will give rise to some nuisance during the construction phase through noise, dust, and nuisance. Suitable measures will be required to reduce the impact from this. The Outline Travel Plan should be revised to include further details on public transport and sustainable transport measures. There is a need for revisions to the public open space areas with improved access to these areas. A biodiversity and pollinator plan should be put in place and green infrastructure to be supported. Measures to be taken to reduce use of energy, water and increased use of SuDS etc. There is a need for sleeping facilities within the creche.

Housing Department: Requirements for Part V housing are provided. Revisions to a number of units are recommended.

Kildare Municipal District: No objection subject to recommended conditions.

Environment Section: No objection subject to recommended conditions.

Parks Section: No objection subject to recommended conditions.

Roads, Transport and Public Safety Department: A number of revisions are identified; however, a grant of permission is recommended subject to conditions.

Fire Service: Auto-track analysis is requested to demonstrate that turning facilities for fire appliances can be suitably provided.

## **9.0 Prescribed Bodies**

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

- Irish Water
- Department of Housing, Local Government and Heritage
- Kildare County Childcare Committee

9.2. Responses were received from the first two listed bodies. The following is a brief summary of the issues raised and includes any conditions/ recommendations that were made.

#### 9.2.1. **Irish Water:**

- A wastewater connection to service the proposed development can be provided on completion of upgrade works relating to the Upper Liffey Valley Contracts 2A & 2B, which are due to completion during 2022.
- A watermain connection can be provided subject to the provision of approximately 10 m of new 200 mm ID pipe main to be laid to connect the site development to a new 200 mm ID main. A bulk meter should be installed on the connection main. In addition, a new main of approximately 700 m of new 200 mm ID pipe main to replace 3" uPVC main to be provided. As Irish Water does not have any plans to extend its water network in this area, the applicant will be required to fund these upgrades/ works as part of a connection agreement with Irish Water. Any works shall comply in full with the requirements of Irish Water.

Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- 'The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to the Irish Water network'.
- 'Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (a) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement'.

- 'Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works'.
- 'All development shall be carried out in compliance with Irish Water Standards codes and practices'.

#### 9.2.2. **Department of Housing, Local Government and Heritage:**

Archaeology: The Department of Housing, Local Government and Heritage note the submitted archaeological details and they agree with the proposed mitigation measures recommended in the Archaeological Assessment Report and recommends that suitable archaeological mitigation be provided. A list of recommended conditions is provided.

Nature Conservation: Note the submitted Natura Impact Statement (NIS) and recommended mitigation measures. The Department advises that the NIS has not established the groundwater pathway from this development to Pollardstown Fen SAC, nor have the likely significant effects of the development through alternation of groundwater pathway or groundwater recharge been assessed in the NIS, in light of the site's conservation objectives. This requires further consideration by An Bord Pleanála before an Appropriate Assessment determination is made. An Bord Pleanála should ensure that the current and future groundwater recharge regimes to Pollardstown Fen's groundwater catchment are suitably maintained. Similarly, the protection of groundwater needs to be carefully considered by An Bord Pleanála and SuDS measures require careful consideration.

EIAR issues:

Badgers: The Department advises that a suitably sized buffer zone is required to be established around a badger sett on site, to ensure that badgers are not disturbed. The submitted EIAR identifies this sett as abandoned, however insufficient evidence has been provided to confirm this. The Department advises that a Badger Conservation Plan be provided which will include outlined mitigation measures as a

condition of any planning permission granted. This must be agreed with the Planning Authority prior to the commencement of the development.

Mature Trees along the western boundary: The submitted tree survey report states that many of the mature trees have had soil mounded at the base of the boundary. This measure is causing compaction of the root zone and some asphyxiation of the roots. The Department agrees that soil should be removed from the base of the trees and the agricultural fence that has been fixed to many of the trees should be removed. Water is collecting inside the boundary between Tree 5074 and Tree 5077, and which must be remediated. These measures should be carried out under the supervision of the site arborist prior to the commencement of the development and should be a condition of any grant of planning permission.

## **10.0 Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density and Scale of Development
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of South East Area Committee

- Other Matters
- Material Contravention
- Appropriate Assessment Screening – Natura Impact Statement
- Environmental Impact Assessment

## 10.2. Principle of Development

10.2.1. Having regard to the nature and scale of proposed development which is in the form of 336 residential units consisting of a mix of 245 houses and 91 apartment/ duplex units on lands zoned for New Residential under the C zoning objective, I am of the opinion 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.

10.2.2. The subject site is zoned ‘C2 – New Residential’ in the Newbridge Local Area Plan 2013 – 2019 as extended with the objective; ‘This zoning provides for new residential development and associated ancillary services. Permission may also be granted for home based economic activity within this zone subject to the preservation of residential amenity and traffic considerations. New residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and the landscaping of open space’. The proposed development of residential unit is acceptable in terms of the ‘C’ zoning that applies to this site.

10.2.3. There is a specific objective on this site for ‘A maximum density of 15 units per hectare will apply’. The proposed development provides for a density of 35 units per hectare which is clearly in excess of the 15 units per hectare that applies to this site. National Policy is for the increased densification of suitable sites and the consolidation of established urban areas. These issues are considered further in this report.

## 10.3. Density and Scale of Development

10.3.1. The proposed development of 336 residential units on a site area of 11.42 hectares provides for a density of 35 units per hectare. The Newbridge Local Area Plan 2013 - 2019 restricts the density on this site to 15 units per hectare. A

previous application under PA Ref. 16/658 was refused permission and was granted permission following appeal to An Bord Pleanála under PL09.249038. The permitted density was 21.71 units per hectare. A subsequent application under PA Ref. 19/710/ ABP Ref. 305410-19 was refused permission due to the low density at 24.3 units per hectare. The following section of the reason for refusal is noted:

‘Notwithstanding the specific density provisions of the Newbridge Local Area Plan, 2013-2019 (extended until 2021) which indicates a maximum density of 15 units per hectare on lands zoned Objective C2, it is considered that the proposed development of 22.6 units per hectare and the impact of the proposed amendment on the density of the overall residential development of the appeal site and adjoining lands to the north which would increase to approximately 24.3 units per hectare, would therefore result in a form of development which would result in an inefficient use of scarce zoned and serviced lands, and which would be contrary to the provisions of the Guidelines and the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

It is clear from the recent planning history of this site that a density similar to that proposed would be suitable for the development of this site.

10.3.2. I note that the Planning Authority have reported that ‘This increase in density is inappropriate at this location on the edge of Newbridge Town, in an area that is remote from public transport’. The Planning Authority also refer to policy HL6 of the Newbridge Local Area Plan 2013-2019 which restricts the location of apartment development to the town centre’. I have no objection to the provision of apartments on these lands that are zoned for residential development.

10.3.3. National policy is to encourage the densification and consolidation of urban areas where this is deemed to be suitable. I do not disagree with the Planning Authority that the site is located on the periphery of Newbridge and that high frequency public transport is not available at present to the future residents of the development. I do consider that the density and scale of development is appropriate in this location for the following reasons:

- The site is located on lands zoned for residential development. There is no specific reason and/ or engineering need for a density of 15 units per hectare.
- The is located within the urban settlement of Newbridge and is located within the local area plan land boundary.
- The provision of 15 units per hectare would result in an inefficient development of land and would likely give rise to increased urban sprawl as demand for houses is met by development further out from established town cores. Newbridge as a self-sustaining growth-town should be developed in an efficient/ consolidated manner.
- In conjunction with the National Transport Authority and the relevant bus operators, it should be possible to extend existing bus services in Newbridge from the Tesco's in the town centre to the front of this site, a distance of approximately 1 km. This would serve a large established residential population in addition to the proposed development.
- The RSES identified Newbridge as one of the urban settlements for which a transport plan is to be prepared. I would expect that such a plan would provide for a town bus service that connects residential/ employment areas to each other and the town centre/ railway station. The Ballymany Road would be a suitable location for such a bus service.
- A bus stop at the front of the site would be served by routes 726 and 826 providing connections between the site and Newbridge town centre and on to Naas, Red Cow and Dublin Airport in the case of the 726 and Naas in the case of the 826 and south west to Portlaoise Monasterevin. If permission were granted, provision for a bus stopping area should be provided for by way of condition.

10.3.4. **CE Report Comments:** The Planning Authority through the CE Report is clear that the development should be refused permission due to the density in excess of 15 units per hectare. Reference is made to the RSES and that 'there should be a graded reduction in residential densities for Self-Sustaining Growth Towns, Self-Sustaining Towns, towns and villages that are commensurate to the existing built environment'. The Planning Authority have provided two reasons for



refusal and the first refers to the issue of density and the need for a graded reduction in densities.

10.3.5. **Conclusion on Section 10.3:** Having regard to the designation of Newbridge, the availability of services and the location of the subject site, I am satisfied that the proposed density at 35 units per hectare is acceptable in this location. Residential development at 24 units per hectare has already been permitted on this site and I consider that a density of 35 units per hectare to be suitable in terms of efficient use of zone lands and which allows for the consolidation of established urban centres. Restricting development to 15 units per hectare would only give rise to low density development and which would be car orientated as public transport would not be efficiently provided to such a site.

10.3.6. I would assume that the indication of a restricted density is to allow for a transition between the established urban area and the mostly agricultural lands to the west and south west of the site. A reduced density does allow for such a transition, but the provision of a link road with extensive landscaping along its length, between the Ballymany Road and the Standhouse Road provides for an alternative form of transition/ defined boundary between the urban and rural areas, and I am satisfied that this will work in an acceptable manner, whilst allowing for an appropriate density on these zoned/ serviced lands.

10.3.7. The issue of density is considered further under the section on Material Contravention.

#### 10.4. **Design and Layout**

10.4.1. As already reported, the site is located on lands that are zoned C and are suitable for residential development. The focus is therefore to integrate such a development into the existing surrounding area. The lands to the north, west/ south west is primarily in agricultural use and those to the east and south east are in residential use. The rear of the houses to the north east in 'The Elms' development is a minimum of 23 m to 25 m from the rear elevation of the proposed development; the indicated separation distances are considered to be acceptable.

10.4.2. The proposed layout is constrained by the site shape, the relative narrowness of the site and the existing residential development to the south east.

The provision of a road along the south west boundary is an objective of the Newbridge Local Area Plan and this further constrains the development of this site, though it is likely that such a link would be proposed as it allows for access from the Ballymany Road to the south and the Standhouse Road to the north.

10.4.3. The layout therefore is defined by the link road to the south western side of the site and the existing access through the development to the south east and onto the Ballymany Road. The development consists of 16 'Urban Blocks' primarily made up of residential blocks of houses, but also consisting of open space areas and a creche to serve the entire development. The site layout consists of linked roads/ through routes rather than cul-de-sacs. The existing residential layout to the south east is extend into the development lands to provide for additional routes and linkages.

10.4.4. The proposed houses are primarily in the form of semi-detached units with some terraces and detached houses also provided. The four-storey apartment block is located to the north west corner of the site and provides a gateway feature for the entrance onto the Standhouse Road. The two storey duplex units are in Urban Blocks 7, and 8, with the three storey units in Blocks 13 and 14. The design has been carefully considered to ensure that there are no three storey or more units adjacent to the existing two storey houses on adjoining lands.

10.4.5. The applicant has indicated that a total of 17,626 sq m or 15.4% of the total site area is to be provided in the form of open space. The primary focus of this open space is to the north west corner adjacent to the four-storey apartment block. Two sections are proposed here, one to the north has an area of 3,354 sq m and to the south of the apartment block a total of 3,955 sq m is proposed. A large area of 3,440 sq m is indicated to the south east corner, to the north of Urban Block 06. Other smaller areas of open space are provided to the north of Urban Block 04 and to the east of Urban Block 13. A landscaped buffer is proposed along the south western side of the link road. In addition, there is existing open space in the completed residential lands to the south east corner.

10.4.6. **CE Report Comments:** The Planning Authority through the CE report have identified a number of issues with the proposed layout as follows:

- **Public Open Space:** Concern about the useability of some of the areas of open space with particular reference to the lands to the south west of the link road. The omission of this section of open space would reduce the open space provision to 13.6 % of the total site area. The accessibility of some of the areas of open space is also questioned as is the passive surveillance of sections of the open space. Concern is also expressed about the use of open space areas for surface water attenuation.
- **Link Road:** A maximum of 6 accesses should be provided onto the link road, whereas the applicant has proposed the provision of 10 access points.
- **Compliance with the 'Urban Design Manual – A Best Practice Guide':** The Planning Authority recommend that permission be refused as the development provides for a poor design and fails to demonstrate that an adequate hierarchy/ or high quality useable open spaces can be provided on site.

10.4.7. **Conclusion on Section 10.4:** In general, I consider the proposed layout to be acceptable. Considering the constraints of the site and the scale of development, the applicant has provided a good layout for the future occupants of this scheme. I accept that the open space may not be equally accessible to all residents, however there is open space available within walking distances for all. The open space is generally of a good size and can provide for a range of amenity functions. Reference is made to the useability of the open space to the south west of the site/ link road. This will primarily provide for a buffer between the link road and the lands to the south west, but it can also provide an amenity function through passive recreational use and active recreation for looped walks etc. The mix of open space sizes and types allows for a variety of amenity uses, which may not be achieved if open space was provided in the form of one or two large open space areas.

10.4.8. The comments made regarding the number of access points onto the link road is noted. I would suggest that this road will in fact be developed as a low-speed urban street on one side and open space on the other and the provision of multiple accesses will encourage low speed driving through the site. No houses are directly accessed onto the road, yet they can be designed to ensure that there is passive surveillance of the road. It is possible to reduce the number of accesses

onto the road, but this would only result in reduced permeability and no real benefits to the future residents. The provision of this road will be of benefit of existing residents in the area, especially on the Standhouse Road as this is a somewhat narrow and poor-quality road. The link road will allow for better access from here to Newbridge town centre and the M7 motorway.

10.4.9. I disagree with the comments about the development not providing for a suitable hierarchy of open spaces and character areas. This can be achieved by way of condition in the form of building materials/ finishes and the layout of the open space areas. Character areas can be defined by simple measures such as boundary treatment and signage, but the type of external treatment on houses can provide for a strong indication of a character area.

10.4.10. I am satisfied that the proposed design and layout are acceptable, and I have no reason to recommend a refusal of permission to the Board for these reasons.

## 10.5. **Visual Impact**

10.5.1. The applicant has engaged the services of G-Net3D to prepare 'Verified Photomontages of Proposed Residential Development at Ballymany, Co. Kildare'. A total of 11 different viewpoints are provided and no issues of concern are raised. The application is accompanied by an Architectural Design Statement which has been prepared by Reddy Architecture + Urbanism.

10.5.2. The proposed development is located on the south western side of Newbridge and as already described, this is a greenfield site though with residential development to the south east and which forms phase 1 of the overall development of these lands. The proposed development will change the character of the area from greenfield to urban development in the form of residential units. The site is zoned for such development and this impact would have been considered in the preparation of the Newbridge Local Area Plan 2013 – 2019 as extended. The visual impact on the area will be reduced through the design of the development and the provision of landscaping along the link road, which forms the south western boundary of the sit. An existing hedgerow along the western boundary is also to be retained.

10.5.3. **CE Report comments:** The Planning Authority did not raise any specific issues of concern regarding the visual impact of the proposed development. Their report notes that there is a similarity in the house design with variety provided in the form of different brick/ render colours and also there are changes in the external frame colouring which defines the different proposed character areas. No concerns were raised about the three storey duplex units and the four-storey apartment block in terms of their impact on the visual amenity of the area.

10.5.4. **Conclusion on Section 10.6:** The proposed development is considered to be visually acceptable in terms of integration with the existing character of the area and also having regard to the fact that the site is zone for residential development of the type proposed. The provision of the link road along the south western boundary will ensure that there is a clear transition between the residential/ urban development of the site and the greenfield/ rural character of the lands to the south west.

10.5.5. The proposed development provides for a mix of duplexes and also a four-storey apartment block. However, the majority of the proposed units are in the form of two-storey houses. The variety in the house design is primarily provided through a mix of brick and render colours, with external framing also providing for a mix of colouring. The submitted plans and elevational drawings indicate a high quality of external treatment and I note that the existing phase 1 development demonstrates a suitably high quality of finish.

10.5.6. I have no reason to recommend a refusal of permission to the Board on the basis of visual impact.

## 10.6. Residential Amenity – Future Occupants

10.6.1. **Unit Mix:** The applicant has provided a detailed Housing Quality Assessment, and which clearly states the proposed floor areas and storage provision for each type of residential unit. The proposed development provides for a total of 27 apartment units in the form of 1,2- and 3-bedroom units and 64 duplex units in the form of 1,2- and 3-bedroom units, in addition to 245 houses. This unit mix is compliant with Specific Planning Policy Requirement 1 (SPPR 1) of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning

Authorities'. The overall mix of apartments/ duplexes and houses is considered to be acceptable in this location.

10.6.2. **Quality of Units – Floor Area:** The proposed units provide for adequate floor space and all units are provided with storage that is easily accessible to the future occupants of the units. I note that a number of the storage areas are in excess of the standard maximum specified 3.5 sq m, however I do not consider this to be an issue of concern. From the Housing Quality Assessment, the applicant indicates that storage spaces in excess of 3.5 sq m provide for a utility room and storage as separate uses within the one space. In addition, most of the utility rooms/ storage areas that are in excess of 3.5 sq m are not easily convertible to other uses due to the width of the room, the overall layout and/ or the lack of windows.

10.6.3. **Dual Aspect:** Out of the 27 apartments, 21 or 77% are dual aspect and this is acceptable in terms of SPPR 4 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.6.4. **Floor to ceiling heights:** Floor to ceiling heights within the apartments are stated to be 2.7 m at ground, first and second floor levels and 2.75 m for the third/ upper floor level. This is in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'.

10.6.5. The Planning Authority through the CE report have referred to issues in relation to the ground floor duplex units only have a floor to ceiling height of 2.4 m and which should be increased to 2.7 m. I note these comments, however I consider that the submitted proposals are acceptable. The duplex units are designed more like houses than apartments and the ground floor units have a front door and rear access to a private amenity space area; thereby providing for good daylight within the unit. The need for an increased floor to ceiling height is not justified in this case as all units will be provided with good, well-lit internal floorspace. It is possible to increase the floor to ceiling height and if the Board so chooses, this may be done by way of condition. I don't foresee any impact to third parties if such alterations are carried out.

10.6.6. Comment was also made that a 2.2 m high floor to canopy height is proposed for the first floor DU-1 units. It is considered that this height should be revised to be a minimum of 2.4 m. This may be done by way of condition.

10.6.7. The proposed apartment block consists of 27 units with seven units on each of the ground, first and second floor and six apartments on the upper/ third floor. A centrally located stairwell and lift provides access from the ground floor to the upper floors. As the development provides for a maximum of 7 units per core, this is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.6.8. **Conclusion on Section 10.6.1 – 10.6.8:** The proposed development provides for an adequate mix of unit types. The phase 1 development consists predominately of family sized homes and the proposed development provides for a mix of apartment, duplex, and houses, thereby improving the mix of housing types in the area. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

10.6.9. **Quality of Units – Amenity Space:** The submitted Housing Quality Assessment provides a detailed analysis of all private amenity spaces to serve the relevant residential units. All houses are provided with adequate private amenity space and in some cases I note that very significant provision of open space is made, such as:

House 1 – Urban Block 1: 213.03 sq m

House 5 – Urban Block 5: 209.83 sq m

House 6 – Urban Block 2: 246.8 sq m

10.6.10. The proposed duplex units are provided with a mix of ground floor amenity spaces for the ground floor units and the upper floors are provided with balconies. The open space provision is acceptable for these units and again I note that a number of the duplex units are provided with very generous areas of open space.

10.6.11. The proposed apartment units in Block 16 are provided with acceptable private amenity space and which complied with the requirements of the 'Sustainable

Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’. A number of the units are provided with two separate balcony/ terrace spaces, and which allows for high quality residential amenity. The amenity spaces are generally accessed from the living/ dining spaces, which is desirable. Some amenity spaces are accessed from bedrooms such as in the case of Units A03, A10, and A23, but they are the units with two separate terrace/ balcony spaces and are therefore provided with high quality and significant quantity of private amenity space.

10.6.12. Adequate public open space is provided to serve this development. I note that no specific communal open space is allocated to serve the residents of the proposed apartment block, however there is adequate open space surrounding this block for the benefit of the residents.

10.6.13. I have already commented on issues raised by the Planning Authority in relation to the layout and distribution of the public open space. Whilst the open space is focused towards the north west and south eastern parts of the site, there are additional open space areas to the north east and south west and I am satisfied that the future residents will be able to access open space that is within easy walking distance of their homes.

10.6.14. It may be possible to provide for additional open space for example in lieu of units in Urban Block 09, which is towards the centre of the site. The removal of such units to provide for open space would result in a need for revisions to the adjoining units to allow for passive surveillance of this open space and would also result in a reduction in unit numbers and a reduced density as there would be potential for the loss of up to 26 units. I am satisfied that adequate public open space is provided for, the open space is accessible and in addition, all residential units are provided with acceptable quantities of open space for their own amenity purposes.

10.6.15. **Conclusion on Sections 10.6.9 – 10.6.14:** The proposed development provides for adequate private and public open space areas. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

10.6.16. **Daylight and Sunlight – Future Residents:** The applicant has engaged the services of ‘Right of Light Consulting’ to prepare a ‘Daylight and



Sunlight Report' for the units/ open space within the development. This assessment is undertaken based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209) and its most recent update.
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

The applicant has also referred to 'European standard BS EN 17037 'Daylight in Buildings' which was published in May 2019.

10.6.17. The submitted assessment undertook the following tests as follows:

- Test 1 - Average Daylight Factor (ADF): which is a test applied to habitable rooms within residential units. The applicant has made assumptions in relation to the reflective qualities of the floor, walls and ceilings and the type of windows to be provided. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room.

- Test 2 - Sunlight to Windows – Annual Probable Sunlight Hours (APSH): The BRE guide states that a dwelling or non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:
  - at least one main window wall faces within 90 degrees of due south,
  - the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of the annual probable sunlight hours during the winter months between 21st September and 21st March.
- Test 3 - Overshadowing to Gardens and Open Spaces: The availability of sunlight should be checked for all open spaces where sunlight is required for its

proper function as an amenity space. The BRE guide recommends that, for an open space to appear adequately lit throughout the year, at least 50% of its area should receive at least two hours of sunlight on the 21<sup>st</sup> of March.

The results of the different tests are provided in Appendix 1 – Window Key & No Sky Line Contours, Appendix 2 – Daylight & Sunlight Data and Appendix 3 – Overshadowing to Gardens & Open Spaces.

10.6.18. ADF analysis: The submitted details indicate that the proposed duplex and apartment units are compliant with the ADF requirements. All rooms that are analysed meet or exceed the minimum standards.

10.6.19. APSH analysis: In relation to the assessment of sunlight to windows, 61 of the tested 91 units (duplexes and apartments) have a living room window which faces within 90 degrees of due south and 50 of the 91 units meet the BRE numerical targets. A number of the proposed apartments that are provided with north facing living rooms are provided with south facing bedrooms.

10.6.20. The majority of living rooms within the proposed development that are analysed, will meet BRE standards. There are factors that can contribute to limiting the overall sunlight performance of a proposed development, including the position of a window beneath a balcony, which results in a reduction in received sunlight. The Apartments Guidelines recommend that private amenity spaces, such as a balcony, adjoin living rooms to ensure that the amenity space has a functional relationship with the living space. It is recognised that the balconies serve an essential amenity function for a residential development. It is considered that the level of sunlight received to windows in the proposed development is acceptable. I also note that sunlight is not a specific criterion under section 3.2 of the Building Height Guidelines.

10.6.21. Overshadowing of Amenity Space: The submitted analysis considers the received sunlight for a number of private amenity spaces – indicated as Gardens 1 to 27 and as indicated in Appendix 3. It is evident that a number of the assessed gardens do not meet the minimum requirements. I note paragraph 3.3.3 of the BRE guidelines, which states that the availability of sunlight should be checked to gardens – being the main back garden of a house. Therefore, the private amenity spaces to the proposed duplex and apartment units would not normally require assessment. For these types of accommodation, the BRE overshadowing guidance

is most applicable to the communal spaces within the proposed development and not the private amenity areas proposed.

10.6.22. In relation to the houses proposed, there are some that will not achieve the BRE minimum target levels in respect of the overshadowing of private amenity spaces - gardens, however I am satisfied that the overall performance of the proposed development in this regard, and that where gardens do not meet the target, this is a consequence of the layout and orientation of the proposed development, rather than associated with the proposed building form. I am satisfied that the layout is an appropriate response to the subject site and to develop a layout response solely in relation to the sun lighting of proposed private amenity spaces/ gardens would not be a rational approach for this development in my view. I am therefore satisfied that the proposed development provides sufficient amenity for future residents that will not be unduly overshadowed.

10.6.23. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive development of this accessible and serviced site within the Kildare County Council area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

10.6.24. **CE Report comment on residential amenity:** The CE report notes issues in relation to public open space and the internal standards of a number of the proposed units. I have commented on these issues already in this report.

10.6.25. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this part of Newbridge. Room sizes, amenity spaces and supporting facilities are of a good standard. The site is restricted by its location, the available layout and restricted site,

but the proposed scheme will provide for a suitable development of this urban site. In addition, the development would provide for a strong urban edge on this part of Newbridge. The development complies with the requirements of National and Local policies.

## 10.7. Residential Amenity – Existing/ Adjacent Residents

10.7.1. **Overlooking:** There are existing residential units to the north, north east and south east of the site. Those to the south east form Phase 1 of the overall development of this site and are designed to integrate with the proposed development. Suitable separation distances and integration with the existing development are provided for. The proposed development will have access to the Phase 1 open space areas and Phase 1 will benefit from access to the proposed childcare facility.

10.7.2. The residential units to the north of the site, along Standhouse Road, consist primarily of detached houses on generous sized sites. These units also benefit from reasonably long rear gardens and combined with the length of rear garden of the proposed houses in Urban Block 15, a more than adequate separation distance is provided.

10.7.3. There are existing detached houses to the north east of the subject site and again the separation distance between these and the indicative location of the proposed houses in Urban Block 08 are acceptable to ensure that privacy is protected. There are no units adjacent to the site on the south western side and the proposed layout is designed to ensure that any future development of these adjacent lands would not be adversely impacted by the proposed development.

10.7.4. **Potential Overshadowing:** The applicant has engaged the services of 'Right of Light Consulting' to prepare a 'Daylight and Sunlight Report' for 'Neighbouring Properties'. This assessment is undertaken based on best practice guidance set out in 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209) and its most recent update. The submitted assessment includes Appendix 1 which identifies the windows analysed in the study and Appendix 2 gives the numerical results of the various daylight and sunlight tests.

In cases where the room layouts are not known, the daylight distribution test has not been undertaken.

10.7.5. The submitted report states that the 'BRE numerical guidelines should be considered in the context of the National Planning Policy Framework (NPPF), which stipulates that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land' and this is agreed with.

10.7.6. Test 1 undertaken by the applicant is the Vertical Sky Component (VSC) analysis, and this is a measure of the available skylight at a given point on a vertical plane. The available diffuse daylight may be adversely affected if after the completion of the development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value. The BRE guidance does not define the term 'main window'. The applicant considers that where a room has multiple windows, the largest window is usually taken as the main window and the smaller window(s) are the secondary windows.

10.7.7. In summary, all tested windows pass the VSC requirements. I note these results and agree with the findings. As already reported, good separation distances are provided between the existing and proposed houses, and this ensures that the potential impact on skylight is reduced to an acceptable level.

10.7.8. Overshadowing to Gardens and Open Spaces: The submitted report also assessed the impact of the proposed development on the gardens/ open spaces of adjoining properties. All tested spaces meet the requirements as specified.

10.7.9. **Conclusion on sunlight/ daylight impacts to neighbouring properties:** Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused on the basis of impact to the existing amenity of adjoining properties in terms of sunlight/ daylight.

10.7.10. **CE Report comment on residential amenity:** I note again the comments in the CE report. No particular issues of concern were raised in relation to impact on adjoining residential units.

10.7.11. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The

development is located on the western edge of Newbridge and adequate separation distances are provided between the proposed residential units and the existing adjoining houses. The submitted assessments prepared by the applicant indicate that sunlight/ daylight currently received by adjoining residents will not be adversely affected by the proposed development.

10.7.12. I have no reason, therefore, to recommend to the Board that permission be refused due to impact from the proposed development on the existing residential amenity of the area.

## 10.8. Transportation, Traffic and Parking

10.8.1. The applicant has included a 'Traffic and Transport Assessment' prepared by PMCE, in support of the proposed development. The submitted report looks at the current situation, the nature of the proposed development, the impact on traffic and a conclusion. In addition, a Road Safety Audit (Combined Stage 1 and 2) and an Outline Travel Plan have been undertaken and submitted in support of the application.

10.8.2. As stated, the submitted Traffic and Transport Assessment, assesses/ details the current situation. The Ballymany Road/ R445 to the south is a key road between the M7 motorway and Newbridge. This road also connects the town to the Curragh racing track to the south west. Standhouse Road to the north is a local road with a relatively restricted width and no footpaths at the proposed junction with the subject site.

10.8.3. **Traffic:** The proposed report provides full details on the potential traffic volumes generated by the proposed development and any consequential impact on the local road network. Surveys were undertaken for a week between the 13<sup>th</sup> and 19<sup>th</sup> of April 2021 on the Standhouse Road and Ballymany Road. Junction turning count surveys were undertaken at three relevant junctions, details listed in Section 2.3 of the Traffic and Transport Assessment and results are provided in Appendix B of the same report. The report correctly notes that the surveys were undertaken during a time of restrictions associated with the Covid Pandemic and results may not be reflective of typical traffic conditions.

10.8.4. The proposed development is to be constructed, and operational, in phases over a three-year period commencing in 2022 and due to for completion by

the end of 2024. The report deems 2024 to be the opening year and assumes all phases shall be completed. This is indicted to be the worst-case scenario and will also allow for assessment up to 2039 (Opening Year +15). Also, if the link road and junction capacity is found to be acceptable in 2024, then it can be concluded that both link and junction capacity would also be acceptable in earlier years, with less residential units, and thus less trips being generated.

10.8.5. In summary, the assessments find that the Ballymany Road, eastbound, is operating over capacity at present and that the development will add 3.83% in 2024, 3.48% in 2029 and 3.27% in 2039. Westbound traffic will be circa 3% over the period. The Standhouse Road is operating below its potential capacity and although the development will make up 11.12% of the traffic volume in 2024, the overall total is still within the road capacity. The percentage of the total drops to 9.6% in 2039 and the overall use remains below the stated capacity for such a category of road.

10.8.6. The assessments of the junctions finds that they will operate within their capacity, except for the Morrinstown Road Junction, which is signalised, and is operating over capacity at present. The assessment finds that the proposed development will have a negligible impact on the capacity of this junction.

10.8.7. **Sightlines:** The proposed junction with the Standhouse Road will comply with the relevant requirements of DMURS. The junction with the Ballymany Road is already in place as part of Phase 1 of the development of these lands.

10.8.8. **Car Parking:** The proposed development has a car parking requirement of 668 spaces and the proposed development provides for 617 spaces, a shortfall of 51 spaces; full details are provided in Table 4-14: Parking Provision of the submitted Traffic and Transport Assessment. The Planning Authority report a shortfall of 65 car parking spaces.

10.8.9. I note that the proposed childcare facility has a requirement for 34 parking spaces and only 21 are proposed. The requirement is 0.5 spaces per staff member and 1 for every four children. I would consider that the provision of 21 spaces is adequate for staff and visitors and the reduced provision may encourage more users to walk/ cycle to this facility, especially considering its central location on the site.

10.8.10. The shortfall in car parking for houses at 477 against a requirement for 490 is relatively small, the vast majority of houses will have two car parking spaces. Apartment and duplexes are served by 1.5 spaces per unit and again I consider this to be acceptable and generally in accordance with the requirements of the apartment guidelines.

10.8.11. The overall shortfall in car parking is not significant in the context of the scale of this development. Car parking provision set out in the Kildare County Development Plan is generous and the requirements of the Apartment Guidelines are reflected in the proposed parking provision.

10.8.12. **Bicycle Parking:** Secure parking for 28 bicycles is provided as part of the apartment block and the duplex units are served with dedicated bicycle stores providing capacity for 64 bicycles. In addition, there are 48 bicycle stands to serve the needs of visitors to the site. The overall provision of bicycle parking is considered to be acceptable and appropriate for this development.

10.8.13. **Public Transport:** As already identified, the site is not well served by public transport, but a reasonably frequent bus service is available from the town centre. The section Buses contained within the Traffic and Transport Assessment is very much out of date as Bus Éireann do not operate any services to/ through Newbridge having been replaced by Go-Ahead Ireland on the 126 and its variations. As I have already reported, Newbridge is served by a train service, with frequent services in the peaks and by a number of bus routes serving Counties Kildare, Laois and Dublin, including a 24-hour service to and from Dublin Airport. The Outline Travel Plan identifies most of these bus routes, though since it was drafted, route 129 has ceased operations.

10.8.14. **CE Comment:** The Planning Authority and Kildare County Council departments have raised a number of issues in relation to accesses and car parking. The Kildare Transportation Department have sought a reduction in the number of roads from the link road from ten to six. I note that three of the roads off this link road are very short cul-de-sacs that only serve six houses each and would be unlikely to have an adverse impact on traffic flows. The other routes off the link road provide for through connections to a central spine road. I consider that the provision of multiple roads off the link road should allow for the development of a low speed



environment that would operate as a calmed traffic area more akin to a greenway than a distributor road. A reduction in the number of streets off this link road may result in a higher speed environment that would be contrary to best practice.

10.8.15. I have already commented on the car parking provision and consider it to be acceptable. I would be concerned about the provision of car parking within areas that are primarily designed to be public open space areas, however I am satisfied that these open space areas can be accessed in a safe and efficient manner.

10.8.16. **Conclusion on Transportation, Traffic and Parking:** The development is to be provided with an adequate internal road network, adequate car parking and is just within walking distance of Newbridge Town Centre. I note that there is a requirement for a transport plan for Newbridge and I would suggest that the development of this site would support a logical endpoint/ terminus for a town bus service/ extension of existing bus services. Car and bicycle parking provision is appropriate to the scale and nature of development proposed.

10.8.17. I do not foresee that the proposed development will negatively impact on any of the local road networks. I have no reason to recommend a refusal of permission to the Board.

## 10.9. Infrastructure and Flood Risk

10.9.1. The applicant has engaged the services of MUIR Associates Limited to provide drainage and water supply details and this is set out in an 'Engineering Planning Report' and also includes Traffic and Transportation details. The report is supported with a 'Soil Infiltration Test Report' prepared by Geoenvironmental – Environmental Consultants.

10.9.2. **Foul Drainage:** There is an existing 225 mm diameter foul sewer along the Ballymany Road/ R445 and a 225 mm diameter foul sewer along the Standhouse Road to the north. The applicant has outlined the proposed foul drainage system in Section 4.3 of their report and is further detailed in the supporting site plans and associated drawings.

10.9.3. A pre-connection enquiry was made to Irish Water and a response indicated that a proposed connection to the public services could be facilitated. Irish

Water have reported that the connection can be made on completion of upgrade works relating to the Upper Liffey Valley Contracts 2A and 2B, these were in progress at the time of the drafting of the Irish Water report in June 2022, and which are due to be completed this year.

10.9.4. **Water Supply:** A 100 mm diameter watermain is located along the Ballymany Road and a smaller 50 mm diameter watermain is located along the northern boundary of the site along the Standhouse Road. Details of the proposed water supply network to serve the development are provided in Section 6.3 of the applicant's report.

10.9.5. Contact has been made with Irish Water in relation to connecting to the public water supply. Irish Water have reported that a connection to their system would require the following upgrade works:

- Connection main – Approx. 10m of new 200 mm ID pipe main to be laid to connect the site development to the new 200 mm ID main. Bulk meter to be installed on the connection main.
- New main – Approx. 700 m of new 200 mm ID pipe main to replace 3" uPVC main.

As Irish Water have no plans to extend their network in the area, the applicant will be required to fund these works as part of a connection agreement with Irish Water.

10.9.6. **Surface Water Drainage:** There is an existing 225 mm diameter surface water drain at the Standhouse Road/ Seven Springs Road Junction and which runs along the Standhouse Road in an easterly direction. It is proposed that the foul/ surface water drainage networks will be separate from each other. Suitable measures will be put in place to ensure that the water discharge to the Standhouse Road will be controlled to a greenfield site peak runoff rate. Full details of the proposed surface water drainage system are provided in Sections 5.4 and 5.5 of the applicant's report.

10.9.7. I note that the applicant refers to the location of the site within an area of high groundwater vulnerability and that Geological Survey of Ireland maps indicate that there is a regionally important gravel aquifer below the site. Assessments on site found that the highest recorded groundwater level was 5.5 m below ground level

and which is significantly below the base of the attenuation/ soakaways to the extent that it would not impact on their functionality.

10.9.8. Under Section 5.7 of their report, the applicant outlines a number of responses to the comments made by the Kildare County Council Water Services section in relation to surface water drainage. The Planning Authority through the CE report, note the submitted information and refer to the Water Services Report that recommends conditions in relation to the proposed surface drainage system and which includes an alternative surface water drainage system and a revision of the proposed SuDS design. This is noted and in the event that permission is granted, the applicant will be conditioned to comply with the requirements of the Planning Authority.

10.9.9. **Flood Risk:** A 'Site-Specific Flood Risk Assessment' – prepared by Muir Associates Limited has been included with the application. The site is located to the northwest of the Ballymany Road/ R445 to the west of Newbridge, Co. Kildare. Ground levels vary from 107 m OD to the south east to 95 m OD to the north west of the site. Significant earthworks were undertaken on the site in the past and stockpiling of materials has also taken place. The submitted report, under Section 4.0, provides full details on relevant reference material and data sources.

10.9.10. The assessment considers the risk from flooding from a number of sources as follows:

- Tidal: No risk due to the distance and elevation relative to the Irish Sea.
- Fluvial: The nearest watercourses to the site are the Cloncumber Stream, located to the north west, and the Greatconnell Stream which is located to the east. The Cloncumber Stream is within the River Barrow catchment and the Greatconnell Stream flows into the River Liffey and has been modelled as part of the Newbridge Fluvial Flood Extents Eastern CFRAM Study. Flood Hazard mapping indicates that the subject site is located within Flood Zone C – outside of the 1 in 1,000-year flood zone. Risk of flooding from fluvial sources is therefore considered to be remote and there is no unacceptable residual flood risk to the proposed development, its occupants, adjoining land users or property.
- Pluvial: Surface water will be discharged from the proposed development to an existing storm water sewer in Standhouse Road via a system of geocellular

attenuation storage facilities located on the site. Flow will be controlled and limited to greenfield rates. It is also proposed to provide two soakaways which will discharge surface water directly to the ground.

Further consideration is given to flood risk associated with surface water for two sources as follows:

On-site surface water: The on-site system has been designed to include for a combination of infiltration and attenuated surface water run-off being discharged to the existing system on Standhouse Road. Potential risk from flooding is considered to be low.

Off-site surface water: There is no evidence of any flooding on site and finished ground levels will be set to avoid any potential surface water runoff from higher existing finished ground levels. The routing of existing surface water run-off will generally remain unaltered by the proposed development. Potential risk from flooding is considered to be low.

- Groundwater: There is no record of groundwater flooding within or in close proximity of the site according to GSI data.
- Human or Mechanical: No factors have been identified that would give rise to any concerns in relation to flooding.

10.9.11. Section 6.0 of the applicant's report details responses to issues raised by the Kildare County Council Water Services Section by their report dated 3<sup>rd</sup> March 2020. The Planning Authority through the CE report did not raise any specific issues of concern in relation to flood risk. I have already noted previous comments in relation to surface water drainage.

10.9.12. I am satisfied from the available information that the subject site/proposed development is not subject to any flood risk. In addition, there is no indication that the proposed development would give rise to increased flood risk to adjoining lands.

10.9.13. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Surface water drainage can be adequately catered for, though I note that the Kildare County Council Water Services Section have recommended that revisions be made to the proposed

system, this can be done by way of condition. There is no indication of any flood risk on site or to adjoining lands arising from the proposed development.

#### **10.10. Childcare, Social Infrastructure and Part V Social Housing Provision**

10.10.1. **Childcare:** The proposed development includes a childcare facility that can accommodate up to 102 children. The facility will serve the proposed development and phase 1 to the south. Permission was previously granted for a childcare facility under PA Ref. 16/658, and which could accommodate 47 children. The proposed facility replaces that permitted unit. Full details of the childcare provision and demand is provided in the Social Infrastructure Audit prepared by Simon Clear & Associates.

10.10.2. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one facility for every 75 units.

10.10.3. The proposed development is for 336 units, out of which 45 are one-bedroom units, therefore childcare provision is required for 291 units. In addition, the Phase 1 lands provide for 54 residential units. The childcare requirement is therefore 92 spaces ( $291+54 = 345$ ,  $/ 75 = 4.6$ ,  $*75 = 92$ ). The proposed facility meets the requirements.

10.10.4. The submitted audit details and provides information on other facilities in the area. 13 childcare facilities have been identified and which have a capacity for 500 children within 2 km of the subject site.

10.10.5. **Social Infrastructure:** The Social Infrastructure Audit indicates that there are 11 national and 5 post primary schools within the Newbridge area, and which have capacity for circa 6,400 students. Existing school demand is calculated to be 5, 803 children and therefore capacity exists to accommodate the proposed development.

10.10.6. The submitted audit also outlines a number of large-scale projects being delivered under the school building programme and also a number of projects that have been completed over the period 2011 to 2018.

10.10.7. The Audit also provides details on available healthcare, community facilities and recreation/ open space in the Newbridge area. Transport, retail and population details are also provided. I do note, again, that this audit is dated February 2022, though the public transport information is very much out of date. This does not impact on the assessment of this development.

10.10.8. Part V and Social Housing: A total of 33 units are proposed to be provided for the Part V housing. The Kildare County Council Housing Department have noted the provision and have recommended conditions in the event that permission is granted.

10.10.9. I note the 'Housing for All Plan' and the associated 'Affordable Housing Act, 2021' which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board decides to grant planning permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.10.10. **Conclusion:** I am satisfied that the proposed childcare facility will serve the demand generated by the proposed development and the phase 1 development to the south. Adequate existing childcare provision is available in the area for those who require such a service off-site. Schools, community and other social infrastructure is also available in the area.

#### 10.11. **Comment on Submission/ Observations of the Kildare/ Newbridge Municipal District**

10.11.1. The views of the elected members were submitted alongside and included in the CE report. Having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below.

10.11.2. Concern was raised about the proposed density/ scale of development. The density is considered to be acceptable having regard to the location of the site on the edge but within the urban area of Newbridge and that the site is suitably zoned for residential development. The site is serviced and whilst public transport is limited, it is served by public transport and is likely to be a catalyst for further improvements in the area.

10.11.3. The design/ finishes of the buildings, the location of the creche and the location of the apartments were all raised. I have no objection to the location of the creche and the apartment building. Although the apartment block is the tallest building on site, the extensive open space around it will result in an open/ green section towards the north west corner and is suitable as a transitional zone between the site and the rural areas to the west/ north west.

10.11.4. A query was raised about how surface water would be dealt with on site and this issue has been extensively addressed by the applicant. Final details can be conditioned to comply with the requirements of Kildare County Council.

10.11.5. A number of issues were raised in relation to the link road, roads, car parking and footpaths. I am satisfied that all these issues can be addressed by the applicant. The local road network can accommodate the additional traffic and although the centre of Newbridge may currently suffer from traffic congestion, that is not related to the proposed development. The proposed link road is clearly indicated in the submitted application/ site layout plans. Car parking provision has been considered in depth in my report.

10.11.6. Material contravention was raised by a number of the elected members, and this is considered in depth later in my report.

10.11.7. The quality of the design and layout was raised a number of times. In general, the development is considered to be acceptable having regard to the location and constraints on the site through the need for the link road, the existing phase 1 development and development on adjoining sites.

## 10.12. Other Issues

10.12.1. **Archaeology:** The proposed development includes an area of open space that provides a buffer zone around an Archaeological Exclusion Zone, towards

the north west of the site. The submitted Environmental Impact Assessment Report includes within Chapter 11. Cultural Heritage, a section on Archaeological Heritage and details archaeological testing that was undertaken in 2016. No artefacts of archaeological/ historical interest were recovered during the investigations. The features/ section of the site were subsequently covered with geotextile material and covered with a depth of soil.

10.12.2. The Department of Housing, Local Government and Heritage have reported no objection to the development in terms of archaeological heritage. It is recommended that archaeological monitoring should take place and recommended conditions are provided.

10.12.3. **Tree Survey:** Lawlor Landscapes have been engaged by the applicant to prepare a tree survey and to prepare an Arboricultural Impact Assessment. A total of 26 trees are considered to be Category A – High Quality, no Category B trees were identified, two Category C trees and 1 Category U – Tree to be removed, were located on site. A number of recommendations are included in the tree survey, and which set out to protect/ improve the health of existing trees on site.

10.12.4. The submitted details are noted, and no issues of concern are raised by the submitted reports. The applicant has also provided an Arboricultural Method Statement and a Landscape Report by Jane McCorkell and these are also noted.

10.12.5. **Noise Assessment:** Decibel Noise Control have been engaged by the applicant to prepare a noise assessment of the site. Surveys were undertaken on Wednesday April 7<sup>th</sup>, 2021, at 18:00 to Sunday April 11<sup>th</sup> 2021 at 16:55. Two locations were utilised, one to the south west corner adjacent to the Ballymany Road and the other to the west of the site, towards the southern part of the site.

10.12.6. Survey results are provided in Tables 1 to 4 of the Noise Assessment Report. In conclusion it was found that traffic associated with the M7 motorway was the main source of noise. Noise levels may exceed the recommended levels but not for significant periods of times and not at significant levels as to give rise to concern. The report concludes that 'Predicted noise levels on the site are within the limits set out in Kildare County Council Noise Action Plan 2019-2023'.

10.12.7. The submitted details are noted. From the available information it appears that the development is on the border of an area that may be impacted by



noise associated with M7 traffic. The submitted surveys indicate that occasional noise levels and acceptable periods of noise may be exceeded but not to a significant level. I note the layout of the development includes for open space that is surrounded by houses and which would allow for reduced levels of noise than for areas that are open, such as the exiting open space to the south east and which is open to the Ballymany Road. I am satisfied that the noise levels will not adversely impact on the development. Although it is not an issue for the Board to consider, the development of this site is probably the last area that would be appropriate for residential development and hence why the C – Residential zoning does not extend to the west of the site. Any future residential development to the west would likely to be adversely impacted by M7 traffic to an unacceptable level.

10.12.8. **Lighting:** An 'Outdoor Lighting Report' has been prepared by Sabre Electrical Services Ltd. and indicates the type of lighting to be provided on site and where the light standards will be located. I have no objection to the submitted details; final details can be agreed with the Planning Authority by way of condition in the event that permission is granted for the proposed development.

### 10.13. **Material Contravention**

10.13.1. The applicant has engaged Simon Clear & Associates to prepare a 'Material Contravention Statement'. The public notices make specific reference to a statement being submitted indicating why permission should be granted, having regard to the provisions of Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016. This section of the Act states that 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'.

10.13.2. The statement of Material Contravention has been prepared to acknowledge matters which may be considered to be a Material Contravention of the

Kildare County Development Plan 2013 to 2019, and the Newbridge Local Area Plan 2013 - 2019 (extended until December 2021).

10.13.3. There are four (4) issues identified in the applicant’s Material Contravention statement as follows:

<b>Material Contravention Issue</b>	<b>Local Area Plan/ Development Plan Requirement</b>	<b>Proposal</b>
Density	The Newbridge Local Area Plan has a specific objective for lands zoned C2 that a maximum density of 15 units per hectare will apply to the lands.	The subject site is zoned C2 and density is at 35 units per hectare.
Apartment/ Duplex Units	The Newbridge Local Area Plan has a specific policy to restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Also, within the same policy it is noted that duplex units shall not generally be permitted.	The site is identified as an outer suburban/ greenfield site and the proposal includes both apartments and duplexes.
Height	The Kildare County Development Plan has general development standards for building heights which indicates that the appropriate	The proposed development includes the provision of three and four storey units, where the prevailing form of development in the

	maximum or minimum height of any building will be determined by the prevailing building height in the surrounding area.	surrounding area is 1 to 2 storeys.
Parking	<p>The Kildare County Development Plan includes Table 17.9, and which sets out a car parking requirement of:</p> <ul style="list-style-type: none"> <li>• 2 spaces per house</li> <li>• 1.5 spaces per apartment</li> <li>• 1 visitor parking space per every 4 apartments</li> </ul>	The proposed development generally provides 2 parking spaces per house, except for House Type D. >1 car parking spaces is provided per apartment/ duplex and c.1 visitor parking space is provided per 4 no. apartments.

10.13.4. **Density:** The subject site is subject to a specific objective within the Newbridge Local Area Plan for C2 zoned lands, indicating a maximum density of 15 units per hectare. As the proposed development provides for a density of 35 units per hectare, I agree with the applicant that this represents a material contravention of that specific objective under the Local Area Plan. The applicant also identifies that in table 11 'Indicative Residential Densities' of the LAP, a general density range of 30 - 50 units per hectare is set out for 'Outer Suburban/ Greenfield locations. The subject site is zoned for new residential and therefore falls within this classification. Objective LDO1 of the Kildare County Development Plan also states that the density of residential development should be in accordance with the Sustainable Residential Development Guidelines and as part of this, table 4.2 'Indicative Density Levels' of the Kildare County Development Plan also identifies a General Density Parameter of 30 to 50 dwellings per hectare for New Residential Development in Outer Suburban/ Greenfield locations.

10.13.5. The Sustainable Residential Development in Urban Areas Planning Guidelines state that for outer suburban / greenfield sites on the periphery of larger towns, which in my opinion would include the subject site, densities in a range of 35 - 50 dwellings per hectare would be appropriate. I am therefore satisfied that the exceedance of the density level proposed when compared to the objective for C2 lands under the LAP is acceptable. In my view, should the Board determine to grant planning permission, a material contravention of the Newbridge Local Area Plan (extended to December 2021) in relation to density is justified as follows:

- In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 as amended: The proposed development can be considered of strategic importance at a county level, formed of 336 units on suitably zoned lands for much needed residential development, in accordance with the broader policies and objectives of the NPF and RSES, specifically objectives 33 and 35 of the NPF which seek to prioritise the provision of new homes at locations that can support sustainable development and which seeks to increase densities in established settlements.
- In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 as amended: There are conflicting objectives in the Kildare County Development Plan and the Newbridge Local Area Plan. The development plan and local area plan include indicative densities for new residential zoned lands, (which would include the subject site) of between 30 - 50 dwellings per hectare. Objective LDO 1 of the development plan also asks densities to reflect the Sustainable Residential Development Guidelines, which for the subject site would be between 35 and 50 units per hectare. However, the Newbridge Local Area Plan includes a specific objective for C2 lands, which includes the subject site, of 15 units per hectare.
- In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 as amended: Permission for the development should be granted having regard to national planning policy guidelines that promote increased housing delivery and efficient development on appropriate serviced sites. Such guidance includes Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework; and the Sustainable Residential Development in Urban Areas Planning Guidelines 2009. Specifically in light of the location of the site on the periphery of the existing settlement, on a suburban/

greenfield area, where densities of between 30 - 50 dwellings per hectare are expected. The site is a short walking distance to the town centre for Newbridge, a town highlighted in the RSES as having good levels of local employment, services, and amenities. The site also has access to public transport with bus stops situated a reasonable walking distance from the site. In addition, the proposed development is also in accordance with SPPR3 and development management criteria (under section 3.2) in the Building Height Guidelines, as well as SPPR's and associated guidance in the Apartment Guidelines.

- In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 as amended: The pattern of development in the area, specifically being the previous planning approval on the site (PA Ref.16/658, ABP Ref.249038) with an approved density of 21.71 dwellings per hectare and in excess of the specific objective for 15 dwellings per hectare on C2 lands described under the Newbridge Local Area Plan. In addition, a SHD permission (ref.302141) was granted on lands at Athgarvan Road, Kilbelin, Newbridge in 2018 for a development density of circa 37- 39 uph, with heights up to 3 storeys. This therefore indicates that a material contravention would similarly be justified for the proposed development.

10.13.6. **Provision of Apartments and Duplexes on site:** Policy HL6 of the Newbridge Local Area Plan states: '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'.

10.13.7. The proposed development provides for a total of 336 units of which there are 27 apartments and 64 duplex units. These units provide for a total of 27% of the overall development. I note that the Planning Authority considers that the development is unacceptable in this regard and refers specifically to policy HL6. I do not agree with the applicant that this represents a material contravention of the local area plan. It is my view that this policy seeks to restrict apartment developments generally to town centre locations or to suitably located sites adjoining suitable public transport connections. This implies that there are situations where apartments

outside of these locations are appropriate, and I have outlined already in this 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 HL6, the proposal here does not materially contravene same.

10.13.8. From the site visit it was evident that there is not an over concentration of apartment units in the locality, with surrounding development predominantly consisting of one and two storey houses. 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. In relation to the duplex units proposed, policy H 6 states that duplex units shall not generally be permitted, but I am of the view that the policy is worded so as to allow them in some instances, and I consider that the provision of such units allows for a suitable mix of housing types, with an appropriate high quality of residential amenity. I am not of the view that the proposal materially contravenes the Local Area Plan.

10.13.9. **Height:** Section 17.2.1 of the Development Management Standards in the Kildare County Development Plan states the following under 'general development standards': The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area;
- The proximity of existing housing;
- The formation of a cohesive streetscape pattern, including height and scale of proposed development relative to width of street or area of open space.

As the proposed development includes heights up to four storeys in a location where the prevailing building height is one to two storeys, the applicant concludes a material contravention of the plan arises.

10.13.10. **Car Parking:** In relation to car parking, the Kildare 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 a reduced number of car parking spaces included than would be generated in accordance with the minimum standards. The applicant therefore concludes that a material contravention of the plan arises.

10.13.11. I do not consider that the aforementioned standards amount to a policy or objective under the plan. Therefore, I do not agree that a material contravention arises. The standards described in section 17 of the Kildare 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'. It is therefore 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.

10.13.12. In conclusion, I consider that the only material contravention that arises with respect to this application relates to the exceedance in density identified for C2 lands under the Newbridge LAP, and that this would be justified for the reasons described above. However, should the Board conclude that other material contraventions arise with respect to those matters outlined above, justification would similarly support a material contravention for those matters in relation to the strategic character of the application; the adherence to SPPRs and criteria under section 28 guidelines, specifically the Building Height and Apartment Guidelines; and the established housing typologies and parking levels represented in planning approvals both on the site and in the surrounding area.

## **11.0 Appropriate Assessment – Natura Impact Statement**

### **Stage 1 – Appropriate Assessment Screening**

11.1. The applicant has engaged the services of Panther – Environmental Solutions Limited, to carry out an Appropriate Assessment Screening/ Natura Impact

Statement; the report is dated January 2022. I have had regard to the contents of same.

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

The areas addressed 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 of each European site

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

11.3.1. 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.

11.3.2. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

### **11.4. Screening the need for Appropriate Assessment**

11.4.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a designated European site. This is considered Stage 1 of the appropriate assessment process, i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of



significant effects cannot be excluded on the basis of available objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment shall be carried out. The applicant has submitted a screening report for Appropriate Assessment and a Natura Impact Statement as part of the planning application.

11.4.2. The applicant's Stage 1- AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The site and the proposed development are described in Section 4.0 of the Panther report.

11.4.3. The following are the sites within the possible zone of influence:

<b>Site Name (site code)</b>	<b>Designation</b>	<b>Distance/ direction from the site</b>
Pollardstown Fen (000396)	SAC	620 m – North West
Mouds Bog (002331)	SAC	3.6 km – North
River Barrow and River Nore (002162)	SAC	11 km – South West
Ballynafagh Lake (001387)	SAC	11.3 km – North East
Ballynafagh Bog	SAC	13 km – North East

Ballynafagh Lake is hydrologically connected to the site via the Grand Canal, however the distance at 17.63 km is sufficient to ensure that water quality would not deteriorate at construction or the operational phases of the development. The applicant has screened this out for that reason. Ballynafagh Bog is not hydrologically connected to the site and the site does not contain any of the habitats associated with the SAC, this site is therefore screened out.

11.4.4. The following are the Qualifying Interests of the three sites:

<b>Site Name (site code)</b>	<b>Qualifying Interests [code]</b>	<b>Site Conservation Status</b>

<p>Pollardstown Fen (000396)</p>	<ul style="list-style-type: none"> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> <li>• Vertigo geyeri (Geyer's Whorl Snail) [1013]</li> <li>• Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</li> <li>• Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</li> </ul>	<p>All are listed as good.</p>
<p>Mouds Bog (002331)</p>	<ul style="list-style-type: none"> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> <li>• Depressions on peat substrates of the Rhynchosporion [7150]</li> </ul>	<p>All are listed as reduced.</p>
<p>River Barrow and River Nore (002162)</p>	<ul style="list-style-type: none"> <li>• Estuaries [1130]</li> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Reefs [1170]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> </ul>	<ul style="list-style-type: none"> <li>• Mix of Good and Excellent except for Nore Freshwater Pearl Mussel [1990] which is listed as Reduced.</li> </ul>

	<ul style="list-style-type: none"> <li>• Atlantic salt meadows (Gluco-Puccinellietalia maritima) [1330]</li> <li>• Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• European dry heaths [4030]</li> <li>• Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</li> <li>• Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</li> </ul>	
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	<ul style="list-style-type: none"> <li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li> <li>• Austropotamobius pallipes (White-clawed Crayfish) [1092]</li> <li>• Petromyzon marinus (Sea Lamprey) [1095]</li> <li>• Lampetra planeri (Brook Lamprey) [1096]</li> <li>• Lampetra fluviatilis (River Lamprey) [1099]</li> <li>• Alosa fallax fallax (Twaite Shad) [1103]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Trichomanes speciosum (Killarney Fern) [1421]</li> <li>• Margaritifera durrovensis (Nore Pearl Mussel) [1990]</li> </ul>	
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Greater detail is provided in Section 5.0 of the Panther report.

11.4.5. The submitted report has considered the impact of the development on the identified designated sites. The applicant's AA Screening Report concluded that:

'The proposed development site is hydrologically connected to both Pollardstown Fen SAC (Site Code: 000396) and the River Barrow and River Nore SAC (Site Code: 002162). As detailed above, it is considered that the proposed development would not result in any significant risk to the protected habitats and species of the Pollardstown Fen SAC, Mouds Bog SAC and the River Barrow and River Nore SAC due to habitat fragmentation or loss,

disturbance, reduction in species density or species diversity, or due to the potential introduction of invasive species.

However, the assessment has determined that during construction works, the proposed development has the potential to impact upon the qualifying interests / special conservation interests of the Pollardstown Fen SAC, Mouds Bog SAC and the River Barrow and River Nore SAC due to a potential deterioration in water quality and dust. Therefore, a Natura Impact Statement is required'.

11.4.6. The proposed development site is hydrologically connected to both Pollardstown Fen SAC (Site Code: 000396) and the River Barrow and River Nore SAC (Site Code: 002162) and there is a potential for deterioration in water quality and due to increased dust during the construction phase. The tables in Section 7 of the submitted report indicate the potential impacts to the qualifying interests. A list of suitable mitigation measures is provided in Section 8.1 – Water Quality and 8.2 – Dust Control. In conclusion, under Section 8, the report states:

'It is therefore considered that, due to the proposed design and proposed mitigation measures, there would be no significant risk to air quality and the protected habitats and species of the Pollardstown Fen SAC, Mouds Bog SAC and the River Barrow and River Nore SAC during the construction phase of the proposed development'.

11.4.7. In-combination effects are considered in section 9.0 of the report and no issues of concern are reported. The overall conclusion is that there would be no potential for significant impacts on European sites subject to recommended mitigation measures and includes the development by itself or in combination with other developments in the area.

11.4.8. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

## 11.5. **Stage 1 Screening - Test of Likely Significant Effects**

11.5.1. The proposed development is examined in relation to any possible interaction with European sites, the relevant sites have been detailed already under Sections 12.4.3 and 12.4.4, to assess whether it may give rise to significant effects

on any designated European Site. 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).

11.5.2. A description of the site is provided in this Appropriate Assessment Screening Report; I have already outlined the development description under Section 3.0 of this report. In summary the development is for 336 residential units in the form of houses, duplexes and apartments, a creche and all necessary infrastructure. The site is located to the south west of Newbridge and the gross site area is 11.42 hectares. An EIAR has been submitted in support of the application.

11.5.3. **Submissions and Observations:** No Third-Party submissions were made, the Local Authority (Chief Executive report and internal departments) submissions are summarised in Section 8.0 and Prescribed Bodies are summarised in Section 9.0 of this report.

11.5.4. **Zone of Influence:** A summary of European sites that are located proximate to the proposed development, including their conservation objectives and Qualifying Interests has been examined by the applicant. A precautionary approach in the submitted Screening Report of including all SACs within 15 km of the development site was taken to be the zone of influence of the development site, which are listed are section 12.4.3 of this report

11.5.5. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

11.5.6. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. The nearest European sites are those in Pollardstown Fen, Mouds Bog and the River Barrow & River Nore.

11.5.7. There are no watercourses on the site but there are a number of streams/ rivers in close proximity including the River Liffey to the east of Newbridge and the Cloncumber Stream which is to the north of the railway line/ north of the subject site. Drainage from the site, in terms of foul and surface water, would be an external output during both the construction and operation phases. The subject site is within the groundwater catchment of Pollardstown Fen and which is therefore hydrogeologically connected to the site.

11.5.8. The Department of Housing, Local Government and Heritage have reported that the submitted 'NIS has not established the groundwater pathway from this development to Pollardstown Fen SAC, nor have the likely significant effects of the development through alternation of groundwater pathway or groundwater recharge been assessed, in light of the site's conservation objectives' and 'An Bord Pleanála should ensure that the current and future groundwater recharge regimes to Pollardstown Fen's groundwater catchment are maintained'. The applicant has also identified dust during the construction phase of development as a potential issue that requires mitigation measures to address any concerns.

## 11.6. Screening Determination

11.6.1. 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 Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162), in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

11.6.2. I confirm that the Pollardstown Fen SAC, Mouds Bog SAC, and the River Barrow and River Nore SAC, which are screened in for appropriate assessment, are included in the NIS prepared by the project proponent.

11.6.3. The possibility of significant effects on other European sites has been excluded on the basis of the nature and scale of the works proposed, scale of intervening distances involved, lack of a direct hydrological link, dilution effect, and

lack of substantive ecological linkages between the proposed works and the sites in question.

11.6.4. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

## **11.7. Natura Impact Statement (NIS)**

11.7.1. I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162). As noted in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

11.7.2. The NIS identifies and assesses possible adverse effects of the proposed development on specific QIs and SCIs of Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162). Details of mitigation measures, how, and when they will be implemented, are also detailed in Section 8 of the NIS. Section 8.1 details suitable water quality mitigation measures and Section 8.2 details the relevant dust control mitigation measures.

11.7.3. The NIS Conclusions stated the following:

It is the conclusion of this Natura Impact Statement that, subject to recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development and mitigation measures to be employed. This conclusion refers to the development by itself or in combination with other developments.

## **11.8. Appropriate Assessment of implications of the proposed development**

11.8.1. The following is a summary of the assessment of the implications of the project on the qualifying interest features of the European sites using the best



scientific knowledge in the field (as provided by the applicant). 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.

11.8.2. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); 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 (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

11.8.3. The following sites are subject to appropriate assessment:

- Pollardstown Fen SAC (Site Code: 000396),
- Mouds Bog SAC (Site Code: 002331)
- River Barrow & River Nore SAC (Site Code: 002162)

A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and has already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

11.8.4. **Aspects of the Development that could adversely affect the designated site:** The main aspect of the development that could impact the conservation objectives of the European sites are through deterioration of water quality and dust during the construction phase of the development.

11.8.5. **Mitigation:** A range of mitigation measures are provided in Sections 8.1 and 8.2 of the submitted AA Screening/ NIS and the following is noted in relation to water quality:

- 'In the unlikely event of a suspected deterioration in water quality within the Liffey, Cloncumber Stream, Rosberry 14 and Pollardstown Fen due to construction works at the development site, works would immediately cease, an investigation

into the cause undertaken and the relevant NPWS and Inland Fisheries Ireland personnel informed.'

Other measures proposed are standard during a construction process such as the provision of silt traps, control of cement and hydrocarbons, regular maintenance and supervision of process.

Dust control measures are also standard and I note the following:

- 'Care would be taken when unloading vehicles to minimise dust. Materials should be lowered, not dropped, insofar as practicable and safe;
- Regular visual inspections would be undertaken around the proposed site boundary and local road network to monitor the effectiveness of dust control measures;
- Should additional dust mitigation measures be required, for instance during particularly dry weather, dust suppression would be undertaken using water misting plant, such as bowsers and sprays, and wheel wash facilities to reduce the level of dust travelling offsite;
- Materials would not be delivered to the site until required'.

11.8.6. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

11.8.7. **In-Combination Effects:** This has been considered and no issues of concern were identified.

11.8.8. **Appropriate Assessment Conclusion:**

11.8.9. The proposed residential development at Ballymany, Newbridge, Co. Kildare has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

11.8.10. 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), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

11.8.11. 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 Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162) in view of the sites' Conservation Objectives.

11.8.12. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162)
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162)

11.8.13. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of Pollardstown Fen SAC (Site Code: 000396), Mouds Bog SAC (Site Code: 002331) and the River Barrow & River Nore SAC (Site Code: 002162).

## 12.0 Environmental Impact Assessment Screening

12.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

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

12.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

The development proposes 336 residential units and has a stated area of 11.4 hectares. It therefore requires mandatory EIA, and an EIAR has been submitted with the application.

12.4. The EIAR is laid out as follows:

- Non-Technical Summary

Chapter One – Introduction & Methodolgy

Chapter Two – Site Location & Context

Chapter Three – Description of Development & Alternatives Considered

Chapter Four – Population & Human Health

Chapter Five – Biodiversity

Chapter Six – Land, Soils & Geology

Chapter Seven – Hydrology & Water

Chapter Eight – Air Quality & Climate

Chapter Nine – Noise & Vibration

Chapter Ten – Landscape & Visual Impact Assessment

Chapter Eleven – Cultural Heritage

Chapter Twelve – Material Assets

Chapter Thirteen – Interactions

Chapter Fourteen – Principal Mitigation & Monitoring

Appendix 6.1 – Geotechnical Ground Investigations

Appendix 6.2 – Outline Construction Management Plan

12.4.1. Chapter 1 includes details of the site, a list of relevant legislation/ guidance, EIAR process, structure of the EIAR, and a list of the EIAR team is also provided.

12.4.2. Chapter 2 provides a more detailed site description and a list of relevant planning history.

12.4.3. Chapter 3 provides a detailed description of the proposed development. This includes full details on the residential units, childcare facility, service/ infrastructure provision and development phasing. Section 3.14 provides 'Consideration of Alternatives' and includes Alternative Locations/ Do Nothing Scenario, Alternative Designs and Alternative Layouts – four layouts are provided, the fourth of which provides the final design. The alternatives comply with the requirements of the EIA Directive.

12.4.4. The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity (Flora and Fauna)

- Land, Soils, Geology and Hydrogeology
- Hydrology & Water
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual Impact
- Cultural Heritage
- Material Assets:
  - Material Assets – Built Services
  - Material Assets – Roads & Traffic
  - Material Assets – Waste Management
- Interactions
- Mitigation and Monitoring

12.4.5. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR, and supplementary information provided by the applicant, adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended. Each chapter demonstrates the competency of the assessor, relevant guidance that they have considered, and the assessment criteria.

12.4.6. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out already in this report. This EIA has had regard to the application documentation, including the EIAR, the observations received, and the planning assessment completed above.

12.4.7. **Consultations:** Details of the consultations carried out by the applicant as part of the preparation of the application and EIAR are set out in the documentation submitted and these are considered to be adequate. I am satisfied that the participation of the public has been effective, and the application has been

made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

12.4.8. **Assessment of Likely Significant Direct and Indirect Effects:** My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made during the course of the application, together with my site visit.

## 12.5. Population & Human Health

12.5.1. This chapter was prepared by Simon Clear & Associates and the description of the existing baseline environment is provided under sections 4.2.1 to 4.2.8. This information includes population/ census details (using Census 2016 data), household information, socio-economic information, travel patterns, general health, employment & economic activity and land use & receptors. The population of the Newbridge area has increased from 21,720 in 2011 to 22,857 in 2016, an increase of 5.2%. Most age cohorts increased except the range of 0-4, which showed a decline of 13.1% and the range of 20 to 34 years which varied in decline from 7.1% to 22.1%. Car use was at 59% for those going to their place of work. The unemployment rate in 2016 was 11.4%, which was less than the national average. I note this figure, however I wish to add that employment has significantly increased since then.

12.5.2. The Potential Impacts are provided under Sections 4.3 under a number of headings and the main points are summarised as follows:

- **Potential Impacts during Construction:** The construction phase will take place over five years. The site is not currently accessible and there will be no impacts on land use. The construction phase will result in a population increase through construction workers seeking accommodation and benefits to the local economy. These impacts will be short term, neutral and imperceptible. There will be a certain level of loss of amenity, disruption, nuisance and inconvenience to the local community during the construction phase; traffic will increase but will be short-term and not significant, potential for impact on water quality, temporary impact, potential temporary impacts on air quality and similarly for noise & vibration. The removal of overhead cables will have a permanent, positive impact

and the visual impact will vary from minor to major. Accidents will be prevented by suitable mitigation measures.

- **Mitigation – Construction Phase:** A full list of Mitigation Measures is provided under Section 4.4. Cumulative Impacts are considered under Section 13.5 and no issues of concern are identified. Residual impacts are not significant.
- **Potential Impacts during Operation:** These are considered under the headings of Land Use, Population, Economy and Amenity & Human Health. The most significant impact is the provision of housing that can accommodate up to 975 people and the provision of a critical mass of population that requires a range of services and facilities, which in turn has a benefit to the local economy.
- **Mitigation – Operational Phase:** Mitigation measures are provided under other headings of the EIAR and no other measures are required.

12.5.3. No specific monitoring measures are required under this heading and no significant negative residual impacts are identified. Cumulative impacts take account of other development in the area and if there is simultaneous construction, there is potential for temporary moderate negative impacts on human beings through increased traffic and disruption. The do-nothing scenario refers to the potential for the development not proceeding, then a previous grant of permission may proceed. The worst case scenario refers to the site continuing as a disused quarry, I am unaware of this status. Interactions are also provided.

12.5.4. **Submissions and Observations:** The Planning Authority did not raise any issues of specific concern.

12.5.5. **Assessment:** I note the detail provided in the EIAR. I agree with the information provided in the EIAR that the development is likely to have a positive impact on Population. Additional residents in the area will benefit the local retail and service provision. The availability of additional houses will meet some of the housing demand in this part of Newbridge.

12.5.6. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore



satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Population.

## **12.6. Biodiversity**

12.6.1. A list of the relevant experts who prepared this chapter are provided in Section 5.1 and legislative details are provided under Section 5.2 and methodology under Section 5.3. A site survey was undertaken in August 2020 and January 2022. Survey Limitations are also detailed under Section 5.3.2. Bat survey details are provided under Section 5.3.3. Desktop reviews and site visits were carried out to ascertain the baseline data for this Chapter of the EIAR. Note: A Natura Impact Statement (NIS) has been prepared as part of the Appropriate Assessment process

12.6.2. The assessment of the site has been undertaken in accordance with current relevant guidelines. The description/ survey of the site is described in Section 5.4.2 and habitats found in and along the boundary of the site are provided in Table 5.2 and ecological data is in Table 5.3. The Habitat Map provided in the form of Figure 5.13 provides a good overview of what the site contains/ is made up of. The site is within the Barrow Catchment, the Liffey Catchment and the Dublin Bay Catchment. Figure 5.14 provides a clear indicated of where watercourses are in relation to the subject site. No invasive species listed in the Third Schedule of the European Communities Birds and Natural Habitats regulations, 2011 were recorded on site. Sycamore, cherry laurel and butterfly bush, listed as invasive species, were found on site. Table 5.6 provides a list of invasive species that were recorded within a 10 km square of the site.

12.6.3. A list of birds observed on site are provided in Table 5.7, none of which are red listed, and five species are amber listed – Greenfinch, House Martin, House Sparrow, Starling and Skylark.

12.6.4. A single badger sett was located on the western boundary, in a mature hedgerow/ treeline. Suitable mitigation measures will be taken to avoid direct impact to the badger sett during the construction phase. A bat survey has been undertaken by Meehan Ecology and is provided in support of the EIAR. Leisler's Bat, Soprano Pipistrelle and Common Pipistrelle bats were identified on site. The trees along the western boundary have moderate potential for bat roosts. Other trees on and adjacent to the site would have a moderate potential for bat roosts.

12.6.5. Section 5.4.4 of the report provides details of Invertebrates and Table 5.9. provides NBDC Invertebrates Records for a 10 km square around the site. The site is not suitable for amphibians and reptiles. Other fauna on site would be of common species such as rabbit and fox. Table 5.10 provides a table of 'Ecological Value of Species of the Proposed Development'. Table 5.11 provides a table of protected, rare or threatened flora species within a 10 km square.

12.6.6. A list of Natura 2000 sites is provided in Table 5.13 and is detailed further in the submitted Natura Impact Statement. A list of Natural Heritage Areas (NHAs) is provided in Table 5.14, that are within 15 km of the subject site.

12.6.7. Section 5.6 provides details of the Ecological Impact of the proposed development. The majority of the site is of low ecological value and the loss of the habitat would not be considered significant. The removal of the northern hedgerow has already been permitted under PA Ref. 16/658. Some impacts would occur during the actual construction phase such as increased noise and dust; suitable mitigation measures are proposed.

12.6.8. Terrestrial Biodiversity impacts and suitable mitigation measures are proposed in Section 5.6.1, impacts to protected habitats and species and mitigation measures in Section 5.6.2, badgers are similarly detailed under Section 5.6.2.1, Bats under 5.6.2.2 – with specific reference to artificial lighting, and other fauna under Section 5.6.2.3. Invasive Species are detailed under 5.6.3 and Aquatic Ecology under 5.6.4. Interactions are considered under Section 5.7.

12.6.9. I note that the report found no difficulties in compiling this section of the EIAR. In conclusion, the report finds that there would be no potential for significant impact on protected species as a result of the proposed development.

12.6.10. **Submissions and Observations:** The Planning Authority did not raise any issues of concern in the CE Report. The Department of Housing, Local Government and Heritage referred to a disused badger sett to the west of the site and that no evidence that it was unused was provided by the applicant. The Department recommends that a suitably sized buffer zone be provided around this sett and that a mammal pass be provided between the sett and the development site. A suitable condition would address this issue. The Department also requested

that the works to the bases of the mature trees to the western boundary should be undertaken by the site arborist prior to the commencement of development.

12.6.11. **Assessment:** The submitted details in the EIAR provide a detailed assessment of the current situation in relation to Biodiversity and the potential impact on it through the construction and operational phases of the development. I note that the species found on site are generally common in the area and nationally and whilst some may be listed as of concern at an EU level, they are not rare or under threat at an Irish level. The applicant has proposed a detailed range of mitigation measures, and these are considered to be acceptable. Site clearance works would be restricted to the requirements of other non-planning legislation.

12.6.12. The comments of the Department are noted and their recommendation regarding the badger sett and the works to the trees along the western boundary should be included as conditions in any grant of permission.

12.6.13. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on Biodiversity.

## 12.7. Land, Soil & Geology:

12.7.1. Chapter 6 of the EIAR has been prepared by Muir Associates, Consulting Engineers. Section 6.2 provides a detailed description of the receiving environment and includes information on the soils/ subsoils and geology.

12.7.2. The Construction Phase will result in the loss of some fallow land and some impact from noise, dust and odours as well as traffic. Operational phases include contamination of soils and geology from hydrocarbon leaks etc. Suitable mitigation measures are outlined in Section 6.4 and are provided for both the construction and operational phases of the development. Cumulative impacts and Interactions are considered in Sections 6.6 and 6.8 of the EIAR.

12.7.3. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report.

12.7.4. **Assessment:** The proposed development is for a residential scheme on suitably zoned lands. The proposed development provides for earth works but on land with no significant value. The operational phase should not have any impact on soils or geology.

12.7.5. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Land, Soils and Geology.

## 12.8. Hydrology & Water

12.8.1. Chapter 7 has been prepared by Muir Associates, Consulting Engineers. Section 7.2 provides a detailed description of the receiving environment and regard has been had to OPW data including the on line database – [www.floodinfo.ie](http://www.floodinfo.ie). The existing surface water drainage in the area is identified. Other information has been obtained from Kildare County Council sources and boreholes in the area have been examined for suitable information.

12.8.2. Construction and Operational phases of development have the potential for similar impacts from pollution of surface and groundwater sources. Suitable mitigation measures are provided in Section 7.4 of the EIAR. Interaction is possible between Hydrology & Water and Biodiversity, Land, Soils & Geology and Material Assets.

12.8.3. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report.

12.8.4. **Assessment:** The submitted information demonstrates that the proposed development as submitted will not impact on Hydrology and Water. Potential issues of water pollution are addressed in terms of appropriate mitigation measures.

12.8.5. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Hydrology and Water.

## 12.9. Air Quality & Climate

12.9.1. Chapter 8 deals with Air Quality & Climate with details of the report team provided in Section 8.2. Methodology including the relevant legislation is provided in Section 8.3 and regulatory framework details are under Section 8.4, including information on climate change policy, European and National guidance.

12.9.2. Sensitive Receptors are identified under Section 8.5.2 – 4 separate residential areas are indicated and mapped on Figure 8.2. Newbridge is located within Zone C as defined in the 'Air Quality Standards Regulations, 2001' (DEHLG) and air quality data is provided in Table 8.3 – Ambient Background Air Quality Data.

12.9.3. Background data and monitoring data from locations within 60 km of the site indicate that air quality in County Kildare continues to comply with national and international air quality standards for most pollutants.

12.9.4. Baseline Climate information is provided in Section 8.5.3.6 of the EIAR with further details on local meteorology and wind speed provided in Sections 8.5.3.7 and 8.5.3.8.

12.9.5. The potential impact of the development is detailed in Section 8.6.2 and the following subsections. During the construction phase there is a potential for increased dust emissions, this would be a short-term negative impact and impacts on sensitive receptors would be dependent on wind/ wind direction. Suitable mitigation measures are indicated. Construction traffic and equipment may give rise to exhaust fumes and as already referenced, dust. The impact would be temporary, slight and there would be no significant impact. Impact on climate would be unnoticeable.

12.9.6. During the operational phase, activity associated with residential units would be insignificant. I note that the houses are to be heated with air to water heat pumps and this form of heating would result in reduced emissions in comparison to the use of fossil fuels to heat a home. Traffic movements will give rise to increase exhaust fumes; however, this is unlikely to breach air quality standards.

12.9.7. Cumulative impacts are considered under Section 8.6.3.4 and has regard to other development in the area and the potential for increased traffic. Construction phase impacts are not likely to be significant having regard to the proposed mitigation measures. Impact on climate is predicted to be negligible.

12.9.8. Under the Do-Nothing scenario, it is noted that the impact from the proposed development at construction and operational phases would not substantially impact on air quality and doing nothing would not result in a significant difference in terms of impact to air quality. Phase 1 of the development has not given rise to any issues of concern in relation to air quality etc.

12.9.9. Suitable mitigation measures during the construction phase are outlined in Section 8.7.1 and Section 8.7.1.4 in relation to the operational phase of the development.

12.9.10. The proposed development will also adhere to the relevant mitigation measures provided in the Kildare County Development Plan Strategic Environmental Assessment (SEA) in relation to impact on air and climate.

12.9.11. Worst Case Scenario is considered under Section 8.7.3 and Residual Impacts under Section 8.8, no residual dust impacts are expected from the proposed development. Monitoring details are provided under Section 8.9 of the EIAR for both the construction and operational phases of the development. Interactions are detailed under Section 8.10 and refer to Climate and Human Beings, Air Quality and Soils, Air Quality and Material Assets and Air, Human Beings and Biodiversity.

12.9.12. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report.

12.9.13. **Assessment:** The submitted information demonstrates that the proposed development as submitted will not impact on Air and Climate. Potential issues of air pollution are addressed in terms of appropriate mitigation measures. No impact on climate is foreseen and therefore specific mitigation measures are not necessary.

12.9.14. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air and climate.

## 12.10. Noise & Vibration

12.10.1. Section 9.1 provides information on the team who have prepared Chapter 9 – Noise and Vibration of the EIAR. Relevant legislation for Noise is provided under Section 9.2 and National Roads Authority (now TII) guidance on noise limits is provided in Tables 9.1 and 9.2. Specific guidance on vibration is provided under Section 9.2.2. The study methodology used for this assessment/ chapter is provided under Section 9.4. Figure 9.1 indicates the locations of the noise monitoring points used for data collection. Noise sensitive receptors are indicated on Figure 9.2. Monitoring was undertaken by Decibel Noise Control between Wednesday the 7<sup>th</sup> of April 2021 and Sunday the 11<sup>th</sup> of April 2021. The site is not located within a ‘Quiet Area’.

12.10.2. Noise measurement data is provided in Table 9.12 to 9.16. Worst-case predicted noise levels from the construction phase are provided in Table 9.18. The worst-case scenario construction noise has been calculated to be in excess of the NRA guidance at 70 dBA for weekdays and 65 dBA for Saturdays. The impact would be moderate for limited periods of time to adjoining residential units within the vicinity of the site. Suitable mitigation measures should be employed to reduce such impacts. The development is not expected to give rise any significant vibration issues.

12.10.3. Cumulative impacts are considered under Section 9.10.3 and traffic is noted as potentially increasing, but not to a significant level. Worst Case Scenario would primarily arise from the non-implementation of suitable mitigation measures as part of the development of the site. No significant differences are expected in relation to the Do-Nothing impact. Suitable mitigation measures are provided under Section 9.11. Limiting hours of work, control of equipment and noise/ acoustic barriers have all been included as mitigation measures.

12.10.4. Monitoring is detailed under Section 9.12 – monthly monitoring is recommended and additional monitoring in areas that complaints are made in relation to noise sensitive locations. No residual or vibration impacts are foreseen. Interactions are considered under Section 9.14. In conclusion, no significant noise impact to noise sensitive receptors is foreseen at the construction and operational phases of the development.

12.10.5. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report.

12.10.6. **Assessment:** The submitted information demonstrates that the proposed development will not give rise to noise and vibration that would impact on sensitive receptors. Potential issues are addressed in terms of appropriate mitigation measures.

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

### 12.11. Landscape and Visual Impact Assessment

12.11.1. Chapter 10 has been prepared by Jane McCorkell Landscape Architect and is supported with photomontages prepared by GNet 3D. Study methodology is provided under 10.2 and under 10.2.3 is a list of Nature of Impacts. The site location is described under Section 10.3, and it is reported that the landscape proposals seek to not impact on existing features to the west of the site and to have regard to the undulations of the site. Key receptors are identified under Section 10.4.1.

12.11.2. The proposed development does have a potential for impact on the surrounding landscape character as well as visual impacts. The effects are considered at both the construction and operational phases of the development. Section 10.6.2 includes a list of impacts in relation to the submitted photomontages.

12.11.3. Avoidance, remedial and mitigation measures are detailed under Sections 10.5.4 to 10.5.6. On completion of the development, the visual impact will be become a long-term feature of the Ballymany and West Newbridge areas. Long term impacts will be a change from a rural to suburban character type. Proposed landscaping will attempt to integrate the development into its surroundings. Cumulative impacts are considered in the context of other development in the area. Environmental interactions are detailed under Section 10.6.3 of the EIAR.

12.11.4. In conclusion the main visual impact will be at the construction stage when there is a change in character from a former sand/ gravel extraction site to a new residential area. The site is adjacent to existing residential development and



the proposed development is in accordance with the residential zoning objective that applies to this site.

12.11.5. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report.

12.11.6. **Assessment:** The submitted information demonstrates that the proposed development as submitted will not have an adverse impact on Landscape and Visual amenity. There is no doubt that the visual character of the site will change from former sand extraction/ semi-rural to a clearly defined urban residential development. Suitable landscaping is proposed to ensure that the site integrates with the more rural areas to the west and north west. The site is located on the western side of Newbridge and is zoned for residential use of the character proposed in this application.

12.11.7. I am satisfied that the identified impacts would not have an adverse impact on the established character of the area. As reported, the development is considered to be acceptable in terms of the land use zoning that applies to this site. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of landscape and visual impact.

## 12.12. Cultural Heritage

12.12.1. Chapter 11 has been prepared by Martin Byrne of Byrne Mullins & Associates, Archaeological and Historical Heritage Consultants. The Methodology under Section 11.2 provides details on the study area, written sources, and a field inspection. The site is described under Section 11.3 and plates 11.1 to 11.8 illustrate the nature of the existing site.

12.12.2. A historical background to the area is provided under Section 11.5 and is supported with appropriate OS maps. The archaeological heritage of the area is detailed under Section 11.6. No archaeological artefacts are listed in the Topographical Registers of the National Museum as having been discovered on site. Test trenching was undertaken on site in 2016 and some features were found on site. Further limited testing in 2020 were carried out and a total of 11 features of archaeological interest/ potential were uncovered, details provided on Figure 11.11 to 11.13. Full details of the findings are provided in Appendix 10.2. After the

investigations were complete, the site was covered with a geotextile material and covered with soil.

12.12.3. The proposed development will not impact on any recorded monuments/ protected structures as there are none in close proximity to the subject site. Following the test trenches, the area of archaeological interest is to be preserved 'in-situ' and will form one of the areas of public open space. The impact on these features will be positive, not significant and permanent. A list of appropriate mitigation measures is provided under Section 11.9. No negative residual impacts are foreseen and similarly, no cumulative effects with respect to Cultural Heritage are envisaged. No interactions have been identified.

12.12.4. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report. The Department of Housing, Local Government and Heritage have recommended that archaeological monitoring be undertaken in the event that permission is granted for the proposed development.

12.12.5. **Assessment:** The submitted information demonstrates that the proposed development as submitted will not impact on Cultural Heritage. An area of archaeological potential has been identified and this area has been appropriately tested and measures put in place to ensure that it is preserved 'in-situ'. I note the comments of the Department and their recommendations can be provided in the form of a suitable condition.

12.12.6. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on cultural heritage.

### 12.13. **Material Assets**

12.13.1. Chapter 12. Material Assets has been prepared by Muir Associates Consulting Engineers and assess the impact of the development on Built Services etc. Built services in the area consist of overhead and underground telecom, electricity lines, underground gas supply networks and public water/ drainage systems. Medium pressure gas lines are located within the R445/ Ballymany Road

and along the Standhouse Road. The Elms residential development to the north east of the subject site is also served by a piped gas supply. Power lines cross the site, though other lines have undergrounded as part of the Phase 1 development.

12.13.2. Potential negative impacts are not foreseen as it is proposed that any cables that cross above ground would be undergrounded as part of the development and that other services would not be adversely affected by the development.

Operational phase impacts include the provision of services to the site/ development and an increased demand on services though generally insignificant. It is not proposed to install a gas supply to serve the proposed development. Suitable mitigation and monitoring details are provided in Section 12.1.4. No significant residual impacts are foreseen. Interactions are identified under 12.1.6 and cumulative impacts are likely to be long term but will not be significant.

12.13.3. Section 12.2 assesses the impact on Roads and Traffic. This section of the report has relied on the Traffic and Transport Assessment prepared by PMCE. Assessments were made of the impact on the local road network and on a number of specified junctions that are relevant to the site. Mitigation measures include ensure that construction traffic is controlled, use prefabricated materials if possible and provide suitable storage areas on site. Operational phase measures include the development of a Travel Welcome Pack for new residents, induction sessions and the provision of a centrally located travel notice board with relevant updated information on travel information.

12.13.4. The impact on existing traffic during the construction phase will be a slight, short-term impact and at operational phase there will be an increase in traffic on the surrounding road network and this will be within the overall capacity of the road network. The provision of the link road to the west of the site will have a long-term positive impact on the area. Section 12.2.8 provides a list of relevant Interactions.

12.13.5. Waste Management is assessed under Section 12.3. An Outline Construction and Demolition Waste Management Plan has been prepared for the construction phase of the development. During the construction phase there will be control put on the use of materials and the reuse of materials will be maximised. Full details of how waste will be managed is provided under Section 12.3.3 for both the

construction and operational phases of the development. The potential impact of operational waste generated from the development is considered to be long-term and not significant.

12.13.6. Suitable mitigation measures are provided in Section 12.3.4. Cumulative impacts will be long term but will be imperceptible subject to the full implementation of suitable mitigation measures.

12.13.7. **Submissions and Observations:** No particular issues of concern were raised by the Planning Authority through the CE Report.

12.13.8. **Assessment:** The submitted information demonstrates that the proposed development as submitted will not impact on Material Assets. This assessment has considered the impact on Built Services, Traffic and Waste Management. Suitable mitigation measures have been identified for each of these.

12.13.9. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on material assets.

#### 12.14. Interactions

12.14.1. Chapter 13 has considered significant likely adverse effects of the project on environmental factors. The following are the results as summarised:

<b>Environmental Factor:</b>	<b>Interacts with:</b>	<b>Effects (subject to suitable mitigation measures):</b>
Population and Human Health	<ul style="list-style-type: none"> <li>• Air &amp; Climate</li> <li>• Noise &amp; Vibration</li> <li>• Material Assets – Transportation</li> <li>• Landscape</li> </ul>	No significant adverse effects.
Biodiversity	<ul style="list-style-type: none"> <li>• Population &amp; Human Health</li> </ul>	No significant adverse effects.

	<ul style="list-style-type: none"> <li>• Water &amp; Hydrology</li> <li>• Noise &amp; Vibration</li> <li>• Air Quality &amp; Climate</li> <li>• Material Assets</li> </ul>	
Land, Soil & Geology	<ul style="list-style-type: none"> <li>• Hydrology &amp; Water</li> <li>• Noise &amp; Vibration</li> <li>• Landscape &amp; Visual</li> <li>• Archaeology</li> </ul>	No significant adverse effects.
Water & Hydrology	<ul style="list-style-type: none"> <li>• Biodiversity</li> <li>• Land, Soils &amp; Geology</li> <li>• Material Assets (Built Services)</li> </ul>	No significant adverse effects.
Air Quality & Climate	<ul style="list-style-type: none"> <li>• Population &amp; Human Health</li> <li>• Biodiversity</li> <li>• Land, Soil &amp; Geology</li> </ul>	No significant adverse effects.
Noise & Vibration	<ul style="list-style-type: none"> <li>• Population &amp; Human Health</li> <li>• Biodiversity</li> <li>• Material Assets (Road &amp; Traffic)</li> </ul>	No significant adverse effects.
Landscape & Visual Impact	<ul style="list-style-type: none"> <li>• Population &amp; Human Health</li> <li>• Biodiversity</li> </ul>	No significant adverse effects.
Cultural Heritage	None identified	No significant adverse effects.
Material Assets: Built Services:	<ul style="list-style-type: none"> <li>• Land, Soils &amp; Geology</li> <li>• Hydrology &amp; Water</li> <li>• Waste Management</li> </ul>	No significant adverse effects.

Roads & Traffic:	<ul style="list-style-type: none"> <li>• Population &amp; Human Health</li> <li>• Land, Soils &amp; Geology</li> <li>• Air Quality</li> <li>• Noise &amp; Vibration</li> </ul>	
Waste Management:	<ul style="list-style-type: none"> <li>• Roads &amp; Traffic</li> <li>• Hydrology &amp; Water</li> <li>• Landscape &amp; Visual</li> </ul>	

**12.14.2. Other Effects:**

- Use of Natural Resources – No likely significant effects on the environment are expected to arise from the use of natural resources during the construction/ operational phases of the development.
- Emission of pollutants, creation of nuisances and the disposal/ recovery of waste - No likely significant effects on the environment.
- Risks to Human Health, Cultural Heritage and the Environment through accidents etc. - No likely significant effects on the environment
- The Technologies and substances used – Not relevant due to the nature of the proposed development.

12.14.3. Assessment: The submitted information provides full details on the interactions between different factors. No issues of concern arise in this regard.

**12.15. Principal Mitigation & Monitoring**

12.15.1. Full details of all mitigation measures are provided in Table 14.1 – Construction Phase and Table 14.2 – Operational Phase.

12.15.2. The submitted information is considered to be acceptable and provides a thorough response to the requirements for mitigation as necessary.

**12.16. Appendices:**

12.16.1. The EIAR includes two volumes of Appendices in support.

- Appendix 6.1 – Geotechnical Ground Investigations
- Appendix 6.2 – Outline Construction Management Plan

12.16.2. The EIAR is also accompanied by a Non-Technical Summary (NTS) as is required.

#### **12.17. Reasoned Conclusion on Significant Effects:**

12.17.1. The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, having taking into account, current knowledge and methods of assessment.

12.17.2. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and Human Health: Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/ facilities in the area.
- Biodiversity: Impacts to be mitigated by the proposed landscaping strategy; ensure no additional invasive species are introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and nesting birds.
- Land & Soils: The impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the

site; proposals for identification and removal of any possible contamination; management and maintenance of plant and machinery.

- Hydrology and Hydrogeology: The impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to avoid uncontrolled contamination of water sources.
- Air Quality & Climate: The impacts will be mitigated by suitable measures taken on site during the construction phase of development. These will be detailed in the adopted Construction Management Plan (CMP).
- Noise & Vibration: Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations and through the use of suitable noise control techniques on site. Excessive levels of vibration are not expected on site.
- Landscape & Visual Impact: The development will present as a new development in the landscape. There will also be changed views for some viewers in nearby residences and nearby locations. The existing landscape is not of a high quality and the subject site was previously in use as a sand/ gravel pit. The potential impact will be mitigated by the establishment of suitable boundary treatment and landscaping that will reduce the impact at a local level and to provide for extensive landscaping of the site to reduce the visual impact at a more distant level. The proposed development will not have an adverse impact on the character or visual amenity of the area.
- Cultural Heritage: The proposed development would not impact on cultural heritage. A site with archaeological potential has undergone test trenching and this area will be preserved 'in-situ'.
- Material Assets – Services, Infrastructure & Utilities: Impacts will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum
- Material Assets – Traffic & Transport: Impacts to be mitigated by implementation of a Construction Environmental Management Plan and the promotion of sustainable travel patterns by residents during the operation phase.



- Waste Management: The impacts to be mitigated by management of materials/ waste during construction and adherence to Construction Management Plan.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015).

In conclusion, the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed development is located on lands that are zoned for residential development and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the county and local plan processes.

## 13.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
  - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
  - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
  - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.1. In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is a serviced site, where public transport, social, educational, and commercial services are available and is located on the western side of Newbridge. The proposed development is of a suitably high quality and provides for a mix of houses, apartments and duplex units which are served by high quality open space and a childcare facility.

13.2. I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, and cycle provision is available to serve the development. The development is generally in accordance with National Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.

13.3. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

## 14.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019, which was Extended to 2021,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019, which was Extended to 2021, and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage, and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive's Report and supporting technical reports of Kildare County Council,
- (ix) the comments made at the Kildare/ Newbridge Municipal District meeting,
- (x) the reports from the Department of Housing, Local Government and Heritage and from Irish Water,

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

## 15.0 Recommended Draft Order

15.1. **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 11<sup>th</sup> of February 2022 by Simon Clear & Associates on behalf of Briargate Developments Newbridge Limited.

### 15.2. The Proposed Development consists of:

- Construction of a residential development comprising of 336 residential units consisting of 245 no. houses, 27 no. apartments and 64 duplexes, car parking, bicycle parking, internal roads, services infrastructure, bin stores and bicycle store; footpath improvements along Standhouse Road; Landscaping, open space, play areas, boundary treatment and public lighting.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019, which was Extended to 2021. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019, extended to 2021. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes the Newbridge Local Area Plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

### 15.3. **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.**

### 15.4. **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.

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

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019, which was Extended to 2021,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Kildare County Development Plan 2017 – 2023 and the Newbridge Local Area Plan 2013 – 2019, which was Extended to 2021, and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage, and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and

- (viii) Chief Executive's Report and supporting technical reports of Kildare County Council,
- (ix) the comments made at the Kildare/ Newbridge Municipal District meeting,
- (x) the reports from the Department of Housing, Local Government and Heritage and from Irish Water,
- (xi) the Inspectors report

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

#### **15.5. Appropriate Assessment (AA):**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and reports 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), Mouds Bog SAC (Site Code 002331) and River Barrow & River Nore SAC (Site Code 002162) which there are a likelihood of significant effects. There was therefore a requirement to carry out a Stage 2 Appropriate Assessment.

## **15.6. Appropriate Assessment Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Pollardstown Fen SAC (Site Code 000396), Mouds Bog SAC (Site Code 002331) and River Barrow & River Nore SAC (Site Code 002162) in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

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 Sites, having regard to the site's 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 Sites 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 scientific doubt as to the absence of adverse effects.

## **15.7. Environmental Impact Assessment (EIA):**

15.7.1. The Board completed an environmental impact assessment of the proposed development, taking into account:

(a) The nature, scale and extent of the proposed development. The site is located on lands governed by zoning objective C2 - New Residential in the Newbridge Local Area Plan 2013 – 2019, Extended to 2021

(b) The environmental impact assessment report and associated documentation submitted in support of the planning application;

(c) The submissions from the Planning Authority, and the prescribed bodies in the course of the application;

and

(d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this



location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, apart from the restriction on density that applies to the C2 zoning, broadly compliant with the current Newbridge Local Area Plan and would therefore be in accordance with the proper planning and sustainable development of the area.

The subject site is zoned for new residential development and therefore falls within this classification. Objective LDO1 of the Kildare County Development Plan states that the density of residential development should be in accordance with the Sustainable Residential Development Guidelines and as part of this, table 4.2 'Indicative Density Levels' of the Kildare County Development Plan also identifies a General Density Parameter of 30 to 50 dwellings per hectare for New Residential Development in Outer Suburban/ Greenfield locations.

The Sustainable Residential Development in Urban Areas Planning Guidelines state that for outer suburban/ greenfield sites on the periphery of larger towns, which would include the subject site, densities in a range of 35 - 50 dwellings per hectare would be appropriate. The exceedance of the density level proposed when compared to the objective for C2 lands under the LAP is acceptable.

A material contravention of the Newbridge Local Area Plan (extended to December 2021) in relation to density is justified as follows:

- a) In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 as amended: The proposed development can be considered of strategic importance at a county level, formed of 336 units on suitably zoned lands for much needed residential development, in accordance with the broader policies and objectives of the NPF and RSES, specifically objectives 33 and 35 of the NPF which seek to prioritise the provision of new homes at locations that can support sustainable development and which seeks to increase densities in established settlements.

- b) In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 as amended: There are conflicting objectives in the Kildare County Development Plan and the Newbridge Local Area Plan. The development plan and local area plan include indicative densities for new residential zoned lands, (which would include the subject site) of between 30 - 50 dwellings per hectare. Objective LDO 1 of the development plan also asks densities to reflect the Sustainable Residential Development Guidelines, which for the subject site would be between 35 and 50 units per hectare. However, the Newbridge Local Area Plan includes a specific objective for C2 lands, which includes the subject site, of 15 units per hectare.
- c) In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 as amended: Permission for the development should be granted having regard to national planning policy guidelines that promote increased housing delivery and efficient development on appropriate serviced sites. Such guidance includes Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework; and the Sustainable Residential Development in Urban Areas Planning Guidelines 2009. Specifically in light of the location of the site on the periphery of the existing settlement, on a suburban/ greenfield area, where densities of between 30 - 50 dwellings per hectare are expected. The site is a short walking distance to the town centre for Newbridge, a town highlighted in the RSES as having good levels of local employment, services, and amenities. The site also has access to public transport with bus stops situated a reasonable walking distance from the site. In addition, the proposed development is also in accordance with SPPR3 and development management criteria (under section 3.2) in the Building Height Guidelines, as well as SPPR's and associated guidance in the Apartment Guidelines.
- d) In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 as amended: The pattern of development in the area, specifically being the previous planning approval on the site (PA Ref.16/658, ABP Ref.249038) with an approved density of 21.71 dwellings per hectare and in excess of the specific objective for 15 dwellings per hectare on C2 lands described under the Newbridge Local Area Plan. In addition, a SHD permission (ref.302141) was granted on lands at Athgarvan Road, Kilbelin, Newbridge in 2018 for a

development density of circa 37- 39 uph, with heights up to 3 storeys. This therefore indicates that a material contravention would similarly be justified for the proposed development.

In accordance with section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Bord considered that the criteria in section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended was satisfied for the reasons and considerations set out in the decision.

## 16.0 Conditions

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

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

2. The number of residential units permitted by this grant of permission is 336 no. units in the form of 245 houses, 27 apartments and 64 duplex units.

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

3. Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. The proposed external treatment shall ensure a clearly defined distinction between character areas. 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.

4. a) The listed mitigation measures outlined in the Natura Impact Statement (NIS) shall be fully implemented at demolition, construction, and operational phases of the development.

b) The developer shall ensure that the current and future groundwater recharge regimes to Pollardstown Fen's groundwater catchment are maintained. Full details of how this will be monitored shall be agreed in writing with the Planning Authority following consultation with the National Parks and Wildlife Service (NPWS).

**Reason:** To ensure that the development has no adverse impact on the qualifying interests of Pollardstown Fen, Maud's Bog and the River Barrow & River Nore.

5. The developer shall undertake the following, subject to agreement in writing with the Planning Authority, prior to the commencement of development:
- a) The development of a site-specific Badger Conservation Plan.
  - b) The submitted tree survey report indicates that many of the mature trees have had soil mounded at the base of the boundary, damaging the trees and this soil shall be removed; these works to be undertaken in accordance with the requirements of a qualified arborist.

**Reason:** In the interest of wildlife and tree protection.

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

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

7. A minimum of 2.4 m shall be provided between the floor and the base of the canopy serving the Type DU-1.

**Reason:** To ensure the provision of adequate residential amenity.

8. Each apartment shall be used as a single dwelling unit only and shall not be subdivided in any manner or used as two or more separate habitable units.

**Reason:** In the interests of sustainable development and proper planning

9. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal 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 apartment unit.

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

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

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

12. 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. In particular:

- a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense,
- b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii,
- c) Pedestrian crossing facilities shall be provided in suitable locations to be agreed with the Planning Authority,
- d) Provision shall be made for future bus service provision to serve the development,
- e) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,
- f) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of traffic, cyclist, and pedestrian safety and to protect residential amenity

13. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for

use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

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

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

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

16. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.



**Reason:** In the interest of public health.

17. 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.

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

18. 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.

19. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended

to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

21. 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.

22. 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) 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 and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and 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;
- l) 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.

23. 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.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption

certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

25. 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.

26. 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.

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**Paul O'Brien**

**Planning Inspector**

**15<sup>th</sup> August 2022**