



An
Bord
Pleanála

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

Inspector's Report ABP-312861-22

Strategic Housing Development

125 no. residential units (107 no. houses, 18 no. apartments), creche and associated site works.

Location

Riverside, Kilcullen, Co. Kildare.
(www.riversideshd.ie)

Planning Authority

Kildare County Council

Applicant

Alchemy Homes Development
(Kilcullen) Limited.

Prescribed Bodies

Department of Housing, Local
Government and Heritage; In land
Fisheries Ireland.

Observer(s)

Howard Berney

Date of Site Inspection

14th July 2022

Inspector

Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site (4.152ha in area) is located to the southeast of Kilcullen town centre, in County Kildare. Kilcullen town is located just east off the M9, c.8km southeast of Newbridge and c.12km southwest of Naas.
- 2.2. The site is predominantly a greenfield site, with a portion of it being brownfield lands. The main body of the site is roughly rectangular in shape, off which is a long linear section which runs alongside the River Liffey connecting back to town centre lands. The rectangular section is bounded to the west by a greenfield site which has permission for a residential development that is currently under construction (a section of these boundaries overlap), and beyond this is an existing small residential development called Riverside Manor, which is served by an existing access street from the town centre to the development lands, called Riverside Drive; to the north is a private road/narrow laneway serving agricultural lands; and to the east and south of the rectangular section of the site are agricultural lands. The linear section of the site, which connects into the rectangular section, is bounded by Riverside Drive to the north, and to the south by the River Liffey. To the east of the linear section are agricultural lands and to the west is Kilcullen Canoe Club and neighbouring apartment development of The Square, which consists of a number of 4-5 storey apartment buildings proximate to the junction with the main street and bounded by the River Liffey to the west.
- 2.3. In terms of topography, the site incorporates the bank of the River Liffey at its southern extent, and slopes upwards to the north. From the topographical plan submitted the site's topography varies, with a fall of c. 8m from northeast to southeast (from c. 114 – 106 m OD), and falling a further 7 m from southeast to southwest (from 106 m OD to 99 m OD). During site inspection the main eastern portion of the site was being used for storage of construction spoil from the neighbouring site, with significant mounds of soil spread across the entirety of the

site, therefore any difference in topography was not discernible. The main difference in levels observable was from the main street through the scheme/existing linear green space and fall to the River Liffey. The River Liffey itself is inaccessible due to the level of tree and shrub growth along the length of its riparian corridor, which is protected under the operative development plan.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 125 residential units.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	4.152 ha gross; 2.88 ha net (excluding zoned open space and zoned agricultural land)
No. of Residential Units	125 units (53 houses, 54 duplex units, 18 apartments)
Density, net	43 units per hectare
Childcare Facility	296 sqm – 58 childcare spaces
Public Open Space	1.49 ha [10.48% of net site area) of which 1.19ha is a riverside walk and 0.3 ha is dispersed within the development.
Height	2 storey Houses [8.995m] 3 storey Duplexes [12.04m] 4/5 storey Apartments [15.9m]
Part V	15 units

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apartments/Duplexes	18	27	27		72

Houses			51	2	53
Total	18	27	78	2	125
As % of total	14%	22%	62%	2%	100%

Table 3: Parking Provision

Car Parking	204, of which the breakdown is as follows: <ul style="list-style-type: none"> - 7 for the creche (3 spaces for drop off; 4 for staff) - 106 for houses (2 per unit) - 91 for apts/duplexes (1 per unit and 1 visitor space per 4 units)
Bicycle Parking	164 secure spaces + 106 short stay visitor spaces

- 3.3. The primary vehicular access to the site is proposed from Riverside Drive, which connects westwards to the main street (R448).
- 3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place, the proposed water and wastewater connection to the Irish Water network can be facilitated.
- 3.5. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- Statement of Consistency
 - Material Contravention Statement
 - Response to ABP Opinion
 - Social Infrastructure Audit

- Part V Documents
- Architecture and Design Statement
- Apartment & Housing Quality Assessment
- Materials & Finishes Report
- Engineering Service Report, including SSFRA
- Transportation Assessment Report (incl. Preliminary Travel Plan, DMURS Statement of Consistency and Stage 1 Road Safety Audit)
- Site Lighting Report
- Energy Statement
- Landscape Masterplan, Design Rationale & Specification of the Landscape for the Proposed Residential Development & Linear Park at Riverside Manor SHD
- Arboricultural Impact Assessment
- Ecological Impact Assessment
- Biodiversity Management Plan
- Article 6(3) Appropriate Assessment Screening Report
- Construction Management Plan
- Sunlight and Daylight Analysis Report
- Building Lifecycle Report
- Archaeological Impact Assessment
- Operational Waste Management Plan
- Photomontages
- Statement in Accordance with Article 299(B) (1) (b)(ii)(II)(C) of the Planning and Development Regulation 2001, as amended

4.0 **Planning History**

Parent Application – Site relates to Entire Landholding in Blue of Current Application in addition to land to the Northwest and West of Riverside Manor

KCC Reg. Ref. 99/1635 – Permission GRANTED in 2000 for a 148 no. unit housing scheme comprising 18 no. apartments and 132 no. houses

KCC Reg. Ref. 00/2221 – Permission GRANTED in 2001 to modify the parent permission, reducing the number of units proposed for the site to 145 No. units.

34 No. of the permitted units (incl. 16 No. apartments across 3 No. blocks, and 18 No. houses) were built on foot of those permissions.

Includes Entire Landholding in Blue, as per current application (excluding lands to north and west of Riverside Manor):

KCC Reg. Ref. 08/1679 – Permission GRANTED in 2009 for the construction of 110 no. additional residential units, a creche and a playground.

KCC Reg. Ref. 13/1019 and 18/1475 – Extension of Durations Granted in relation to Reg. Ref. 08/1679. These extended the development until 23.03.2019 and 31.12.2021, respectively.

6 No. of the permitted units have been built on foot of that permission (parent permission 08/1679). That 6-unit development phase has been termed ‘Phase 1b’ by the current Design Team. Those 6 No. units are located generally within the existing Riverside Manor development (at the edges) as permitted by KCC Reg. Ref. 99/1635 and 00/2221.

Land Between Application Site and Existing Riverside Manor (includes part of current application site to the north, west and south)

ABP-307059-20 [KCC Reg. Ref. 19/1000] – Permission GRANTED on 23 September 2020 for what is now termed ‘Phase 2’, which is Under Construction. This permission consists of 90 No. residential units and an element of public open space. This application was described as a revision to a section of permitted development 08/1679.

This site is immediately west of the current application site. This current application before ABP in turn seeks to amend a portion of the site under ABP-307059-20, the boundaries of which overlap at the northwest, west and south, which involves an amendment to 26 of the permitted units, and proposal for a further 99 no. units across the extended site.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A Section 5 pre application consultation took place via Microsoft Teams on 14th July 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-310075-21) and that the following information should be submitted with any application for permission:

1. It is an objective of the Kilcullen LAP 2014-2020, SRO 1, to examine the likely future need for a relief road to the east of the town and to seek the construction of this road, which runs to the east of the site the subject of this consultation. Any application lodged on foot of this opinion should demonstrate due regard to its relationship with this future roads objective.

In particular, the design and layout of the proposed internal road network should have regard to its possible future function as a local link, providing access to the eastern relief road. The design of such roads should be subject to discussion with the planning authority and should demonstrate compliance with the guidance provided in the Design Manual for Urban Roads and Streets (2020). This may require possible amendment to the documents and/or design proposals submitted.

2. The application should clearly demonstrate that the proposed development can connect to the water and waste networks of Irish Water. In particular, the following items should be provided:
 - i) Evidence of any consents necessary to connect to, or through, third-party infrastructure or lands.
 - ii) Detail of the condition and capacity of any such third-party infrastructure to cater for the proposed development.

This may require amendment to the documents and/or design proposals submitted.

The following specific information was also requested to be submitted with any application for permission:

1. Further elaboration and clarification with regard to the relationship between the proposed development and existing and permitted development on these and adjoining lands, including Riverside Manor, particularly in respect of the provision of public open space and childcare facilities to meet the cumulative needs of those developments.
2. Amended plan and section drawings which should clearly identify existing and proposed ground levels across the site.
3. An assessment of Sunlight, Daylight and Overshadowing, having regard to the provisions of relevant S.28 Ministerial Guidelines.
4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of elevational finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site. The rationale for the choice of materials should be clearly set out.

A Building Lifecycle Report in accordance section 6.0 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities December 2020 should be provided.

5. (a) A revised Traffic and Transport Assessment which should consider cumulative impacts with existing and permitted adjacent development. The scope of this assessment should be discussed in advance with Kildare County Council.
- (b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This report should have regard to the intended function of Riverside Drive.
- (c) A Quality Audit in accordance with the provisions of Advice Note 4 of DMURS that includes (i) a Road Safety Audit, (ii) an Access Audit, (ii) a Walking and Cycle

Audit. The Quality Audit should consider all aspects of the development including access from the R448 and Riverside Drive.

(d) Details of measures for the reorganisation and improvement of the junction of Riverside Drive with the R448 in order to serve the proposed development, and confirmation of responsibility for any identified works in this regard.

(e) The application should have regard to other matters raised in the report of Kildare County Council Roads, Transportation and Public Safety Department, dated 13th May 2021.

This may require possible amendment to the documents and/or design proposals submitted.

6. A Site-Specific Flood Risk Assessment, in accordance with the provisions of the Planning System and Flood Risk Management, Guidelines for Planning Authorities, which shall take full account of the impacts of climate change. Regard should be had to the requirements of the Water Services Section set out in the report of the planning authority dated 24/05/2021, in this regard.

7. Further clarification and confirmation of the capacity of the downstream foul drainage network to accommodate the proposed development. Particular regard should be had to constraints at Athgarvan wastewater pumping station referenced in the report of the planning authority, dated 24th May 2021.

8. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted).

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Applicant's Statement

5.2.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the information points raised in the Opinion. I note the response in relation to the first two points in the information submitted:

- Kildare County Council was consulted on the relevant Strategic Roads Objective, and the proposed development has due regard to the site's relationship with the future roads objective. NRB (consultant engineers) state that given the relatively flat nature of the lands & topography locally, it is clear that the development of the site will have no implications whatsoever for the delivery of the N-S section of SRO running to the east of the subject site. If KCC now feel it is appropriate to provide a link through a residential housing estate, in the event that an actual link to the N-S SRO to the east is required in future, we have examined this, and confirm that it can easily be achieved as illustrated below as Figure 5.2. A road link to the SRO N-S alignment can easily be delivered at [the point below] through a simple extension of the proposed street.

- This development is the third phase of a three-phase development. Phase 1 is mostly complete and phase 2 is currently under construction. The water and wastewater pipe network in Phase 1 & 2 is in the ownership of Alchemy Homes Development (Kilcullen) Limited. It is the intention of the developer to connect the Phase 3 development to the back of the Phase 2 development which is currently under construction. The developer has received consent from Irish Water to connect Phase 2 to the IW network and has received confirmation that the proposed Phase 3 connection to the Irish Water network(s) can be facilitate at this moment in time. There is no requirement for the developer to seek consent to connect to third-party infrastructure or lands. A full CCTV survey of the existing infrastructure was commissioned by the developer during the phase 2 construction stage. A list of subsequent remedial actions have been identified and repairs are ongoing.

5.2.2. The other points of additional specific information to be addressed have been responded to in the submitted document 'Response to An Bord Pleanala Opinion' and in the accompanying documentation with the application.

5.3. **Applicant's Statement of Consistency**

5.3.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the operative Development Plan.

5.4. **Applicant's Statement on Material Contravention**

- 5.4.1. The application documentation includes a report titled Material Contravention Statement, which relates to issues of the quantum of housing, quantum of parking, quantum of public open space, sequencing of development, and provision of planned playground. These issues shall be addressed further within the main assessment.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key national policy objectives (NPOs) are noted as follows:

- NPO 1b: Eastern and Midland Region - 490,000-540,000 additional people.
- NPO 3(c): Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: 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.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Guidelines Regarding the Regulation of Commercial Institutional Investment in Housing (May 2021)

6.2. **Regional Policy**

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

6.2.1. The settlement typology within the RSES is listed as follows:

6.2.2. Dublin City and Suburbs; Regional Growth Centres; Key Town; Self-Sustaining Growth Towns; Self-Sustaining Towns; Towns and Villages; Rural.

- 6.2.3. The RSES designates various settlements in accordance with the typologies up to the level Key Towns, after which the settlements are to be defined by development plans of the relevant counties.
- 6.2.4. The following regional planning objective is noted:
- 6.2.5. RPO 4.1: In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

6.3. Local Planning Policy

Kildare County Development Plan 2017-2023, as amended by Variation No. 1 (June 2020)

- 6.3.1. Variation No. 1 responds to the recent changes in national and regional policy, namely the NPF and the EMRA-Regional Spatial and Economic Strategy (RSES) 2019-2031 and results in amendments to parts of Volume 1, Chapters 2 and 3, which relate to the Core Strategy and Settlement Strategy respectively, as well as Chapter 5 Economic Development, Enterprise and Tourism.
- 6.3.2. Table 2.2 Settlement Hierarchy and Typology County Kildare – Kilcullen is identified as a ‘Town’. Towns are described as having ‘Local service and employment functions in close proximity to higher order urban areas’.
- 6.3.3. Table 2.4 Population and Housing Targets – County Kildare: Census 2016 222,504 population/80,746 dwellings; NPF 2026 growth target in units: 14,060; Dwellings Target 2020-2023: 6,023.
- 6.3.4. Table 3.1 County Settlement Hierarchy 2020-2023 - Kilcullen is identified as a ‘Town’.
- 6.3.5. Table 3.3 Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023 for Kilcullen: NPF 2026 Pop Growth in Housing Units = 352
Dwellings target 2020-2023 = 151 no. units.

6.3.6. The projections have been adjusted to the end of the first quarter of 2023 to coincide with life of development plan.

6.3.7. Section 2.16 Delivering the Core Strategy; Section 2.16.1 Policies: Settlement Strategy:

It is the policy of the Council to:

CS 1 Provide new housing in accordance with the County Settlement Hierarchy.

CS 2 Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.

CS 3 Support rural communities through the identification of lower order centres including towns, villages and settlements to provide more sustainable development centres in the rural areas.

CS 4 Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of a least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint.

CS 4(a) Develop in accordance with the National Planning Framework (NPO 18b) a programme for new homes in small towns and villages in association with public infrastructure agencies, local communities, housing bodies and landowners to identify lands for the provision of low density serviced sites with appropriate infrastructure throughout settlements identified as Rural Towns, Villages and Rural Settlements (as identified in Table 3.3).

6.3.8. Economic clusters are also promoted as part of the overall economic strategy. Naas is clustered with Newbridge and Kilcullen.

6.3.9. Section 3.8 Policies: Settlement Strategy

It is the policy of the Council to:

SS 1 Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1.

SS 3 Ensure that the zoning of lands is in accordance with the Core Strategy and Settlement Strategy.

SS 4 Review the zoning of lands in instances where there is an oversupply of land for housing and to consider alternative land use zoning objectives to reduce the quantum of housing lands in the first instance. The phased development of housing lands will be considered as a secondary solution only.

6.3.10. The following Objectives are noted:

SO 4 Ensure that the scale and form of developments envisaged within towns and villages is appropriate to their position within the overall Settlement Hierarchy set out in Table 3.1. Due regard will be given to the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009), the accompanying Urban Design Manual – A Best Practice Guide (2009), Urban Development and Building Height Guidelines (2018) and the Urban Design Guidelines contained within Chapter 15 of this Plan.

SO 9 Sequentially develop lands within towns and villages in accordance with the Development Plan Guidelines, DEHLG (2007) including any updated guidelines and deliver at least 30% of all new homes that are targeted in settlements within their existing built-up footprint (defined by the CSO).

6.3.11. Section 2.16.2 Policies: Economic Development

CS 8 Address commuting patterns by building up the local economy to a more sustainable level by promoting self-sustaining employment-based development opportunities in settlements to provide for employment growth for the existing population in order to reverse commuting patterns.

6.3.12. The provisions within the following chapters of the development plan are also noted:

- Chapter 4 Housing
- Chapter 6 Movement and Transport
- Chapter 13 Natural Heritage and Green Infrastructure
 - GI 20 Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the

protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities. Strategic Green Routes / Blueways / Trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure Network.

- Chapter 14 Landscape, Recreation and Amenity
- Chapter 16 Urban Design Guidelines
- Chapter 17 Development Management Standards

Kilcullen Local Area Plan 2014-2020

The CE Report submitted by KCC states “the Kilcullen LAP 2014-2020 was adopted in October 2014 and on the basis of legal opinion received the PA considers that the Kilcullen LAP 2014-2020 is extant and as such the CE Report states the policies and objectives therein are pertinent in this instance.

- Zoning Objectives Applicable to the site: C: New Residential; F: Open Space & Amenity; I: Agricultural; A: Town Centre.
- There is a map based objective for a road to the east of the plan lands.
- Table 11: Indicative Residential Densities based on Location for New Residential Development:
 - Town Centre and Brownfield sites - Site specific Higher densities generally promoted e.g. 50 units per ha
 - Outer Suburban/Greenfield, Generally new residential zoning areas - 30–50 units per ha
 - Outer Edge of Urban-Rural transition – 25-35 units per ha
- Policy HP1: To facilitate development in Kilcullen in line with its designation as a Moderate Sustainable Growth Town in the RPGs and the CDP and to ensure that development reflects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space.

- Policy HP2: 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 town and surrounding area.
- Policy HP4: To require applications for residential development (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;
 - provision of a range of house types and tenures;
 - the need to provide a choice of housing suitable to all age groups and persons at different stages of the life cycle and
 - the need to cater for special needs groups.
- Policy HP5: To restrict apartment developments generally to town centre locations. Only in exceptional circumstances will apartments be considered outside the town centre. 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.
- Policy HP6: To facilitate and co-operate in the provision of community services including, in particular, local services, schools, crèches and other education and childcare facilities in tandem and in the vicinity of all new and existing residential development.
- Policy HP8: 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. [Guidelines from the Department of Environment, Heritage and Local Government and Department of Education indicate that 12% and 8.5% of a population at any time is assumed to be of primary and secondary going age respectively].
- Objective HPO 2: To promote a high standard of architecture in the design of new housing developments and to encourage a variety of house types, sizes and tenure to cater for the needs of the population and facilitate the creation of balanced integrated communities.

- Policy SR 1: To maintain and improve as required the local road network to ensure a high standard of road quality and safety.
- Objective SRO 1: To examine the likely future need for a relief road to the east of the town from the R448 Naas Road to the R448 Athy Road, as shown indicatively on map no.1 and should a need be identified:
 - i) to examine route options for such a road and to investigate the feasibility of providing same having regard to environmental, archaeological and conservation considerations, and the feasibility of constructing a crossing of the River Liffey.
 - ii) to preserve the preferred route option free from development
 - iii) to seek the construction of this road, including a new crossing of the River Liffey and a new junction with the L6074 Logstown Road
- Objective SRO2: To seek the construction of the following new streets, as identified on Map no.1 and to preserve the routes of these streets free from development:
 - a) From the R448 at (Kilcullen Business Campus) (i) to the R448 at the Liffey Bridge (Camphill) (iii), including a new junction with the R413 at the community centre entrance (ii).
 - b) From the R448 on the Main Street (iv) to the existing access street in Riverside Manor (v).
- Objective SRO 5: To implement safety and/or capacity improvements as necessary at the following junctions:
 - a) The R448 and R413 junction.
 - b) The R448 and Riverside Manor junction.
- Policy FRA 1: To apply the general policies, requirements and objectives contained in Chapter 7 (Water, Drainage and Environmental Services) of the Kildare CDP (or as maybe amended) for the purpose of ensuring that flood risk management is fully integrated into the Kilcullen Local Area Plan and future development proposals in the town.

- Policy FRA 2: To require that a site-specific Flood Risk Assessment is carried out for any proposals for development of lands identified at risk of minor localised flooding and as indicated on Map No.2. The site-specific assessments should be appropriate to the nature and scale of the development being proposed.
- Policy NH 3: To seek the protection of the following trees and groups of trees of special amenity value at the following locations; (See Map no. 3 & 3a)
 -f) In the riparian zone along the River Liffey within the town boundary...
- Policy NH 4: To generally prohibit development where it is likely that damage would be caused to trees listed above or to those which have a particular local amenity or nature conservation value. Development that requires the felling of mature trees of amenity value, conservation value or special interest notwithstanding the fact that they may not be listed in this plan, will be discouraged.
- Policy NH 5: To identify, protect, conserve, and enhance, wherever possible, wildlife habitats and species of local importance, not otherwise protected by legislation. Such habitats may include woodland, river, grassland areas and field boundaries (hedgerows, stone walls and ditches). Such features form part of a network of habitats and corridors, which allow wildlife to exist and flourish (Green Infrastructure).
- Policy NH 6: To conserve and protect the natural habitats in the town boundary, planning applications must:
 - (a) Identify all ecological habitats and corridors, which are present on the proposed development lands (including hedgerows and masonry stonewalls).
 - (b) Consider how these features can be incorporated into any new development proposal.
 - (c) Identify any losses to these habitats and corridors required to facilitate the development.
 - (d) Show that such losses would be fully offset if the application was to proceed through the replacement of the relevant corridors, with corridors composed of similar species prior to any losses to the existing corridors.

(e) Show that habitat loss will either be offset should the application be granted or is not locally important to the area.

- Policy NH 7: To require all proposals for major developments to submit, as part of the landscaping plan for the proposal, details of how any green infrastructure proposed as part of the development (e.g. green open spaces, hedgerows, tree lines, etc.) contributes positively to the development and protection of the overall green infrastructure assets of Kilcullen as identified in Map no. 4 and how it protects and enhance linkages to the wider natural landscape features.
- Policy NH 8: To seek the provision of links between larger areas of green infrastructure (particularly areas of public open space) where appropriate.
- Objective NHO 1: To require all new developments to contribute to the protection and enhancement of existing green infrastructure assets, as identified on Map no. 4, through the protection of existing green infrastructure and through the provision of new green infrastructure as part of any planning application.
- Section 6.1.3 Housing Location and Density
- Section 6.10.6 Introduction – Architectural, Archaeological and Natural Heritage – Protection and Development of Green Infrastructure
 - The core area of ecological importance in the town is the River Liffey and adjoining areas of semi-natural grassland, semi-natural woodland and linear woodland habitats. Map Ref. 3(a) (Natural and Built Heritage – Town Centre) shows ‘trees for protection’ along the northern bank of the Liffey immediately south of the site boundary.

6.4. Designated sites

- 6.4.1. The site is not located within or adjoining a European site. The closest European site is Pollardstown Fen SAC approx. 7.8km to the north west. The closest heritage area is the Curragh pNHA approx. 3km to the west.

7.0 Observer Submissions

- 7.1. In total three submissions were received, two of which were from prescribed bodies (see section 9 for a summary of these submissions), with one from a local observer

who owns lands adjacent to the application site. The latter submission is broadly summarised hereunder:

Boundary Treatment

- Enhancement of proposed boundary to northern and eastern edges of development to prevent encroachment into adjoining agricultural lands, reduce existing antisocial behaviour, and protect livestock (sheep).
- Extensive planning history on the site and non-compliance with conditions in relation to boundary treatment.
- Request for a 2m block wall and not a paladin fence, or a 2m high block wall with railing on top, along with native hedging.
- Surface water drainage and impacts on land to be considered.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Kildare County Council submitted a report of its Chief Executive (CE) in relation to the proposal. This was received by An Bord Pleanála on 20th April 2022. The report notes the planning history in the area, policy context, site description, proposal, summary of points raised in submissions and observations, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Kildare County Council. The Chief Executive's Report concludes that it is recommended that permission be Granted. The CE Report from Kildare County Council is summarised hereunder.

8.1.1. Summary of Inter-Departmental Reports

- Roads, Transportation and Public Safety Department:
 - No adequate consideration of future LAP Roads Objective.
 - Perpendicular to kerb parking with residential units near western boundary and close to the river is likely to give rise to a roadside hazard for traffic from the development and future traffic from orbital road.

- Proposal is peripheral to current bus routes. No provision for bus stops. There is no rail option in Kilcullen.
- Refusal recommended in relation to road safety issues with future roads objective that is not addressed; lack of consideration of noise and details of acoustic design arising from future roads objective and internal link road to the town.
- Parks Section Report
 - Tree and hedgerow proposals satisfactory, however, insufficient details in relation to how existing boundary trees and hedgerow on northern and eastern sides of development are to be effectively retained and protected during construction of adjacent housing units and duplex blocks A and D. Housing too close on housing layout and landscape plan to retain trees and hedgerow.
 - The housing layout plan shall be revised to provide more space to retain and protect the existing boundaries and the landscape masterplan shall be revised to provide details of how this to be achieved.
 - Open space satisfactory but application does not contain sufficient details regarding agricultural lands to the southeastern corner. This land should be transferred to Kildare County Council for use as public open space.
 - Landscape Masterplan does not contain sufficient section drawings through all open space and boundary areas.
- Water Services Report – No objection subject to 8 conditions, of which the following are noted:
 - Condition requested to require a report prepared by team of landscape architect, horticulturist, arboriculturist and ecologist on alternative surface water drainage and SUDS strategies for the proposed development.
 - Where a clear and plausible rationale is provided for not including a wetland, pond or bioretention areas, only then shall the proposed infiltration basin in the northeastern site open space be provided with a bioretention swale around its perimeter with more extensive vegetation.

- A flood warning system linked to ESB Turlough Hill Control Centre and upstream Poulaphouca and Golden Falls reservoirs and evacuation procedures shall be implemented for the proposed apartment blocks in the site southwestern corner.
- Housing Report – condition regarding point V and a number of other clarifications sought.
- Environment Section – Conditions recommended.
- Fire Officer – confirmation of compliance with technical guidance document sought.
- Heritage Officer – Mitigation measures in EclA should be amended to only allow vegetation removal to take place outside the nesting season. Provenance of wildflower seeds required and proposed management of same. Archaeological monitoring of works required.

8.1.2. **Summary of View of Elected Members:**

- There should be a link to the Logstown Road from the development.
- Lack of parking spaces.
- Limited services in Kilcullen which is a commuter town, therefore more parking required.
- Linear Park should link to The Square.
- Overcapacity of junction leading into Riverside Manor, which is difficult to navigate due to sharp bend, bridge and steep hill, which is a concern for the safety of pedestrians and road users.
- Creche not viable on this site.
- Change in density from first phase to what now proposed should not be allowed.
- Query in relation to Core Strategy.

8.1.3. **Planning Analysis within CE Report**

- Existing development plan policy considered and draft development plan policy, as well as Kilcullen LAP 2014-2020. Core figures noted. The CE Report states on

the basis of legal opinion received by the PA that the Kilcullen LAP is extant and as such the policies and objectives therein are pertinent.

- Concerns re extent of on street parking and domination of streetscape. It is important that the proposed landscape plan is carried out to soften this approach and break up the impact of excessive on street parking.
- Future connections to adjoining lands important in light of roads objective in Kilcullen LAP.
- Density acceptable subject to all other planning considerations. Town centre lands and outer greenfield/suburban lands where 30-50 units per hectare acceptable.
- Housing Mix – Complies with SPPR1 of Apartment Guidelines. Social Infrastructure Audit submitted justifies the housing mix which is acceptable.
- Compliance with Development Management Standards and S28 Guidelines:
 - All dwellings conform to S17.4.5 of KCDP in terms of sizes of units and private open space.
 - Proposal complies with SPPRs of Apartment Guidelines.
 - 9.6% of open space proposed. OS north of duplex units is considered incidental space as it is not considered usable. OS below minimum of 15% as set out in KCDP, however, it is considered the additional proposed linear park compensates for the shortfall and represents a social gain for the wider area.
 - While the PA would prefer Part V units to be pepper potted throughout the site, the Housing Section are satisfied with the proposed layout of the units.
- Creche - Acceptable location, within walking distance of town centre and amenity space.
- Green Infrastructure/Biodiversity –
 - Insufficient details in relation to how existing trees and hedgerows on the northern and eastern sides of the proposed development are to be effectively retained and protected during the construction of adjacent housing units and Duplex units A and D. The housing layout and masterplan indicate the

proposed housing units are in very close proximity to the existing trees and hedgerows. A revision to layout is required to ensure they can be retained.

- Parks Section request the agricultural lands to the southeast be transferred to KCC for use as public open space. This area important to any future roads project and potential link to River Liffey.
- Boundary Treatment - Section 17.4.5 of the development plan sets out requirements in relation to boundary treatments.
- Water Services/Flooding – Condition requiring the applicant to engage and pay for the services of a flood risk assessment expert nominated by the PA to validate the SSFRA site specific hydrology and hydraulic models and the SSFRA conclusions.
- Visual Impact - Overall the linear park respects the Special Sensitivity Character Area of the River Liffey.
- Transportation – inadequate consideration of roads objective to east of site; inadequate consideration of noise from proposed road to the east; perpendicular parking along the main access road; lack of a bust stop; distance from existing public transport.
- Qualitative Assessment – concern in relation to design of apartment block and its balconies, design of external stairs to duplexes, and number of units relative to number of parking spaces.

8.2. **Statement in accordance with 8 (3) (B) (II)**

The Chief Executive's Report recommends a grant of permission, subject to a number of conditions, including the following:

- C2: The Apartment Block, Creche and Linear Park shall be fully completed within phase 1. Phase 2 shall be the remainder of the development.
- C3:
 - (a) revised design of the architectural block with a higher architectural approach, articulation of corners and replacement of the stacked balconies with an alternative approach.

- (b) duplex units shall omit the externalised accesses and shall have internalised access only.
- (c) number of units to be reduced to ensure acceptable car parking.
- (d) detail in relation to how the subject development can integrate with the Part 8 for Kilcullen Market Square and also interact with the River Liffey and the Canoe Club Boathouse.
- (e) incorporate nature-based drainage solutions such as rain gardens, permeable paving and grasscrete (for car parking bays) throughout the overall layout.

9.0 Prescribed Bodies

The applicant notified the following prescribed bodies prior to making the application:

- Irish Water
- Kildare Childcare Committee
- Inland Fisheries Ireland
- Minister for Housing, Local Government and Heritage

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

9.1. Inland Fisheries Ireland

- Comprehensive surface water management measures must be implemented at the construction and operational stage. Petrol/oil interception (and possibly hydrobrake controls) should be in place on primary surface water discharges to protect receiving freshwaters in terms of water quality (and possibly quantity if flooding is an issue).
- Any top soil or demolition material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the river. Drainage from the topsoil storage area may need to be directed to a settlement area for treatment.

- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. If permission is granted we suggest a condition to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor, grease and silt traps.
- The streamside zone is the zone nearest the river and provides essential habitat for marginal aquatic plants and food and cover for aquatic animals, including fish. The streamside zone, if sufficiently wide and managed appropriately, will filter out pollutants and sediment from overland surface runoff; Provide a refuge for insects and animals with close affinity to rivers (e.g., otters, kingfishers and dragonflies); Provide habitat necessary to support diverse fish and other aquatic life. The streamside zone on 10m along the River Liffey should be left untouched to protect the physical integrity of the stream ecosystem.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

9.2. Department of Housing, Local Government and Heritage:

Archaeology - The Department agrees with the archaeological mitigation measures recommended in the Archaeological Assessment Report and recommends that archaeological monitoring should take place and a condition be attached accordingly.

Nature Conservation

- Invasive Species: The Department notes that the invasive species American skunk-cabbage (*Lysichiton americanus*) has been found within the proposed development site (inside the red line boundary). Policy NH 15 of the Kildare County Development Plan 2017 – 2023 requires as part of the planning application process, the eradication/control of invasive introduced species when identified on a site or in the vicinity of a site, in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2021. It is noted that American skunk-cabbage is an invasive species listed on the Third Schedule of the above regulations. The Department recommends a condition of any planning permission

should be that an Invasive Species Management Plan is prepared for this site, with a focus on the eradication of American skunk-cabbage. Details of methods required to ensure invasive species or vector materials are not accidentally introduced or spread during construction must also be outlined in this plan.

- **Site Boundaries Encroaching on Riparian Corridor:** The Site Boundary Plan (Drawing No. DWG. 09) indicates that an 1800mm high vertical mild steel galvanised railing with concrete foundations will be erected within the riparian zone along the eastern development boundary, while a solid concrete block wall (2000mm high with concrete foundation) will be built within the riparian zone along the western development boundary. Both of these structures are shown as extending to the river's edge. Under Article 10 of the Habitats Directive (92/43/EEC) planning and development policies must endeavour to conserve and manage corridors and stepping stone habitat features. The Department is concerned that the impacts of these hard boundary structures on the ecology of the site, including the ecological corridor, have not been assessed in the Ecological Impact Assessment. The Department recommends that ecological assessment of the impact of these proposed boundaries is carried out prior to the commencement of the development and that suitable mitigation is agreed with the planning authority, as required and appropriate.

- **Lighting in Riparian Corridor:** The Department notes that the Site Lighting Drawings indicate that lighting is to be placed at regular intervals along the pathway within the riparian zone. The proposed lit pathway is currently a minimum distance of 3 metres from the riverbank. Light pollution has recently been recognised as a threat to biodiversity, affecting habits of insects, fish, nocturnal species such as bats, and other animals, and disrupting the natural day-night cycles of plants. Ideally there should be no lighting within the linear park, which is designated as part of the Green Infrastructure of the town, to avoid biodiversity impacts. However, at a minimum, the Department strongly recommends that lighting should not be placed within 10 metres from the top of the riverbank (the streamside zone). This is in accordance with Policy GI 20 of the Kildare County Development Plan to 'Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities.' This is also in

accordance with Inland Fisheries Ireland's guidance document 'Planning for Watercourses in the Urban Environment'. The Department advises that this should be a condition of any planning permission granted.

- Sustainable Urban Drainage: During construction and operational phase, the Department advises that the various Sustainable Drainage Systems (SuDS) must be inspected and maintained to ensure that they remain functional for the lifespan of the proposed development in order to avoid pollution of surface water and ground water. This should be included as a condition of any planning permission granted.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. 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:

- Zoning / Principle of Development
- Density
- Layout, Urban Design and Height
- Residential Amenity of Proposed Development
- Impact on Amenity of Neighbouring Properties
- Ecological Impact Assessment (EclA) and Landscaping
- Traffic, Transportation and Access
- Water Services
- Material Contravention
- Other Matters

These matters are considered separately hereunder.

10.1.2. I have carried out an Environmental Impact Assessment Screening and Appropriate Assessment Screening in respect of the proposed development, as detailed later in this report.

10.2. **Zoning/Principle of Development and Core Strategy**

Principle of Development - Zoning

10.2.1. The proposed development is located in an area governed by four different zoning objectives. The predominant zoning objective is C: New Residential, with smaller sections zoned A: Town Centre, B: Existing Residential and Infill (where existing access is located) and I: Agricultural. A large area is also governed by zoning objective F: Open Space and Amenity. The residential and childcare component of the development are located on lands zoned C and B, with the existing access road on lands zoned B. Landscaped open space and a playground is proposed on lands zoned F: Open Space and Amenity. No development is proposed in the I: Agricultural zone. The proposed uses comply with the respective zoning objectives which affect the site. I note the submitted drawing 'Net Site Area' (dwg no. PA-005) indicates the area zoned F. A number of objectives within the Kilcullen LAP relate to the plan lands and the development is generally in accordance with the LAP objectives.

10.2.2. I am satisfied that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The principle of development is acceptable within the context of the applicable zoning objectives, subject to detailed planning considerations discussed elsewhere in this report.

Core Strategy

10.2.3. Following on from the adoption of the Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy (RSES), and in accordance with S.11(1)(b)(iii)(I) of the Planning and Development Act 2000 (as amended), Kildare County Council proposed and adopted Variation No. 1 of the Kildare County Development Plan (KCDP) 2017-2023, effective as of 9th June 2020. I note in accordance with the Act, the Variation reviewed the strategic objective and policies and the core strategy of the development plan against the NPF and RSES. To incorporate the NPF and the RSES into the county development plan, Variation No.

1 results in the adoption of amendments to parts of Volume 1, Chapters 2 and 3, which relate to the Core Strategy and Settlement Strategy respectively, as well as Chapter 5 Economic Development, Enterprise and Tourism. The Core Strategy, and associated Settlement Hierarchy, as adopted in Variation No 1 of the development plan, is an evidence based quantitative strategy for the spatial development of the County.

- 10.2.4. I note the Core Strategy figures in Variation 1 supersede those which form part of the Kildare County Development Plan 2016-2023. I note that the operative development plan takes precedence over the LAP. Kildare County Council's Settlement Strategy (Chapter 3 of the Development Plan, as amended by Variation 1) indicates under table 3.3 that the predicted NPF 2026 population growth in housing units for Kilcullen is 352 units, and the dwelling target for 2020-2023 for Kilcullen is 151 No. units (thereafter I note a new development plan will come into force).
- 10.2.5. The Statement of Consistency submitted with the application states that a review of residential planning permissions granted in Kilcullen since the publication of Variation 1 of the Development Plan (June 2020) indicates 60 residential units permitted for Kilcullen.
- 10.2.6. In relation to the history of the plan lands, which includes all lands within the blue line landholding shown on the current site layout plan, 144 units in total were permitted in the past. Of the 144 units permitted, only 40 have been constructed, ie the current area of Riverside Manor. All of the older permissions on the overall lands have now expired. A more recent application was permitted in 2020 (ABP-307059-20) for 90 units on lands to the west of the application lands/east of Riverside Manor. I note that should the proposed 125 units be permitted alongside the recently permitted 90 units (noting an overlap of the sites, therefore minus 26 of the existing permitted), then permissions granted in this area since the variation was adopted would relate to 189 units. I do not include in this analysis an assessment of other units permitted in the town, given it is suffice to say these two most recent applications together exceed the target of 151 units envisaged for 2020-2023, with an excess of 38 units.
- 10.2.7. The applicant contends that if permission is granted, then 271 of the 352 units identified for 2026 will be secured. It is further argued there is a difference between

housing delivery and housing targets and that the delivery of the envisaged 2026 figure requires this development to be permitted.

10.2.8. I do not consider the target figure of 352 units quoted in the documentation to be relevant in this instance. The development plan is clear that the dwelling target, while set within the longer NPF range of 2026, is nonetheless 151 units for 2020-2023, and this latter figure is in my opinion the relevant figure to be considered. Policy SS 1 of the operative development plan is to 'Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1'. The proposed development could therefore be considered a material contravention of the Kildare County Development Plan 2017-2023, as amended by Variation No. 1. It is open to the Board to consider the proposed development and the policies and objectives of Kildare County Development Plan 2017-2023, as amended by Variation 1, against Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is discussed in greater detail in section 10.10 of this report.

10.2.9. Overall (as discussed further hereunder), I consider the proposed development is in accordance with national guidance of the NPF and EMRA-RSES, Urban Development and Building Height Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and Sustainable Residential Development in Urban Areas, in that a key component of these documents is to seek the creation of compact, sustainable residential developments to be located in appropriate urban locations, close to existing/proposed infrastructure and services. The proposed development is located on residentially zoned land within the development boundary of an existing urban settlement, contiguous to the built up area of Kilcullen, and is proximate/within walking distance of existing infrastructure and services within the town. The scale of development proposed is in accordance with national and local policy. To reduce the number of units on this central and serviceable site, and therefore the overall density, in order to comply with the 2023 housing target, would in my opinion result in a development which would be contrary to the principle of compact and sustainable growth sought by the aforementioned section 28 Ministerial Guidance and would not result in the most sustainable use of land, which is a finite resource. I consider the development as proposed is an appropriate development for this location.

10.3. Density

- 10.3.1. The proposed development comprises 125 units on a net site area of 2.88 ha with a resulting density of 43 units per hectare.
- 10.3.2. The operative development plan states under SO4; 'Ensure that the scale and form of developments envisaged within towns and villages is appropriate to their position within the overall Settlement Hierarchy set out in Table 3.1. Due regard will be given to the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009), the accompanying Urban Design Manual – A Best Practice Guide (2009), Urban Development and Building Height Guidelines (2018) and the Urban Design Guidelines contained within Chapter 15 of this Plan'.
- 10.3.3. The Kilcullen LAP states that 'Generally higher densities will be considered in town centre locations with medium to lower densities being considered at outer suburban and greenfield sites', with table 11 setting out 'Indicative Residential Densities' of 30-50 units per ha for 'outer suburban/greenfield, generally new residential zoning area'. This latter description is applicable to the main part of the application site, with the southwest portion of the site within the town centre zoning.
- 10.3.4. The National Planning Framework (NPF) 2018 promotes the principle of 'compact growth' at appropriate locations. Of relevance, are objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development, encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, assist in determining appropriate densities.
- 10.3.5. The Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out density guidance for urban areas. Chapter 6 of the guidelines on Sustainable Residential Development in Urban Areas (SRDUA) relates to Smaller Towns and Villages, with such towns defined as having populations ranging from 400 to 5000, which is applicable to with Kilcullen, having a population of 3710 (2016 Census, as quoted in Variation 1 of the CDP). Section 6.9 of the guidelines indicate that for centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate. It is further stated that there is also the

potential for schemes of particularly high architectural and design quality to suggest densities higher than the range suggested above.

- 10.3.6. The more recent Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 10.3.7. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2018 and updated 2020) define the types of location in cities and towns that may be suitable for increased densities, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. In my opinion the site is located in what can be described as a 'Peripheral and / or Less Accessible Urban Location'. The guidelines state that such locations are generally suitable for limited, very small-scale higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will vary, but broadly less than 45 dwellings per hectare net).
- 10.3.8. I am satisfied that this zoned and serviced site, with a proposed density of 43 units per hectare, is sequentially well placed to accommodate growth given its proximity within walking distance of Kilcullen town centre and existing commercial, retail and community facilities, as well as being within walking distance of existing public transport services which connect this town to Dublin City and other towns in the region. I consider that the proposed density represents a reasonable density in accordance with the national policy context, will support the compact growth of the town, and this density is consistent with the provisions of the operative development plan and LAP.

10.4. **Layout, Urban Design, and Height**

Site Boundary

- 10.4.1. I note a portion of the boundary of this application was included within a recent permission that is currently being constructed, ABP-307059-20 (permitted 22nd September 2020). The description of development of this current application states

'The proposed development includes the amendment of 26 No. residential units permitted under Kildare County Council Register Reference 19/1000'. I note the site area overlaps the previously permitted development to the north, west and south of the application, including the previously permitted street connecting into the existing street of Riverside Drive. The description of development seeks to alter 26 permitted units. While it does not indicate the extent of changes proposed to the street network and layout of the southern portion of the permitted site, this is clear from the drawings and documentation submitted.

10.4.2. I note from site inspection that the access street proposed has been partially constructed as per the current application (not the permitted) and the end units on the neighbouring site have been amended to what is currently proposed. It could be argued that the street aligned in the current layout is for construction access and that the adjoining permission could still be implemented as begun if required. If this current application is granted the extant permission ABP-307059-20 which is under construction would be incapable of being completed given the alterations required to the location of the street as now proposed and omission of southern units. I note the application as now proposed would maintain the two access points into the permitted development and would not require elements constructed to date to be amended to accommodate this proposal, therefore the neighbouring development constructed up to this point is capable of sitting alongside this one without further amendment. Any enforcement issues arising is a matter for the planning authority.

Street Network and Pedestrian Permeability

10.4.3. The layout of the scheme has been informed by the existing context of the permitted development under construction to the west, the alignment of the existing Riverside Drive (access street), the River Liffey to the south, and proximity to the town centre of Kilcullen. I note the River Liffey flows away from the site toward the southeast and does not bound the site where the proposed duplex units are proposed on the southeast of the site.

10.4.4. In terms of pedestrian movement and permeability, the applicant is proposing to extend the Riverside Drive street which connects to the town centre, with pedestrian paths on both sides. No cyclepaths are proposed or exist along this existing street. A linear park, with pedestrian pathways through it, is proposed along the southern side

of Riverside Drive, between the street and the river, west of proposed duplex Block B. I note the existing town centre zoned portion of the site to the southwest (at the end of the linear park and adjoining the canoe club/existing apartment development of the square) is currently cordoned off and used as a construction compound, which blocks off the footpath alongside this portion of the street. An apartment block is proposed in this location. I note no pedestrian connectivity is proposed from the linear park, through this apartment block site to connect to the existing riverside walk in the neighbouring apartment development, but rather at the end of the linear park one would have to go onto the street and around the block to go back in at the existing apartment complex. At present the canoe club is built at the river edge, therefore The Square boardwalk terminates at the canoe club and the path is directed around the entrance of the canoe club, to where an entrance exists into the rear of the application site (currently gated). While full connectivity is already hindered by the canoe club building, I consider the proposed development should not worsen that connection further but should rather in a more pedestrian friendly manner mitigate the gap that exists through a better design with a permeable boundary at its northwestern edge. I consider the proposed apartment block and 2m block wall along its northwestern boundary to present a significant missed opportunity for pedestrian permeability and connectivity along the town's key asset of the River Liffey, as well as negating passive supervision of the existing street. I note one can walk along the riverside edge of The Square boardwalk (where there are own door access apartments), cross under the bridge at grade and on to the northern side of the bridge where there is a pedestrian walk, informal in sections, along the river, where newer developments are fronting onto it. The Part 8 at the Main Street junction will improve connectivity to the river walk at this end. There is also a riverside walk on the opposite side of the river to the application site, which terminates at an old graveyard. The proposed development fails to adequately connect the existing riverside walk with the proposed riverside linear park and walk which forms part of this development and in my opinion represents a significant issue in terms of connectivity of this site with the surrounding area.

10.4.5. In addition to my concerns in relation to connectivity, it would also appear from the drawing Net Site Area (dwg no. PA-005) that a portion of the communal open space adjoining the apartment block is zoned F (Open Space and Amenity) and is located

within the proposed 1.4m high boundary to the southeast of the proposed block (see Boundary Plan, dwg no. DWG.09). I consider the imposition of a boundary on lands zoned F for the apartment block use only is unacceptable and results in a loss of public amenity space. I note also that a section of the proposed 1.4m high boundary and proposed extension of the 2m high wall are within the 10m riparian corridor of the River Liffey, which is unacceptable (as noted in the submission from the Department of Environment, Heritage and Local Government, and Inland Fisheries Ireland). The existing 2m high wall should be replaced with a lower and permeable landscaped boundary (see DWG.09 Rev C Boundary Plan) and should not be extended into the riparian corridor as currently proposed.

10.4.6. The main body of the site to the east is accessed from Riverside Drive, which is proposed to be extended east up to the site boundary, terminating just short of the eastern boundary. Development is proposed primarily to the north of Riverside Drive, with three duplex blocks proposed to the south of it. Off Riverside Drive is a permitted north-south street (under construction, within blue line ownership) which serves the permitted development to the west with a row of dwellings and a creche which are part of this application proposed to front onto the eastern side of this street. A parallel north-south street is proposed within the application site, with a row of dwellings on its western side and on its eastern side will be an area of open space with two east-west streets, the corner dwellings being double fronted to address both streets.

10.4.7. I have concerns in relation to DMURS compliance given the length of the two straight stretches of north-south access streets (one permitted, one proposed) exceeds 70m. While one street is not within the red line site boundary, it is within ownership of applicant, being a current phase 2 of the development. The permitted street to the west, which 18 dwellings and a creche from this development will front onto, is c. 110m long. The Design Manual for Urban Roads and Streets (DMURS)(2013) does not support long straights such as this with no design measures incorporated to slow down traffic. There is no indication that design measures are incorporated on the north-south stretch of street to the west which this development fronts onto/gains access from. S.34(4)(a) of the Planning Act gives power to impose a condition on land which is under the control of the applicant as long as the condition is expedient for the purposes of or in connection with the development authorised by the

permission. I consider a condition would be expedient in the delivery of this development and a condition would be warranted to ensure compliance in terms of DMURS, should the Board be minded to grant permission.

10.4.8. I note the north-south street within the development is 130m long, with a straight alignment. I note two points are provided for pedestrian crossings on the north-south street within the site boundary and are labelled '75mm high raised table at uncontrolled pedestrian crossing point', however, I am not satisfied that these narrow raised points serve as adequate design measures to slow traffic. DMURS considers chicanes/ramps as physically intrusive measures which are not necessary in a self-regulating environment. It is stated that less aggressive features, such as raised tables or platforms or changes to kerb lines/street alignment causing the carriageway to broaden and narrow and/or creating a series of directional adjustments, can be used strategically as supplementary measures which calm traffic and assist pedestrian movement. Should the Board be minded to grant permission, I consider a condition requiring further design measures to reduce speed/marginal re-alignment of the street along the straight north-south street would be warranted. I note an entrance table is proposed at the junction with the extended Riverside Drive street, which is welcomed, as well as at the Riverside Drive junction into the north-south street on the neighbouring site.

10.4.9. Works are proposed at the junction with Main Street, which were permitted (not yet undertaken) as part of the extant permission on the neighbouring site. The Council has a Part 8 permission in place to undertaken public realm works at this location also, which will improve the public realm and pedestrian priority, including accessibility to the riverside walk through the town. While the Part 8 has been considered in the submitted documentation, I consider a condition requiring the proposed works at the Main Street to be undertaken to the standards required of the planning authority, is warranted.

10.4.10. I have concerns in relation to the design of the apartment block, which I discuss in detail later in this report. Overall, I consider it would have been preferable for the apartment building to have been orientated and designed to allow for pedestrian movement through the site, to facilitate pedestrian friendly connectivity between the existing riverside walk and the proposed riverside linear walk part of this application, in the interests of permeability and connectivity and for the building to be

designed to encourage such movement and support activity along this edge as well as along the existing street. I consider the lack of pedestrian permeability at the southwestern portion of the site where the apartment block is proposed, to be poor and contrary to principles of connectivity and permeability supported by the Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. I consider a condition omitting this apartment block from this development would be warranted. I consider a revised design of the block, as well as revised pedestrian movement through this portion of the site would be of benefit to the entire scheme.

Eastern Relief Road

- 10.4.11. It is an objective of the Local Area Plan under SRO1 ‘to examine the likely future need for a relief road to the east of the town from the R448 Naas Road to the R448 Athy Road, as shown indicatively on map no.1 and should a need be identified: i) to examine route options for such a road and to investigate the feasibility of providing same having regard to environmental, archaeological and conservation considerations, and the feasibility of constructing a crossing of the River Liffey. ii) to preserve the preferred route option free from development iii) to seek the construction of this road, including a new crossing of the River Liffey and a new junction with the L6074 Logstown Road’.
- 10.4.12. The CE Report includes a report from the Transportation Section of the PA which states that adequate consideration has not been given to the future LAP road’s objective; noise from the future road’s objective has not been adequately considered; and the provision of perpendicular to kerb parking within the development (at the western boundary) is likely to be a road-side hazard for traffic from within and when connected to a future road to the east.
- 10.4.13. The LAP zoning map shows indicatively the location of the potential relief road, which is east of the application lands, the symbol touching the southeast boundary of the lands. I note this is an indicative route only and no detailed design of this route exists or a timeline for its delivery, nor is the need for this route required under the LAP to be examined as part of the development of these application lands, with the objective not linked to any particular land or scale of development.

10.4.14. The applicant in their submission states there is no objective within the Kilcullen LAP to illustrate a connection to the proposed SRO alignment to the east of the site, notwithstanding which, the submitted TTA addresses this proposed relief road. The TTA states that given the relatively flat nature of the lands & topography locally, they are satisfied that the development of the site will have no implications for the delivery of the N-S section of the indicative road to the east of the subject site and should an actual link to the N-S SRO to the east be required in future, it is stated that this can easily be achieved, with a submitted drawing indicating an east-west arrow from the southeast corner of the site where the extended Riverside Drive street ends and the neighbouring lands begin. I note that a sliver of green space separates the end of the east-west extension of Riverside Drive from the site boundary.

10.4.15. The potential relief road would if provided benefit significantly from an access to Riverside Drive and such an access should be facilitated as part of this development. The applicant indicates this is in all likelihood possible with the design as proposed and I accept the analysis submitted. In the interests of future proofing the strategic movement objectives relating to the town, should the Board be minded to grant permission, I recommend a condition that the proposed east-west street at the southeast boundary of the site be extended up to the site boundary to ensure no ransom strip of left over green space would impede a potential eastern connection point to this eastern relief road, which would be in the interests of permeable movement around the town of Kilcullen, should it be delivered in the future. I note Riverside Drive is proposed to be taken in charge by the council in the future and the Taking in Charge drawing should also be amended to include that section of the road up to the site boundary including the green space at its termination.

Linear Public Open Space

10.4.16. The River Liffey is a key asset in Kilcullen, as recognised in the operative development plan and in the LAP and is designated a Class 4 Special Sensitivity Character Area (table 14.1 of the development plan). The linear part of the site, which is bounded to the south by the River Liffey and to the north by the existing street of Riverside Drive, is zoned F Open Space and Amenity. The applicant proposes to deliver the zoned F open space lands adjoining the Liffey as a linear park, with a biodiversity/buffer zone along the river to protect existing biodiversity

and trees, as required by the operative development plan and LAP. Under zoning objective F, it is further required that 'In relation to the lands subject to the playground objective illustrated on the Land Use Zoning Objectives Map, the playground will be funded and constructed by the landowner and handed over to the Council prior to the completion of the Riverside Manor housing development'. A playground is proposed to be developed as part of this application within the lands zoned F. A condition in relation to exact specifications should be the subject of a condition to be agreed with the planning authority, should the Board be minded to grant permission.

- 10.4.17. The linear park is a welcome addition to the amenity assets of the town and proposed new community and in accordance with the zoning objective. However, issues arise in relation to the design of the linear park, which includes encroachments of the riparian corridor of the River Liffey with lighting and new boundaries and concern in relation to proximity of pathways to the riparian corridor. These issues are discussed further in section 10.7 of this report.

Design of Buildings and the Public Realm

- 10.4.18. With regard to the apartment block to the southwest, the CE Report states the apartment block will define the entrance to the development and considers in terms of design that an increase in architectural detailing, articulations of the four prominent corners etc would help with the design. The CE Report states concerns over the proposed stacked design of the balconies and the use of perforated railings as a poor material finish, with use of glazing preferable. The CE Report recommends a condition to redesign the apartment block. It is recommended that the external accesses to the duplexes should be internalised; the number of units overall should be decreased to ensure acceptable parking; and further detailing is required in relation to how the development can integrate with the Part 8 for Kilcullen Market Square and interact with the River Liffey and the Canoe Club Boathouse. An increase of nature based drainage solutions is also requested by condition in the CE Report.
- 10.4.19. I consider the design of the two storey dwellings are acceptable in terms of their form and height and I note that dwellings, where they are at corner locations, are double-fronted, providing for a façade to two streets, which is welcomed.

10.4.20. In terms of the design of the duplexes, I note the CE Report raises concerns in relation to the design of the external steps and recommends they be internalised. I note the external steps are to a half storey height only with the remainder internalised. I consider this design response acceptable and do not consider a full redesign of them is warranted.

10.4.21. The proposed apartment block to the southwest has an approx. square footprint with recessed elements. The roof design is reminiscent of a mansard style roof with barge boards proposed. I have concerns in relation to the design and positioning of the proposed apartment building, positioning of parking serving the block, and boundary treatment. I note the proposed apartment block is closer to the street than those at The Square, which I have no concerns about given a stronger urban edge over what exists is desirable, however, the footprint of the block and its orientation does not in my mind adequately address either the street or the river. I am of the opinion that in terms of design, particularly at the upper level which appears visually incongruous, bulk and mass, in addition to the treatment of the balconies (the perforated design of which would limit outlook for residents, passive surveillance and be visually incongruous), that the proposed block is an inappropriate design response to the opportunities of the existing site context and would be visually incongruous at this location. I consider the extent of render on the apartment block to be a poor material finish, as well as that of the perforated balcony design.

10.4.22. Furthermore, I consider the square footprint of the apartment block, location of the block on the site, and the proposed boundary treatment, results in a poor design response to the context of this portion of the site and does not contribute to connectivity with the linear park. The proposed parking to serve the apartment block is positioned to the north of the building, along the boundary of the access street off Riverside Drive serving the canoe club. As noted elsewhere in this report, the wall/parking blocks a potential pedestrian connection through the site from the walkway along the river to the north, around the canoe club to the proposed linear part to the southeast. The positioning of the existing and proposed extension to the 2m high wall and the proposed 1.4m high railing along either side of the apartment block (to the east/southeast with no pedestrian access points shown within these boundaries) creates unnecessary and defensive barriers between the development

and the linear park at this location. I consider that should the Board be minded to grant permission that the apartment block be omitted by condition and this land be subject to a separate application for an apartment development. I also note a portion of the site boundary incorporates lands subject to zoning objective F, which should form part of the linear park.

- 10.4.23. Having regard to the drawings submitted and photomontage view 5 (see Photomontages booklet by Redline Studios) I consider the proposed apartment block should be omitted by condition and a new application be required in order to consider a new design that appropriately addresses the context of this highly visible site adjoining Riverside Drive and the River Liffey.

Building Height

- 10.4.24. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) state that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments, it is stated, can deliver medium densities, in the range of 35-50 dwellings per hectare net. The guidelines state that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

- 10.4.25. The development comprises two storey dwellings, three storey duplexes (labelled Blocks A, B, C and D), and one apartment block four-five storeys high. The apartment block is located to the southwest of the site and has frontage to the link street of Riverside Drive and also to the River Liffey. Overall, in terms of height, I consider the proposed development is in accordance with SPPR4 of the Building Height Guidelines in that it meets the minimum density for such a location (as per the guidelines on Sustainable Residential Development in Urban Areas); it comprises a mix of building heights and typologies; and avoids mono-type building typologies (e.g. two storey or own-door houses only). The heights are in line with what the guidance anticipates for such sites within town centre and greenfield areas, within walking distance of a town centre, on zoned and serviced land.

10.5. Residential Amenity of Proposed Development

10.5.1. The proposed development provides for a range of house types, including mainly terraced two storey dwellings, with two semi-detached and one detached dwellings, in addition to apartments within three storey duplex blocks (labelled A, B, C and D) and one four-five storey apartment block to the southwest (on town centre zoned lands).

Design Standards for New Apartments

10.5.2. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

10.5.3. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.

10.5.4. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development achieves this.

10.5.5. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with in relation to the apartment block proposed.

10.5.6. A Building Lifecycle Report has been submitted, as required.

10.5.7. Car parking provision is considered acceptable and in accordance with guidelines. This is discussed in more detail in Section 10.8 hereunder.

Public and Communal Open Space

10.5.8. There is a requirement for 15% of the site area (2.88ha) governed by zoning objectives C and B to be provided for open space, as per the development plan (this excludes the zoned open space area of 1.19ha). 15% equates to a requirement for 0.43ha/4320sqm. The applicant states 3000sqm is proposed.

10.5.9. Section 4.10 of the Apartment Guidelines refers to the requirement for communal amenity space. Based on the number of units proposed, the development generates

a requirement for 522 sqm communal open space. The applicant states 1733sqm is proposed.

10.5.10. The main public open space area proposed is located within the eastern section of the site and is stated to be 2330sqm (0.233ha) in area. I do not include the identified POS 02 (0.02ha) in the calculations as this is incidental open space of little recreational value.

10.5.11. Areas of communal open space are in addition proposed to serve the proposed duplex apartment units and apartment block, with a stated area of 445sqm at the northern boundary serving duplex block A; 185sqm at the south adjoining duplex block B; 400sqm between duplex blocks B and C; 564sqm to the southeast of duplex block D; and 539sqm serving the proposed apartment block to the southwest. I also note this area was permitted as open space (with a different layout) in the neighbouring permitted development. I exclude from my calculations the area to the north of duplex block A in the calculations as this area is of little recreational value and is more an access route (note the area is smaller than indicated as the distance to the boundary will be set 2m into the site from the red line boundary on the inside of the existing hedgerow). The total communal open space area is therefore 1688sqm, which is in accordance with the requirements of the apartment guidelines.

10.5.12. The total proposed open space (central area plus communal) equates to 4018sqm, which is 13.9% of the site area. While this is less than the standard 15% required by the development plan, I consider this is more than adequately off set by the proximity to the linear public park to be delivered as part of this development. The CE Report also considers the level of open space proposed is adequate for this reason. I consider overall the quantum and quality of open space proposed is acceptable and in accordance with the operative development plan and LAP.

10.5.13. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

10.5.14. Notwithstanding that the apartments meet the SPPR standards set out in the guidelines, I have issue with the design of the proposed apartment block to the southwest in terms of design, bulk and mass, and impact on the public realm and pedestrian connectivity. This is discussed in detail in Section 10.4 above.

House Designs

10.5.15. In relation to housing, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings.

10.5.16. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1. The rear gardens associated with dwellings vary in shape and area, providing a satisfactory amount of private amenity space (as per chapter 17 of the development plan) and achieve adequate separation distances to adjacent dwellings. Generally back to back distances of 22m are achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.

Dwelling Mix

10.5.17. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units, with a mix of typologies including terraced dwellings, 1 detached dwelling, 2 semi-detached dwellings, duplexes and apartments. I consider this mix to be reasonable and will enhance the housing mix of the area.

Sunlight Daylight

10.5.18. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020

also state that planning authorities should have regard to these BRE or BS standards.

10.5.19. The applicant has submitted a Daylight and Sunlight Report, section 2 of which outlines the guidelines and standards used. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight"; and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting. I note British Standard BS 8206-2:2008 has been updated, and the applicant addresses this in Appendix B and notes a good correlation between the existing and new standards applied, with rooms deemed compliant under both guidance documents. It is also noted that in Ireland, EN 17037:2018 has been implemented by the 2018 Irish Standard. The texts of the 2018 British Standard and the 2018 Irish Standard are the same, with one exception, which is that the 2018 British Standard contains an additional "National Annex" which specifically sets out requirements within dwellings, to ensure some similarity to the now superseded 2008 British Standard. The relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

10.5.20. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state that although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards therefore described in the guidelines are one of a number of matters to be considered in a balanced and holistic approach to assessment of the site context and building design.

10.5.21. I assess hereunder the impact on daylight in relation to the internal layout of the scheme and the units. I have assessed potential impacts on neighbouring properties separately and I refer the Board to section 10.6 of this report hereunder.

Daylight - Internal to the Proposed Buildings

10.5.22. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for

Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.5.23. The submitted report sets out the methodology in terms of the rooms selected for assessment. I consider the approach as set out to be robust and in accordance with best practice. For combined living/kitchen/dining rooms a 2% ADF value is applied and 1% for bedrooms.

10.5.24. With regard to the apartment block to the southwest, all bedrooms and LKDs are in compliance with the BRE recommended 1% ADF for bedrooms and 2% ADF for LKD. The LKDs are all over 2%, ranging from 2.1% to 2.5% on the ground floor level and bedrooms range on the ground floor level from 1.3% to 2.9%, with values above ground floor level showing above minimum standards in all instances also.

10.5.25. With regard to the duplex units, all bedrooms and LKDs are in compliance with the BRE recommended 1% ADF for bedrooms and 2% ADF for LKD. All levels of the duplex units indicate above minimum standards being achieved, as illustrated on pages 22-30 of the submitted report. I note that those duplex units which have a lower ground floor level also meet the minimum standards.

10.5.26. Overall therefore 100% of all rooms achieve ADFs above the BRE and BS 8206-2:2008 guidelines when Living/Kitchen/Dining spaces are assessed as whole rooms against a 2% ADF target and bedrooms against a 1% ADF target.

10.5.27. The CE Report raises no concerns in relation to the assessment submitted.

Sunlight in Proposed Outdoor Amenity Areas

10.5.28. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least

half of a garden or amenity area should receive at least two hours of sunlight on 21st March, in order to appear adequately sunlit throughout the year.

10.5.29. Section 3 of the applicant's Sunlight and Daylight Report assesses site sunlighting and shading within the proposed amenity spaces. I note the northern communal space north of duplex block A has not been included in the assessment, however, as I consider this not a communal space but more an access route (as discussed above), this is acceptable. 100% of the linear zoned open space, the communal and access routes between duplex blocks B, C and D, ground level amenity space associated with the apartment block to the southwest, and central open space to the west, receive two hours or more of sunlight on 21st March and are therefore in compliance with the BRE standard.

Sunlight-Daylight Conclusion

10.5.30. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's '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 development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants, as per the Building Height and Apartment Guidelines.

10.6. Impact on the Amenity of Neighbouring Properties

10.6.1. I have examined the layout proposed and where potential impacts may arise with neighbouring properties.

10.6.2. Neighbouring properties include the existing apartment block of The Square to the northwest of the proposed apartment block and also the neighbouring canoe club building to the west. To the eastern section of the site, two storey dwellings are proposed to the eastern side of the existing street serving new two storey dwellings on the western side. There is also an agricultural building to the northeast of the site.

10.6.3. With regard to the apartment block to the northwest, there is a distance of c. 46m between the existing building and the proposed apartment block and a distance of c. 20.7m between the proposed apartment block and the canoe club. Given the

distances involved I have no concerns in relation to overlooking, loss of privacy, or overbearance. As assessed further hereunder, I am satisfied the proposal will not have a significant negative impact on existing residential amenity in terms of sunlight, daylight, or overshadowing.

10.6.4. With regard to the agricultural shed there is a distance of 10.95m between the proposed dwelling and the shed at the boundary. Given the distance involved and the nature of the existing use, I have no concerns in relation to overlooking, overbearance or negative impacts on future residential amenity in terms of sunlight, daylight, or overshadowing (discussed further hereunder).

Daylight – Vertical Sky Component (VSC)

10.6.5. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.

10.6.6. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

10.6.7. The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply.

- 10.6.8. The submitted Daylight and Sunlight Assessment Report assesses neighbouring properties of The Square and agricultural shed. With regard to point (ii) above, the angle between the centre of the existing window in The Square and the uppermost point on the proposed development is 17°, which is less than the 25° maximum angle prescribed in BR209, therefore it is determined that the proposed development will not negatively impact on neighbouring buildings. With regard to the agricultural building, this building does not have windows. Skylights on the roof of the agricultural building will not be impacted by the proposed development, as they will still retain a clear view of the sky. No significant impact is therefore anticipated.
- 10.6.9. While the submitted document does not consider the canoe building, I note this building has two windows on the aspect facing the site, however these are not the primary windows serving the canoe club and given the separation distances involved and the existing use, I do not consider the canoe club will be significantly affected in terms of daylight. With regard to the new dwellings recently constructed to the west of the proposed dwellings, I note the separation distances involved and the height of the existing and proposed dwellings at two storeys, therefore no significant impact is anticipated in terms of daylight.

10.7. **Ecological Impact Assessment and Landscaping**

- 10.7.1. An Ecological Impact Assessment was submitted with the application, dated 21st February 2022. Field surveys were undertaken on 30th March 2021, 1st July 2021, 15th July 2021 and 29th July 2021. A bat survey was undertaken in July 2021 and February 2022. It would appear from the images submitted as part of the EclA that the site was not being used for ground works/construction related works at the time of the survey work. No root protection area appears to have been set up around the existing hedgerows to protect them from these construction works, however, they appeared to be intact at the time of site inspection.
- 10.7.2. Concerns are raised in the observer submission in relation to lack of a boundary with adjoining agricultural lands to the north and east, trespassing of farmland, and affect on livestock. The CE Report notes the boundary treatments proposed and suggests by condition changes to the boundary to southwest of duplex Block B. The CE Report considers that the proposed buildings are too close to the eastern boundary to enable the hedgerow to be retained.

10.7.3. The submission from the Minister of Housing Local Government and Heritage notes that proposed site boundaries encroach on the riparian corridor along the River Liffey, with proposals for an 1800mm high vertical mild steel galvanised railing with concrete foundations proximate to the duplex units (Site Boundary Plan, Drawing No. DWG. 09), and a solid concrete block wall (2000mm high with concrete foundation) also proposed within the riparian zone along the western development boundary. The submission states that under Article 10 of the Habitats Directive (92/43/EEC) planning and development, policies must endeavour to conserve and manage corridors and stepping-stone habitat features. The Department is concerned that the impacts of these hard boundary structures on the ecology of the site, including the ecological corridor, have not been assessed in the Ecological Impact Assessment. The Department recommends that ecological assessment of the impact of these proposed boundaries is carried out prior to the commencement of the development and that suitable mitigation is agreed with the planning authority, as required and appropriate. The department further notes proposals for lighting within the riparian corridor within 3m of the river. The Department strongly recommends that lighting should not be placed within 10 metres from the top of the riverbank (the streamside zone). This is in accordance with Policy GI 20 of the Kildare County Development Plan. This is also in accordance with Inland Fisheries Ireland's guidance document 'Planning for Watercourses in the Urban Environment'. The Department advises that this should be a condition of any planning permission granted. Inland Fisheries Ireland has also made a submission stating 'The streamside zone on 10m along the River Liffey should be left untouched to protect the physical integrity of the stream ecosystem'.

10.7.4. In terms of policy within the Kilcullen LAP, I note map 4 'Green Infrastructure', identifies the northern and eastern boundaries of the site as 'key hedgerows'. Under Policy NH14 the following is stated: 'To ensure key hedgerows, identified on Map no. 4, and the linkages they provide to larger areas of green infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments'. Map 3a relating to Natural and Built Heritage comprises a symbol along the River Liffey which the legend indicates as representing 'Trees for Protection'. I note the proximity of the northern and eastern hedgerow boundary to the River Liffey and its linear woodland, and I consider the northern and eastern

hedgerows provide an important ecological corridor to the riverside habitat which it would be appropriate to protect and enhance as per Policy NH14.

- 10.7.5. Under the operative development plan, Policy NH 15 requires as part of the planning application process, the eradication/control of invasive introduced species when identified on a site or in the vicinity of a site, in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2021.

Habitats

- 10.7.6. None of the habitats within the proposed construction footprint correspond to habitats listed on Annex I of the EU Habitats Directive. The EclA submitted states hedgerow WL1 (to the east and north), treeline WL2 (to the south) and regenerating woodland WN5 (to the southwest) are habitats of local importance and higher value, as they help maintain links and ecological corridors between features of higher ecological value and are likely to be utilised by commuting and foraging bats and other faunal species. The area of regenerating woodland, although small in area, helps maintain links to nearby larger areas of woodland along the River Liffey. The remainder of the lands is classified as being of local importance, lower value. with a low biodiversity value, comprising a mixture of built ground, recolonising bare ground, spoil and bare ground, grassland habitats categorised as Dry meadows and grassy verges (GS2), Improved agricultural grassland (GA1) and Amenity grassland (GA2), and Scrub (WS1).
- 10.7.7. The riparian treeline along the River Liffey to the south of the proposed linear park is to be retained (with the exception of 2 no. trees). The development will also result in the permanent loss of a very small section (0.03ha) of the northern edge of the regenerating woodland to the south of the proposed apartment site for landscaping purposes. The woodland edge in the landscaping footprint at this location is stated to be situated on elevated ground and comprises predominantly a mix of bramble scrub and immature self-seeded birch and alder. The vast majority of the woodland, including the lower lying, wetter areas will be retained forming a natural buffer between the development and the River Liffey. It is proposed to maintain the majority of the linear features delineating the site boundaries, however, the proposed development will result in the loss of approximately 66m of hedgerow and 14 no. individual trees.

10.7.8. The EclA states that the Third Schedule Invasive Species American skunk cabbage was identified to the southwest of the proposed development site, outside of the construction footprint in the regenerating woodland habitat (see Habitat Map 5.1 in the submitted EclA), on lands within the red line boundary of the site and in the ownership of the applicant. The EclA states that as a precautionary measure, prior to the commencement of construction works, a pre-commencement invasive species survey will be undertaken by a suitably qualified ecologist to determine whether there have been any changes in the extent American skunk cabbage since the undertaking of the survey in 2021. It is stated the location of American skunk cabbage will be fenced off prior to the commencement of any works and all personnel will be made aware of the locations of this species and no works (construction or landscaping) will be undertaken in this area. I note the EclA does not propose to eradicate the invasive species nor does it include a rationale/detail in relation to the best approach to be taken. As raised in the submission from the Department, a condition of any planning permission should be that an Invasive Species Management Plan is prepared for this site, with a focus on the eradication of American skunk-cabbage. Details of methods required to ensure invasive species or vector materials are not accidentally introduced or spread during construction must also be outlined in this plan. I agree with the Department, and in accordance with Policy H15 of the operative development plan, a condition requiring a management plan to eradicate the invasive species should be attached to any permission, should the Board be minded to grant permission.

Fauna

10.7.9. In terms of fauna, no QI or SCI species associated with any European site were recorded within or adjacent to the proposed site boundary. Bats have been assigned Local Importance (Higher value) on the basis that the habitats within the proposed development site are utilized by a regularly occurring bat population of Local Importance. No evidence of species listed under Annex I of the Birds Directive was recorded during the site visit. No signs of otter activity were recorded within or adjacent to the site of the proposed development, however, it is stated that it is likely that the river in the vicinity of the development is utilised by a regularly occurring population of local importance of this species. Although no roosting bats were identified within the site, the woodland/treelines/hedgerows habitat within and

adjacent to the proposed development are utilised by commuting and foraging bats and they provide connectivity with the wider landscape. Bat species have been identified as of Local Importance (Higher value). Bird species recorded within the site were common species and the site does not support significant habitat for protected bird species. The hedgerows, treeline and woodlands provide good habitat for a range of common bird species.

10.7.10. As part of the landscaping plan, it is proposed that 1955 woodland trees and 417 street trees will be planted as part of the landscaping proposal; approximately 196m of native hedgerow comprising native species such as hawthorn, guelder rose and blackthorn will be planted along the south-eastern boundary of the proposed development; and 358m of existing hedgerow forming the northern and eastern site boundaries at the east of the site will be enhanced with additional native whip planting.

10.7.11. The EclA outlines a range of mitigation measures incorporated within the landscape management plan and tree protection plan and to be implemented through the construction management plan, including sediment control practices through good site management during construction, retention of a number of trees and hedgerows, clearance of vegetation suitable for nesting birds within the appropriate period, and resurvey of potential roosting trees before works take place. I am generally satisfied with the mitigation measures proposed, none of which I note are related to the protection or management of European sites. The issue of appropriate assessment is dealt with in Section 12 below. However, I have concerns in relation to boundary treatment and works proposed within the 10m riparian corridor of the River Liffey, as raised in a submission from the Department and Inland Fisheries Ireland, and which is not addressed adequately in the EclA or Biodiversity Management Plan and I have concerns in relation to the protection being afforded/to be implemented in relation to the key hedgerows to the north and east of the site. These issues are discussed hereunder.

River Liffey Riparian Corridor

10.7.12. A Landscape Masterplan, Design Rationale & Specification report has been submitted with the application in addition to a Biodiversity Management Plan, both of which address the linear park alongside the River Liffey, which is zoned F, open space and amenity.

10.7.13. The landscape plan submitted identifies a riparian ecological habitat to be retained alongside the river. I note a 'battery storage'/'esb' building is proposed as part of the apartment development 5.5m from the riverside edge and the plan indicates lighting and some new solid boundary treatment within the River Liffey riparian corridor. Such works are contrary to the policy GI20 of the operative development plan, which states it is the policy of the Council to 'Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities'. I see no rationale in this instance for undertaking works within the 10m riparian zone and I do not consider the proposed boundary necessary or appropriately located to the southwest and southeast of the proposed apartment block. There is also no rationale given for proposing a boundary within this 10m zone to the southwest of duplex Block B. This is raised as an issue in the submission from the department, as is the lighting plan, with the submission from the department indicating the proposal inappropriately locates lights within the linear park which the EclA highlights is well used by bats. I note these lights are located to the south of the pedestrian path through the site, which adjoins/is within the indicated riparian area. These lights are labelled 'hess linea LED bollard 16w 3000k'. The Department strongly recommends that at a minimum lighting should not be placed within 10 metres from the top of the riverbank (the streamside zone). This is in accordance with Policy GI 20 of the Kildare County Development Plan. I also consider the location of the pathway through the riparian corridor should also be reconsidered to ensure protection of this biodiversity zone and to avoid safety issues as lighting cannot be considered along the path in its current location. These issues can be addressed by way of condition, as recommended by the Department in their submission, and I consider a condition ensuring no ancillary buildings within this zone should also be specified.

10.7.14. The Biodiversity Management Plan includes measures to maintain the riparian treeline and regenerating woodland vegetation along the River Liffey to the south of the development, grassland enhancement and planting of areas of wildflower meadows and trees to provide and maintain connections between the site and sites of higher ecological significance in the wider area. However, it does not highlight

issues raised in terms of the positioning of lighting. Given the important of maintaining the riparian corridor free of lighting, development and boundary treatments, I consider an update of this plan is required, as is an update of the landscaping plan.

- 10.7.15. A public information signage programme is proposed for around the site highlighting the habitats and species in the area. I consider this would be particularly important in the area of the linear park to support protection of the riparian corridor and River Liffey. A condition to reinforce this requirement is recommended, given the same requirement applied to the adjoining site and while that development is not yet complete, no implementation of signage was obvious upon site inspection.

Key Hedgerows and Boundary Treatment

- 10.7.16. As noted previously, the hedgerows along the northern and eastern boundaries of the site are identified in the LAP as 'key hedgerows' and of high importance at a local level, as identified in the EclA.
- 10.7.17. With regard to the northern boundary, which is onto a laneway in the ownership of a neighbouring farmer, I note concerns in relation to the finish of the boundary were raised as an issue in a recent application on lands to the immediate west of this application site (ABP-307059-20), as well as being raised as an issue in this application. Under the previous application on the neighbouring lands, the Board attached the following condition:

2(a) Prior to the making available for occupation of any dwelling unit on the site, a two metre high, green coloured, pre-coated paladin fence of stock proof standard shall be constructed along the boundary of the entirety of the lands in the applicant's ownership where they adjoin farmland in third party ownership, apart from along the northern site boundary abutting the existing lane to the rear of dwelling units numbers 25-40 where the boundary treatment shall be as set out in (b) below and to the rear of dwelling units numbers 1-24 where the boundary treatment shall be as proposed in this planning application.

(b) Prior to the commencement of development, revised details shall be submitted to, and agreed in writing with the planning authority, for the provision of a wall along the northern boundary abutting third party lands. The

wall shall be at least two metres in height, capped and plastered on both sides.

10.7.18. The applicant has not complied with 2(a) to date. The development is currently under construction along the northern boundary, with a portion of that northern boundary now within this application boundary.

10.7.19. I note in the detail of the application on the adjoining northern boundary (part of which is now within this site), the proposed wall was to be constructed 1.5m inside the hedgerow boundary and this was clear from the site layout plans, with the boundary wall indicated on the inside of the hedgerow within the site and not along the exact red line site boundary. This application is less clear on where the new boundaries to the north and east are proposed relative to the hedgerows, with the boundary plan and site layout plan indicating new boundary treatments exactly along the red line boundary, which would cause significant damage to the existing hedgerows (see Boundary Plan dwg.09 Rev C and note difference in location of boundary wall to the development to the east and proposed boundary wall as part of this development). The EclA states that the boundary treatment is to be instated no less than 1500mm from the hedgerow stem centres, the construction of which will be supervised by an arborist and the hedgerows will be enhanced with additional native species planting. The arborist plan states the hedgerow will be maintained to a depth of 2m from the hedgerow centre. The Biodiversity Management Plan states 'Protective fencing will be erected to ensure that there is no damage to the hedgerows delineating the northern and eastern boundaries of the site. All groundcover, scrub and hedgerow overhang to be maintained to a depth of 2 metres from the centre of the hedgerow. The hedgerows will be protected by a concrete H post and concrete panel 2000mm high boundary treatment to be instated no less than 1500mm from the hedgerow stem centres, the construction of which will be supervised by an arborist'. To ensure protection of this valuable ecological corridor, I consider the arborist and Biodiversity Management Plan set back of 2m should be applied and not that of 1.5m. I further note that the applicant in not showing the correct location of the boundary, is indicating more open space than will in reality exist, particularly in the area of communal space along the northern and eastern boundary, however, as noted later in this report, I am overall satisfied with the scale and design of open space proposed.

10.7.20. Should permission be granted, I consider an entire revised boundary treatment plan will be required and I consider the exact location of new proposed boundaries should be agreed on site with the PA, in the presence of an ecologist. I note a discrepancy in the plan between what the proposed eastern boundary should be - on the arboricultural tree protection plan it is stated to be a Concrete H Post and Timber Panel fence (1.8m high) and in the EclA it is stated to be a Concrete H Post and Decorative Concrete Panel Fence 2m high. Either boundary, even under the supervision of an arborist, would in my opinion be likely to cause significant damage to the hedgerow. I note the area where the boundary is proposed is labelled a 'no dig zone of ecological enhancement', therefore to put the boundary in place, great care would be required to reduce damage to roots and it would appear to me that the choice of boundary indicated would likely cause significant damage to the existing hedgerow roots. Furthermore, given part of the hedgerow appears to be proposed in the side gardens of three of the units on the eastern side, it would be open to future occupants to remove this hedgerow within their boundary, which would result in a potential break along this ecological corridor.

10.7.21. I consider a condition in relation to the northern boundary treatment adjoining dwellings 1, 2, 3 and 41 (which back onto/side onto the hedgerow) consistent with the neighbouring development would be reasonable, however, I do not consider such a boundary warranted for the remainder of the northern boundary line, ie to the north of duplex Block A, which has frontage onto this boundary, or along the eastern boundary. Instead a two metre high, green coloured, pre-coated paladin fence of stock proof standard should form the boundary and be set 2m away from the centre hedgerow line and be supported by additional planting, which would reinforce the hedgerow as it exists and deter vandalism of the fence. I consider a wall would not significantly increase security for the neighbouring farmer but overlooking from the duplex units and additional appropriate planting would be of benefit and would deter trespass.

10.7.22. The CE Report raises concerns that the buildings proposed are too close to the eastern boundary to ensure retention of the eastern tree/hedgerow line. In my opinion the end units along the eastern boundary should be omitted and an eastern green route around the development be put in place which would accommodate pedestrians, this not being possible in the proposed layout. This would result in the

omission of six units - duplex units 17 and 18, two houses on plots 42 and 53, and duplex units 53 and 54. The new end units should be redesigned to have a double front facing east as well as onto the adjoining streets, as per the existing design of other end houses and duplex units within this scheme. The connection of the northern and southern perimeter green spaces along the eastern boundary would ensure the retention of the hedgerow and would also overall increase permeability around the site for pedestrians and increase the amenity value of the site for future residents. The boundary treatment to the east and northeast, as noted above in this report, would also require amendment to ensure the hedgerow is protected, with any new boundary set 2m from the centre of the hedgerow and positioned within the site. As noted earlier, I consider the boundary should be a two-metre high, green coloured, pre-coated paladin fence of stock proof standard, and should be inserted carefully under the supervision of an ecologist, with additional hedgerow planting to support it. Should an ecologist determine that this boundary treatment would cause significant damage to the hedgerow to be retained, an alternative less intrusive boundary could be considered, subject to agreement with the planning authority. While I acknowledge the concerns of the neighbouring farmer, I consider the paladin fence supported by additional native planting would deter trespassing. Furthermore the fronting of buildings onto this space would reduce antisocial behaviour. The aforementioned changes could be addressed by way of condition should the Board be minded to grant permission.

10.7.23. A 1.8m high vertical mild steel galvanised fence with adjoining native hedgerow planting, labelled Boundary Treatment Seven, (as per the submitted Boundary Plan, drawing no. DWG.O9 Rev C) is proposed at the southwestern boundary at the end of the linear park, up to the river and along the boundary with the adjoining agricultural lands to the south of duplex blocks B, C and D and the boundary with the agricultural zoned lands. The CE Report proposes a number of conditions, of note is Condition 36(e), which recommends that proposed Boundary Treatment Seven along the southern boundary should be revised to address the undulating and sensitive riverside location. The condition further states 'The transitional area where the residential element meets the linear park should allow for additional bespoke boundary treatment, planting and seating to create a softer interface with the River Liffey'. The short section from the agricultural lands to the

river edge would cut through an area of riparian corridor where no tree or scrub removal is to be undertaken and is in a no dig zone and the boundary at this location is raised as a concern in the submitted report from the Department. As noted elsewhere in this report, I see no advantage to imposing a boundary here, given it would negatively impact this riparian corridor. Should a boundary be required, I consider this should be located to the immediate southwest of duplex block B, outside the area on the Tree Protection Plan labelled 'Root protection area. No dig zone and riparian area of ecological enhancement' and should be designed, as per the CE comment, to a standard reflective of the landscape value of this area. The space for the proposed planted native hedgerow along the southern boundary I note is extremely limited in parts given distances of proposed buildings to the southern boundary, eg the southeast edge of block B is 2.7m from the boundary with a footpath up to the edge, nonetheless whatever planting can be inserted along this boundary would be welcome and should be agreed in advance with the planning authority.

10.7.24. Proposed Condition 36(c) in the CE Report relates to the main central public open space, and requests that Boundary Treatment Six be amended from proposed 400mm high timber fence to steel railing, galvanised and powder coated. I have no issue with such an amendment, albeit elsewhere I note it is stated no boundary to open spaces should be proposed. I note the centre part of this open space is lower (500mm depression) and will function as a swale/attenuation area during heavy rainfall. The design and finish, including hard surfacing, boundary treatment where required, levels etc, of this central open space, should be subject to detailed design and agreement with the PA, should the Board be minded to grant permission.

10.7.25. The CE Report refers to Chapter 17 of the Kildare County Development Plan (KCDP) 10117-2023 which addresses boundary treatments under Section 17.4.5. It is stated that 'Concrete post and base with timber panel fencing will be considered for the side boundaries between rear gardens, provided a 2m length of 1.8-2m high block wall, capped and plastered, is provided for the initial 2m from the rear building line of the house'. The applicant proposes 1.8m high concrete post and timber panel fencing to the side and rear of dwellings houses. I consider the development plan standard in relation to such boundary treatment reasonable and should be applied by way of condition, should the Board be minded to grant permission.

10.8. Traffic, Transportation and Access

Transportation Assessment (TA)

- 10.8.1. The application has been accompanied by a Transportation Assessment Report, which includes a Preliminary Travel Plan/Mobility Management Plan, DMURS Statement of Consistency, and Stage 1 Road Safety Audit. The methodology is based on TII's 'Traffic and Transportation Assessment Guidelines (2014)'. The existing road network, public transport routes and pedestrian facilities were assessed, and the existing traffic pattern was established. I note there are no cycle lanes in Kilcullen. Surveys of the existing roads and junctions were carried out during the weekday AM and PM Peak Hours in January 2020 during normal school term, prior to the Covid 19 Pandemic Emergency Measures. The assessment includes existing, committed and proposed traffic.
- 10.8.2. In terms of public transport, the submitted Transportation Assessment (TA) highlights Bus Eireann (via Go-Ahead services) and Private Bus Companies such as JJ Kavanagh operate frequent daily commuter services between Dublin City Centre and Kilcullen. A Go-Ahead Ireland Service no. 130 which links Athy, Kilcullen, Naas and Dublin with 5 services a day. There is also a no. 129 Kenneallys local bus services between Kilcullen and Newbridge town. While the services are not high frequency in themselves, they nonetheless provide for regional links, particularly commuter links, at peak hours to Dublin and with connections to other towns.
- 10.8.3. Access to the site is via Riverside Drive access street, which has a 1m wide grass verge and 2m wide footpath along each side. This street terminates at a junction with the main street/R448 at the bridge over the Liffey in Kilcullen town centre. An analysis of the R448 (Main Street) and L10024 Junction leading to the proposed development was undertaken as well as the R448/R413 junction (Cross and Passion College). TRICS database has been utilised. The TII Guidelines indicated that if the expected increase in traffic is 5% over the baseline for networks that are considered heavily trafficked or congested, then further analysis is warranted. As per submitted table 4.1 and table 4.1 the impact at the R448/L10024 (The Square/Site Access at main street junction) will be an increase of 6.9% in the AM and 7.8% in the PM, with the impacts on the R448/R413 junction below 5% and considered negligible. PICADY software has been used to further analysis the R448/L10024 junction. An

RFC (ratio of flow to capacity) greater than 1.00 indicates that a junction is operating at or above capacity, with 0.85 considered to be the optimum RFC value. The AM max RFC is stated to be 0.25 and PM peak of 0.18 in 2025 and no queuing is anticipated. The Transport Assessment states that the junction with Main Street / The Square is to be improved through simple road markings & additional signage to optimise its current operation, and this was a condition of planning of the most recent permission (and therefore constitutes committed infrastructure, which has been considered within this study). I further note KCC has a Part 8 in place which will upgrade the public realm at the location of the public parking at this junction and plans to improve this junction and pedestrian facilities, which is important given residents of the proposed development will utilise this area frequently and therefore improvements are required to facilitate safe movement of future occupants. Issues at the junction of Riverside Drive and the Main Street have been raised in the submitted Road Safety Audit also, with the feedback form indicating the applicant's response as follows: 'works at external junction with Main St to be discussed and agreed with KCC at detailed design stage'. A condition in this regard would be warranted should the Board be minded to grant permission.

10.8.4. With regard to the objective in the LAP for an eastern relief road around the town, immediately west of the application site, the TA confirms the proposed development will not hinder the delivery of such a relief road and that a connection from the extended Riverside Drive as part of this development would be capable of connecting east to a future relief road. Given the plans for the eastern relief road are not in existence and the route is indicative only, I consider the extent of the assessment in the TA to be reasonable. However, to future proof a connection, I think it would be reasonable to apply a condition to ensure the proposed access street is extended right up to the eastern boundary of this application site to ensure no ransom strips of open space.

10.8.5. I am satisfied that the assessment, which includes for the construction and occupation of neighbouring phases of the development, will have a negligible and unnoticeable impact upon the operation of the adjacent road network, in particular the junction with Main Street.

Internal Streets

10.8.6. I note the north-south street within the development is 130m long and has a straight alignment. The permitted street to the west, which dwellings from this development will front onto is c. 110m long. The Design Manual for Urban Roads and Streets (DMURS)(2013) does not support long straights such as this with no design measures incorporated to slow down traffic. I note two points are provided for pedestrian crossings, and are labelled '75mm high raised table at uncontrolled pedestrian crossing point', however, I am not satisfied that these narrow raised points serve as adequate design measures to slow traffic on such a long stretch of straight street and I further note that there is no indication that design measures are incorporated on the north-south stretch of street on the parallel street to the west which this development fronts onto/gains access from. Should the Board be minded to grant permission, I consider a condition requiring further design measures to reduce speed/marginal re-alignment of the street along the straight north-south street would be warranted and measures also to address the parallel street to the west. I note S.34(4)(a) of the Planning Act gives power to impose a condition on land which is under the control of the applicant as long as the condition is expedient for the purposes of or in connection with the development authorised by the permission. Such measures on the street to the west, which serves 18 dwellings and a creche as part of this application, would be expedient for this planning application should permission be granted.

Parking

- 10.8.7. In relation to parking standards, the Design Standards for New Apartment 2018, indicates parking standards for peripheral and/or less accessible urban locations should generally require one space per unit with an element of visitor parking, such as one space for every 3-4 apartments. This equates to a requirement for 90-96 spaces for the apartments and 106 spaces for the houses (assuming 2 spaces per house), which is a total of 178 spaces.
- 10.8.8. In terms of development plan parking provisions, table 17.9 relates to car parking standards which are stated as 'maximum standards', having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. A number of factors are set out in the development plan in relation to which reduced levels of parking would be considered appropriate,

including in the context of proximity to the town centre and services that fulfil day to day needs.

10.8.9. The CE Report states there is a deficit of 39 parking spaces for the development and a reduced number of units should be considered to alleviate any future parking concerns.

10.8.10. The application proposes 197 car parking spaces for the residential units and 7 spaces for the childcare facility. The parking equates to 1.58 spaces per unit. I note the proposed apartment block to the southwest, which is physically separate to the remainder of the development, is served by 23 parking spaces for 18 units, which is in accordance with the requirements of the guidelines. The TA states that the apartment elements of the development will be managed and operated by a Management Company and car parking will not be an automatic entitlement. It is stated that the entire development will be continually managed on an on-going basis to ensure that the reduced car dependency nature of the development is continually promoted and enhanced.

10.8.11. The proposed number of spaces does not exceed the maximum provision as set out in the development plan and the site is within walking distance of the town centre and services. I consider the overall level of parking to be appropriate for this site, which is a zoned, accessible and serviceable, forming part of a new area of development in this section of the town, and is in accordance with the Apartment Guidelines.

10.8.12. The PA Transportation Section raises concerns in relation to the provision of perpendicular parking and kerb parking spaces along the access street to the southeast. I note the concerns raised, however, I do not consider this arrangement would give rise to a traffic hazard as presented or in the future if this road is connected to the orbital route to the east. This arrangement is not contrary to DMURS and could support a connection of this street to any new road proposal to the east, with speed limits on this street remaining low even with a connection in place. In relation to the north-south street, on street parking is proposed along the entire eastern side of the street, however, planting is proposed between every bank of five spaces which I consider will mitigate the visual impact of the parking and the arrangement is overall acceptable. In terms of concerns raised by the Transportation

Report in relation to potential for noise arising from the roads, including any future proposed eastern route, I do not consider the level of traffic generated by this or the surrounding developments is such as to give rise to negative noise impacts and I would suggest that any outer relief route if built to modern standards would not give rise to significant noise from traffic or have such high traffic volumes as would result in a significant negative impact on residential amenity.

10.8.13. The site has a total of 72 Apartments/Duplexes containing a total of 153 bedrooms. This translates to a requirement for 153 long stay residential bicycle parking space and 36 visitor bicycle parking spaces (in total a minimum provision of 189 spaces). 234 no bicycle parking spaces are provided on the site. I consider this acceptable and in compliance with the standards.

10.8.14. In terms of EV spaces, the submitted TA states that 'the entire car park area of the subject scheme will therefore be ducted to accept future cabling to serve a charging point for every car space as demanded, with a simple duct under the path linking to the house boundary. Where residents request a charging point to be installed, the relevant charging point will be pre-wired back to their home electricity meter in the designated meter location. The socket point will have a lockable cover on it so that only that resident may use the power point. This provision around the entire parking area allows future charging points to be installed at any of the car parking spaces with minimum works as and when required'.

Construction Traffic

10.8.15. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. This can be addressed by way of condition.

10.9. **Water Services**

Water and Wastewater

10.9.1. In terms of existing water and wastewater services, it is noted in the submitted Engineering Services report that this development is the third phase of a three-phase development. Phase 1 is complete and phase 2 is currently under construction. The water and wastewater pipe network in Phase 1 & 2 is in the ownership of Alchemy Homes Development (Kilcullen) Limited. It is the intention of the developer to

connect the Phase 3 development to the back of the Phase 2 development which is currently under construction. The developer has received consent from Irish Water to connect Phase 2 to the IW network and has received confirmation that the proposed Phase 3 connection to the Irish Water network(s) can be facilitated.

10.9.2. No report from Irish Water has been received as part of this application, however, I note the IW pre-connection enquiry raised no significant concerns and stated connection was feasible without infrastructure upgrade. I consider a condition in relation to an agreement with IW would be warranted, should the Board be minded to grant permission.

Surface Water Management

10.9.3. Surface water is proposed to connect into the existing surface water network on Riverside Drive servicing the phase 1 and 2 developments, that discharges to the public surface water collection pipe located on The Square Road outside the western boundary of the site.

10.9.4. In terms of surface water management, a SUDS strategy is proposed, including permeable paving, swale 500mm deep in the open space green area in catchment 1, and underground storage and infiltration and includes provision of petrol/oil interceptors.

10.9.5. A Site-Specific Flood Risk Assessment (FRA) was submitted as part of the application. The SFRA map for Kilcullen LAP 2014-2020 demonstrates that the majority of the site is Flood Zone C and outside the area required to carry out a site-specific flood risk assessment, with the exception of the site within the hatched zone of the proposed apartment development. As a result of the apartment building being in the hatched zone a site-specific flood risk assessment is required. The SSFRA report sets a level of +101.80m for the apartment building which is 600mm above the ground floor level of adjoining buildings, the current ground level and 300mm above the estimated maximum level for Flood Zone C – Extreme Flood Event, therefore there is minimal risk of local fluvial flooding of the site or proposed buildings.

10.9.6. Overall, having considered all of the information before me, I am satisfied the applicant has adequately addressed the issue of flood risk in the submitted Site Specific Flood Risk Assessment, and proposes a surface water management strategy which indicates the proposed development will manage surface water from

the site to the greenfield run off rate as per the GDSDS and will not impact on neighbouring sites.

10.9.7. I note there are elements of the SUDS strategy which the planning authority are not satisfied with. These issues can be addressed by way of condition. Should the Board be minded to grant permission, I recommend a condition apply requiring a Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where required, at the developer's expense and a Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the developer's expense.

10.10. **Material Contravention**

10.10.1. The applicant has submitted a document titled 'Material Contravention Statement'. This statement has been advertised in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.10.2. The items to be considered a material contravention of the Kildare County Development Plan 2017-2023 are set out within the submitted Material Contravention Statement as follows:

- Quantum of housing development to be provided / delivered in Kilcullen within the lifetime of the Development Plan;
- Quantum of visitor car parking provision proposed for apartment and duplex residential units;
- Quantum of public open space provision proposed to serve the proposed residential development.

10.10.3. The items to be considered a material contravention of the Kilcullen Local Area Plan 2014 are set out within the submitted Material Contravention Statement as follows:

- Sequencing of development in Kilcullen as per the Kilcullen Local Area Plan 2014; and
- Location of planned playground as per the Kilcullen Local Area Plan 2014.

10.10.4. Each of the above material contravention items are considered against the operative development plan and also Kilcullen LAP.

Core Strategy and Quantum of Housing

10.10.5. Table 3.3 of the operative development plan identifies a housing target of 151 for 2020-2023. An existing permission on the neighbouring lands for 90 dwellings, in addition to this development of 125 units, would result in the target 151 unit figure in the core strategy of the development plan being exceeded. A small number of residential permissions have been granted in Kilcullen also since the adopted variation. Overall, the proposal would in my appear result in what could be considered a material contravention of the development plan. I note the CE Report does not comment on the number of units with regard to the core strategy, but references the figure indicated in the development plan.

10.10.6. It is stated in the submitted Material Contravention (MC) Statement that 'Given the significant length of time between the initial SHD Pre-Application Consultation phase and the actual delivery of housing units, it could be argued that it is in the interest of achieving the 2026 target that the Subject Proposal should not be considered in material contravention of the Development Plan, however the Applicant acknowledges that there may be a reasonable basis for concluding that the proposed development could potentially materially contravene the housing targets outlined in the Core Strategy during the lifetime of the Development Plan'.

10.10.7. I am of the view that while the proposed development materially contravenes the Core Strategy as set out in Variation No.1, the development in all other regards accords with the principles of proper planning and sustainable development, and is of a scale and nature, that does not significantly undermine the county's settlement hierarchy or proposed pattern of growth. Table 2.4 of Variation 1 of the operative development plan, states that Kildare's growth is estimated at approx. 6000 units for 2020-2023, although noted as c.14,000 units up to 2026. The proposed development of 125 units equates to less than 1% (0.9%) of the target growth of units for the period up to 2026. The town of Kilcullen currently has a population of approx. 3,500 persons (2016 figure). With an additional c.125 housing units proposed, the town's population would remain below 5,000 persons. Based on the broad principles and targets outlined in the NPF and RSES and as per the overall dwelling/unit targets for

Kildare (as outlined in the Variation No.1), I am satisfied that the proposed development does not undermine the principles of compact growth and sustainable development for the county or town, and does not undermine the settlement strategy for the county, notwithstanding the breach of the household target for Kilcullen. The lands are serviced and are within the footprint/spatially sequential to the identified settlement and it's associated services and amenities.

Quantum of Car Parking

- 10.10.8. The applicant states that the Development Plan outlines that 'other than "Residential", parking standards are maximum standards', thereby suggesting that the residential parking standards are either minimum or 'benchmark' standards.
- 10.10.9. 204 car parking spaces are proposed. If the standards of the Kildare County Development Plan are applied, there should be an additional 32.5 spaces provided.
- 10.10.10. I note Chapter 17 relates to development management standards. The introduction section states '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'. I note the parking standards are indicated as maximums and flexibility is included to allow for reduced parking in certain circumstances, including for example where a development is close to a town centre and existing day-to-day services. I am satisfied that the provisions within this section of the Development Plan are clearly standards and, where not directly referenced within policies or objectives of the Development Plan, deviation from these standards would not be likely to be of a material nature, particularly where there is compliance with more contemporary and up-to-date national policy and standards. No material contravention issue arises.

Quantum of Public Open Space

- 10.10.11. The applicant considers the site to be a mix of greenfield and brownfield in nature (the southwest of the site having been previously cleared for a development that was not enacted), therefore both the 10% and 15% standards for open space as set out in the operative development plan could be applied. The applicant considers

that as the proposed public open space is less than 15%, this could be interpreted as a material contravention of the operative development plan.

10.10.12. Chapter 4 of the operative development plan relates to Housing and Chapter 17 relates to Development Management Standards. Chapter 4 states it is a policy of the Council to 'PS 1 Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that enhances the visual character, identity and amenity of the area'. The following objectives is also noted: 'PSO 1 Ensure that public and semi private open space in new residential development complies with the quantitative and qualitative standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and in Chapter 17 of this Plan'. Chapter 17 states 'In greenfield sites, the minimum area of open space that is acceptable within the site is 15% of the total site area' and 'In all other cases, public open space should be provided at the rate of 10% of the total site area'.

10.10.13. The application site is primarily a greenfield site, with a section to the southwest having been affected by development. 13.9% of the net site area is proposed as open space (I refer the Board also to section 10.5 of this report in relation to open space). While it is appropriate to exclude the zoned open space in the net density calculation (as per guidance within S28 guidelines on Sustainable Residential Development in Urban Areas), I consider its location and design to be a significant addition to the amenity of this residential development. Having regard to the flexibility allowed for in the introduction section of Chapter 17, and having regard to the quantity and quality of the zoned open space to be development as part of this open space which will serve this development (as per policy PS1), I consider the level of open space provided to be adequate and in accordance with the operative development plan and LAP. The level of open space provided is not a material contravention issue in my opinion.

Sequencing of Development - Kilcullen LAP

10.10.14. The applicant states the 'Subject Proposal may be conceived as premature in the context of sequential development of Kilcullen with regards to the policies contained within the Kilcullen LAP and Kildare County Development Plan'.

10.10.15. As stated within the Kilcullen LAP, section 6, residential lands have been zoned in accordance with the principle of the sequential approach, ie developing from the town centre out towards the edge. There are design briefs for two sites set out within the LAP, including the site west of Riverside Manor named 'Neighbourhood Edge Lands'. It is stated that the design briefs are indicative and illustrate how the areas could be developed. I note there is no requirement within the LAP for these sites to be developed ahead of other parcels of zoned land.

10.10.16. The residential component of the application site is zoned for development, is within walking distance of the town centre, and is serviced by an existing street with footpaths, as well as being capable of being serviced by the existing water and wastewater network. I do not consider the development of this zoned site to be a material contravention of the LAP or of the development plan, within which there is no specific policy or objective which limits the development of the application site ahead of others.

Playground

10.10.17. The applicant states that the proposed playground includes for a natural play area, identical in function to a traditional play area, but using natural materials and structures in order to enhance the quality of play for children and states the proposed playground provision could be considered to be in contravention of policies within the Kilcullen Local Area Plan 2014 in that the proposed playground is not of the traditional form.

10.10.18. There is an objective on the Land Use Zoning map for a playground on the application lands zoned F: Open Space and Amenity. Under the zoning objective for F, it is stated as follows 'In relation to the lands subject to the playground objective illustrated on the Land Use Zoning Objectives Map, the playground will be funded and constructed by the landowner and handed over to the Council prior to the completion of the Riverside Manor housing development'. A playground is proposed to be developed as part of this application within the lands zoned F.

10.10.19. The objective is for the provision of a playground and it is not specified in the LAP what materials etc should be used. I do not consider this a material contravention issue. A condition in relation to the exact specifications and boundary

treatment, if any required, should be the subject of a condition, should the Board be minded to grant permission.

Section 37(2)(b) Analysis

10.10.20. I shall now address the issue of material contravention with regard to the relevant legal provisions.

10.10.21. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Core Strategy

10.10.22. Having regard to the provisions of section 37(2)(b)(i), I am satisfied that the development is of strategic and national importance, in that it is providing much need housing in line with Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness (2016) and Housing for All – A New Housing Plan for Ireland (2021).

10.10.23. Having regard to the provisions of section 37(2)(b)(ii), the objectives of the NPF are noted, in particular NPO 3(a), 11 and 33 which aim to direct new homes at locations which can support sustainable development and can encourage more

people and generate more jobs and activity in towns. In relation to section 28 guidance, both the Sustainable Residential Development in Urban Areas (SRDUA) and the Design Standards for New Apartments Guidelines for Planning Authorities (2018) (Section 2.4) highlight the need for increased densities at towns to ensure efficient use of zoned residential lands. The site is located within the town of Kilcullen, on residentially zoned land within the development boundary of an existing urban settlement, contiguous to the built up area, and proximate to existing infrastructure and services within the town. The development provides linkages into existing residential areas and supports the delivery of a large expanse of public open space along the River Liffey. Having regard to the location of the site and design and layout, which supports the policies and objectives of the NPF and EMRA-RSES, Urban Development and Building Height Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and Sustainable Residential Development in Urban Areas, I consider the proposed development is in accordance with national guidance. It is my opinion that the proposed material contravention of the housing allocation and density at this location would be justified by reference to national or regional policy or otherwise under section 37(2) (iii) of the Planning and Development Act 2000 (as amended).

10.11. Other Matters

Childcare Facility

10.11.1. In relation to the history of the plan lands, I note a childcare facility was previously permitted, however a large portion of the permitted dwellings in addition to the childcare facility were never constructed. Given the proposed development is considered to be phase 3 and the wider lands are in the applicant's ownership, I consider it reasonable to consider the extent of development in the wider area and the associated childcare requirements of this newly development area, which have not been provided for to date, given the haphazard nature of permissions granted and not implemented. 144 units in total were permitted in the past, of which only 40 have been constructed, ie current area of Riverside Manor. A more recent application was permitted in 2020 (ABP-307059-20) for 90 units on lands to the west of the application lands/east of Riverside Manor. I note that should the proposed 125 units be permitted alongside the recently permitted 90 units (noting an overlap of the sites, therefore minus 26 of the existing permitted), then permissions granted in this

area would relate to 189 units. Under the Childcare Guidelines, the scale of development in this wider area in addition to this proposed development, would result in a requirement of 50 childcare spaces. The proposed childcare facility is 298sqm in area and can accommodate 58 children, and 10 staff. I therefore consider the scale of the proposed childcare facility to be appropriate.

10.11.2. In terms of location, the childcare facility is located along a main access street and at the entrance point to this phase 3 development. While concerns are raised in councillor submissions about the location, I consider it appropriately located along the main access route, being highly visible and accessible to the existing and proposed population. I consider the design of the unit and scale of open space to be acceptable.

Typographical Errors

10.11.3. I note the applicant has given incorrect file numbers relating to the planning history of the site, with ABP file ref 307089 indicated on the site layout plan, which should read as 307059. This is a typographical error and has not affected my assessment of this file.

Part V

10.11.4. The applicant has submitted Part V proposals comprising the transfer of 10% of the proposed units to the planning authority. The report on file from Housing Dept., indicates no objection. It is recommended that a Part V condition be attached in the event of a grant of permission.

11.0 Screening for Appropriate Assessment

11.1. Compliance with Article 6(3) of the Habitats Directive

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

11.2. Background on the Application

11.2.1. The applicant has submitted a report titled 'Article 6(3) Appropriate Assessment Screening Report' by MKO Planning and Environmental Consultants dated 21st February 2022.

11.2.2. The applicant's 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. Potential impacts during construction and operation of the development are considered as well as in-combination impacts.

11.2.3. The screening is supported by associated reports submitted with the application, including:

- Construction Management Plan
- Engineering Service Report and Site-Specific Flood Risk Assessment
- Ecological Impact Assessment
- Biodiversity Management Plan

11.2.4. The AA Screening Report submitted with the application concludes as follows:

'It is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on any European Site.'

11.2.5. Having reviewed the documents and submissions received, I am satisfied that I have sufficient information to allow 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.

11.3. **Screening for Appropriate Assessment - Test of likely significant effects**

11.3.1. The proposed development is examined in relation to any possible interaction with European sites, designated Special Conservation Areas (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site.

11.3.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special

Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Brief Description of the Development

- 11.3.3. I refer the Board also to section 2 of the Screening Report which sets out a description of the proposed development and section 3 of this report above. In summary, the proposed development is for 125 units on a largely greenfield site, 4.152ha gross in area (2.88ha net), a portion of which in the southwest was in the past cleared for development and comprises recolonising bare ground and spoil. The River Liffey is located adjacent to the southern boundary of the proposed linear park and >20m from the main construction footprint at its nearest point, i.e. the location of the proposed apartment block. The river is buffered from the construction footprint by scrub and regenerating woodland at this location. The river is categorised as a Lowland/depositing river.
- 11.3.4. The environmental baseline conditions are discussed, as relevant to the assessment of ecological impacts, where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. hydrogeological and hydrological data), which informs whether the development will result in significant impacts on any European Site.
- 11.3.5. The Ecological Survey submitted notes the invasive species American skunk cabbage (*Lysichiton americanus*) was recorded to the south-west of the site in the regenerating woodland habitat, >10m outside the works area. This species is listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011. No other Third Schedule species was identified within the site boundary during the site visit. There are no habitats which are examples of those listed in Annex I of the Habitats Directive and no evidence that species listed in Annex II of that Directive or supporting habitat are present. No evidence of otter was recorded within or adjacent to the development site. No otter resting or breeding sites were identified along the adjacent River Liffey, however, the river provides suitable commuting and foraging habitat for this species.
- 11.3.6. Bat species have been identified utilising the site and are classified as of local importance. The site does not have any habitat suitable for otters. No bird species of

conservation importance, and especially wetland bird species, would be expected within the site given the lack of suitable habitat. There are no water courses, bodies of open water or habitats on the site which could be considered wetlands.

11.3.7. Wastewater is proposed to discharge to existing foul sewer and surface water is proposed to discharge to the existing surface water network.

11.3.8. As part of the surface water management system, it is proposed to install SUDS features. It is noted that the SUDS proposals are standard in all new developments and are not included here to avoid or reduce an impact to a European site. I have not considered the SUDS strategy for the site as part of this screening assessment.

11.3.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/fragmentation
- Habitat disturbance /species disturbance
- Habitat degradation as a result of hydrological and hydrogeological links

Submissions and Observations

11.3.10. The submissions and observations from the Local Authority, Prescribed Bodies, and Observer are summarised in sections 7, 8 and 9 of this report.

11.3.11. I have reviewed all submissions made and issues where relevant are addressed within my assessment hereunder.

European Sites

11.3.12. The development site is not located in or immediately adjacent to a European site. A summary of the European Sites that occur within a possible zone of influence of the proposed development are set out within the submitted screening report, ie those within 15km and includes an examination of hydrological links for those within and beyond 15km. The nearest European Site, Pollardstown Fen SAC, is located >7km from the proposed development.

11.3.13. I have undertaken a site specific assessment based on characteristics of the site, distance to European sites and consideration of the source-pathway-receptor model.

11.3.14. There are no direct hydrological links between the application site and the identified European sites in the submitted Screening Report (see table 4 below).

Factors Likely to Give Rise to Potential Impacts

11.3.15. Habitat loss/fragmentation: In terms of the zone of influence, I 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 site does not contain any habitats listed under Annex I of the Habitats Directive.

11.3.16. Habitat disturbance/species disturbance: With regard to direct impacts of habitat loss and disturbance, the application site is not located adjacent or within a European site. Given the scale of works involved, the nature of the existing intervening urbanised environment, and distances involved to European sites, habitat disturbance is unlikely to occur. With regard to indirect impacts, the area around the proposed development has not been identified as an ex-situ site for qualifying interests of a designated site, and the lands themselves are not suitable for ex-situ feeding or roosting of wetland birds. The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance during construction and operation

11.3.17. Habitat degradation as a result of hydrological impact: There is no direct pathway from the site to any European site. Given the scale of works involved, the nature of the existing intervening urbanised environment, and distances involved to European sites, habitat degradation is unlikely to occur.

11.3.18. Habitat degradation as a result of hydrogeological impacts: In the unlikely event that pollutants enter the ground water, I note the significant distance of the site from European Sites (see table 4 below), level of settling and dilution likely to occur prior to reaching of any European site, and the lack of a direct hydrological link. I am therefore satisfied that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of any European sites, either alone or in combination with any other plans or projects, as a result of hydrogeological effects.

11.3.19. Cumulative Impacts: Other relevant projects, plans and applications in the region have been considered, as set out in section 4 of the submitted Screening Report and no cumulative impacts have been shown to arise.

Table 4 Screening Summary Matrix and possibility of significant effects:

European Site	Distance	Screening Comment
<p>Pollardstown Fen (000396)</p> <p>[7210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae* [7220] Petrifying springs with tufa formation (Cratoneurion)* [7230] Alkaline fens [1014] Narrow-mouthed Whorl Snail (Vertigo angustior) [1013] Geyer's Whorl Snail (Vertigo geyeri) [1016] Desmoulin's Whorl Snail (Vertigo moulinsiana)</p>	c. 7.7km	There is no connectivity between the development site and this European site. The proposed development is located in a separate hydrological catchment (Liffey and Dublin Bay) and underlain by a different groundwater body. No pathway for indirect effects exists.
<p>Mouds Bog SAC (002331)</p> <p>[7110] Active raised bogs* [7120] Degraded raised bogs still capable of natural regeneration [7150] Depressions on peat substrates of the Rhynchosporion</p>	c. 9.1km	There is no hydrological connectivity between the proposed development and this European site which is located in a separate hydrological catchment and no pathway for indirect effects exists.
<p>River Barrow and River Nore SAC [002162]</p> <p>[1130] Estuaries [1140] Mudflats and sandflats not covered by seawater at low tide [1170] Reefs [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt</p>	c. 11.9km	There is no hydrological connectivity between the proposed development and this European site which is located in a separate hydrological catchment and no pathway for indirect effects exists.

<p>meadows (<i>Glauco Puccinellietalia maritimae</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [4030] European dry heaths [6430] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)* [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>AlnoPadion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)* [1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) [1355] Otter (<i>Lutra lutra</i>) [1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>) [1106] Salmon (<i>Salmo salar</i>) [1421] Killarney Fern (<i>Trichomanes speciosum</i>) [1103] Twaite Shad (<i>Alosa fallax</i>) [1990] Nore Pearl Mussel (<i>Margaritifera durrovensis</i>) [1095] Sea Lamprey (<i>Petromyzon marinus</i>) [1096] Brook Lamprey (<i>Lampetra</i></p>		
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<p>planeri) [1099] River Lamprey (Lampetra fluviatilis)</p>		
<p>Slaney River Valley SAC (000781)</p> <p>[1130] Estuaries [1140] Mudflats and sandflats not covered by seawater at low tide [1330] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1410] Mediterranean salt meadows (Juncetalia maritimi) [3260] Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* [1365] Harbour Seal (Phoca vitulina) [1355] Otter (Lutra lutra) [1103] Twaité Shad (Alosa fallax fallax) [1106] Salmon (Salmo salar) [1099] River Lamprey (Lampetra fluviatilis) [1029] Freshwater Pearl Mussel (Margaritifera margaritifera) [1096] Brook Lamprey (Lampetra planeri) [1095] Sea Lamprey (Petromyzon marinus)</p>	<p>c.14.4km</p>	<p>There is no hydrological connectivity between the proposed development and this European site which is located in a separate hydrological catchment and no pathway for indirect effects exists.</p>
<p>Red Bog, Kildare SAC (000397)</p> <p>7140] Transition mires and quaking bogs</p>	<p>c. 14.8km</p>	<p>There is no connectivity between the proposed development and this European Site. The habitat for which the</p>

		site is designated is terrestrially based located within a separate hydrological sub-catchment to the development. No pathway for indirect effects exists.
<p>South Dublin Bay SAC [000210]</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[2110] Embryonic shifting dunes</p> <p><u>Conservation Objective:</u> to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	>75km hydrological distance	There is no direct source-pathway-receptor between the site and this European site, which is located >75km downstream of the proposed development via the River Liffey. Given the nature and scale of the works and the vast separation distance between the proposed development and the European Site, no potential pathway for significant direct or indirect effects on this SAC as a result of the proposed development was identified.
<p>North Dublin Bay SAC (000206)</p> <p>Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 <i>Salicornia</i> and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila</i></p>	>75km hydrological distance	There is no direct source-pathway-receptor between the site and this European site, which is located >75km downstream of the proposed development via the River Liffey. Given the nature and scale of the works and the vast separation distance between the proposed development and the European Site, no potential pathway for significant direct or indirect effects on this SAC as a result of the proposed development was identified.

<p>arenaria (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks</p> <p>Species 1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p><u>Conservative Objective</u> - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		
<p>Poulaphouca Reservoir SPA (004063)</p> <p>[A043] Greylag Goose (<i>Anser anser</i>) [A183] Lesser Black-backed Gull (<i>Larus fuscus</i>)</p> <p><u>Conservation Objective:</u> 'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests of this SPA</p>	c. 10km	This European Site is located >10km by land and > 18km hydrological distance upstream of the proposed development and within a separate hydrological sub-catchment. No pathway for direct or indirect effects exists.
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A130] Oystercatcher <i>Haematopus ostralegus</i></p>	>75km hydrological distance	There is no direct source-pathway-receptor between the site and this SPA. This coastal European Site is located >75km downstream of the proposed development via the River Liffey. Given the nature and scale of the works and the vast separation distance between

<p>[A137] Ringed Plover <i>Charadrius hiaticula</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A143] Knot <i>Calidris canutus</i></p> <p>[A144] Sanderling <i>Calidris alba</i></p> <p>[A149] Dunlin <i>Calidris alpina</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p> <p>[A999] Wetland and Waterbirds</p> <p><u>Conservation Objective:</u> to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>		<p>the proposed development and the European Site, no potential pathway for significant indirect effects on this SPA as a result of the proposed development was identified.</p>
<p>North Bull Island SPA (00406)</p> <p>Birds: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p>	<p>>75km hydrological distance</p>	<p>There is no direct source-pathway-receptor between the site and this SPA.</p> <p>This coastal European Site is located >75km downstream of the proposed development via the River Liffey. Given the nature and scale of the works and the vast separation distance between</p>

<p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Habitats: Wetland and Waterbirds [A999]</p> <p><u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>		<p>the proposed development and the European Site, no potential pathway for significant indirect effects on this SPA as a result of the proposed development was identified.</p>
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11.4. Screening Determination

11.4.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project,

no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a European site.

- 11.4.2. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site 000396 (Pollardstown FenSAC), 002331 (Mouds Bog SAC), 002162 (River Barrow and River Nore SAC), 000781 (Slaney River Valley SAC), 000397 (Red Bog Kildare SAC), 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004063 (Poulaphouca Reservoir SPA), 004024 (South Dublin Bay and River Tolka Estuary SPA), and 004006 (North Bull Island SPA), or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

12.0 Environmental Impact Assessment Screening

- 12.1. 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 Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- (i) Construction of more than 500 dwelling units
- (iv) 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.

- 12.2. The development provides for 125 residential units on a site with a stated gross area of 4.15ha. The site is located within the administrative area of Kildare County

Council, in the urban area of Kilcullen. The proposed development is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

- 12.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Statement which includes the information required under Schedule 7A to the planning regulations. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 12.4. I have assessed the proposed development having regard to the information above, to the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, and Ecological Impact Assessment and I have completed a screening assessment as set out in Appendix A.
- 12.5. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential use proposed would be similar to predominant land uses in the area. The residential part of the site is not designated for the protection of a landscape. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The subject lands are not proximate to any Seveso/COMAH designated sites.
- 12.6. The proposed construction of a housing development and the operation of same would not be likely to have significant effects on the environment.
- 12.7. The proposed development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply, upon which its effects would be marginal. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The proposed development is not likely to have a significant effect on any European designated site (as per the findings of section 11 of this assessment).

12.8. The various reports submitted with the application, as listed in section 3.4 of this report above, address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have considered all submissions on file, and I have considered all information which accompanied the application including inter alia:

- Environmental Impact Assessment Screening Report
- EIA Screening Report and Regulation 299B Statement
- Statement of Consistency
- Material Contravention Statement
- CGI and Photomontages
- Ecological Impact Assessment, including Bat Assessment
- Engineering Service Report
- Sunlight and Daylight Analysis Report
- Appropriate Assessment Screening Report
- Flood Risk Assessment
- Transportation Assessment Report
- Energy Statement
- Construction Management Plan
- Operational Waste Management Plan

12.9. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In addition to the EIA Screening document submitted, I refer the Board to

the additional document titled 'Relevant Assessments Regulation 299B Statement', which highlights the following:

- The submitted Appropriate Assessment Screening document, Arboricultural Impact Assessment document, Ecological Impact Assessment document and Landscape Masterplan, Design Rationale & Site Specification of the Landscape document have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- Directive 2000/60/EC, EU Water Framework Directive was considered in the EIA Screening Report, AA Screening Report, Engineering Services Report, Construction Management Plan and Site Specific Flood Risk Assessment.
- Directive 2007/60/EC, the Floods Directive, was taken account of in the submitted Site-Specific Flood Risk Assessment.
- Directive 2001/42/EC, SEA Directive was taken account of in the operative Kildare County Development Plan 2017-2023 and in the submitted EIA Screening Report.
- Directive 2002/49/EC, Environmental Noise Directive was considered in the submitted Construction Management Plan.
- Directive 2008/50/EC on ambient air quality and cleaner air for Europe was considered in the Construction Management Plan and Transportation Assessment Report.
- Directive (EU) 2018/850 on the landfill of waste has been taken into account in the submitted Construction Management Plan and Operational Waste Management Plan.
- Directive 2008/98/EC on waste and repealing certain Directives has been taken into account in the submitted Construction Management Plan and Operational Waste Management Plan.
- Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors has been taken into account in the submitted Construction Management Plan.

- Directive 2012/27/EU on energy efficiency has been taken into account in the submitted Life Cycle Report, Energy Statement, Daylight and Sunlight Analysis Report.
- Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 has been taken into account in the submitted Life Cycle Report, Energy Statement, Daylight and Sunlight Analysis Report.
- Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources has been taken into account in the submitted Life Cycle Report and Energy Statement.
- Other directives of Bern and Bonn Convention and Ramsar Convention have been considered in the submitted EclA.

12.10. I have taken all the above documents into account in the screening determination.

12.11. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

12.12. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

13.0 Recommendation

It is recommended that permission is granted.

14.0 Reasons and Considerations

Having regard to the following:

- (a) The policy and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly,
- (b) The policies and objectives set out in the Kildare County Development Plan 2017-2023 as amended by Variation No. 1 (June, 2020),
- (c) The policies and objectives set out in the Kilcullen Local Area Plan 2014-2020,
- (d) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016, and Housing for All – A New Housing Plan for Ireland, 2021,
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (f) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) The Guidelines for 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,
- (h) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December 2020,

- (i) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (j) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (k) The nature, scale and design of the proposed development,
- (l) The availability in the area of a range of social, community and transport infrastructure,
- (m) The pattern of existing and permitted development in the area,
- (n) The planning history of the site and within the area,
- (o) The submissions and observations received, and
- (p) The report of the Chief Executive of Kildare County Council,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area 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.

The Board considered that the proposal would result in a material contravention of the Kildare County Council Development Plan Core Strategy as amended by Variation No. 1 and the Board considered that the proposal satisfied the criteria in Section 37(2)(b)(i) and (iii) on the basis that the proposed development is of strategic and national importance and is in compliance with the policies and objectives of the NPF and EMRA-RSES, Urban Development and Building Height Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and Sustainable Residential Development in Urban Areas.

15.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 24th day of February 2022 by Tom Philips and Associates, on behalf of Alchemy Homes Development (Kilcullen) Limited.

Proposed Development

Planning Permission for a strategic housing development at this site of c. 4.15 ha located at Riverside, Kilcullen, Co. Kildare.

The development (total GFA proposed: c. 12,082 sqm) will consist of 125 No. residential units (incl. 53 No. houses, 54 No. duplex units and 18 No. apartments, and comprising 18 No. one-bedroom units (incl. 4 No. apartment and 14 No. duplex units), 27 No. two-bedroom units (incl. 14 No. apartments and 13 No. duplex units), 78 No. three-bedroom units (incl. 27 No. duplex units and 51 No. houses), and 2 No. four-bedroom houses (total residential unit GFA proposed: c. 11,595 sqm); an associated childcare facility (c. 296 sqm); and a network of public open spaces, including a landscaped linear park running alongside the River Liffey. The proposed development includes the amendment of 26 No. residential units permitted under Kildare County Council Register Reference 19/1000; An Bord Pleanála Reference PL09.307059.

The development will include 204 No. car parking spaces (comprising: 106 No. spaces to serve the housing units, 68 No. spaces to serve the duplex units, 23 No. spaces to serve the apartment units, and 7 No. spaces to serve the creche (incl. 3 No. 'set down' spaces)); 270 No. bicycle parking spaces (comprising: 164 No. secure bicycle parking spaces (provided in purpose built-bike stores serving the duplex and apartment units, and the childcare facility) and 106 No. shortstay bicycle parking spaces provided to serve visitors). Solar PV panels are also included as roof level of the houses, duplexes and apartment building.

The proposal includes for an ancillary ESB substation, local access roads; all hard and soft landscaping, pedestrian and cycle links, boundary treatments, tree removal

and tree planting, interim site hoarding, public lighting, commercial and residential waste storage facilities, piped site wide services and all ancillary works and services necessary to facilitate construction and operation, above and below ground, as necessary.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) The policy and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly,
- (b) The policies and objectives set out in the Kildare County Development Plan 2017-2023 as amended by Variation No. 1 (June, 2020),
- (c) The policies and objectives set out in the Kilcullen Local Area Plan 2014-2020,
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,

- (e) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) The Guidelines for 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,
- (g) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December 2020,
- (h) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (i) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (j) The nature, scale and design of the proposed development,
- (k) The availability in the area of a range of social, community and transport infrastructure,
- (l) The pattern of existing and permitted development in the area,
- (m) The planning history of the site and within the area,
- (n) The submissions and observations received,
- (o) The report of the Chief Executive of Kildare County Council, and
- (p) The report of the Inspector

Appropriate Assessment Screening

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, and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and 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 and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) The location of the site on lands governed by zoning objective C: New Residential, zoning objective A: Town Centre, zoning objective F: Open Space and Amenity, zoning objective B: Existing Residential and Infill, and zoning objective I: Agricultural,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,

- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(a)(v)(l) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan,

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

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 core strategy figures, broadly compliant with the current Kildare County Development Plan 2017-2023 and Kilcullen LAP 2014 would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the

Development Plan, it would materially contravene the plan with respect to the core strategy. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Kildare County Development Plan 2017-2023 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and has the potential to deliver on the Government’s policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness (July 2016), and Housing for All – A New Housing Plan for Ireland (2021).
- Having regard to the location of the site and design and layout, which supports the policies and objectives of the NPF and EMRA-RSES, Urban Development and Building Height Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and Sustainable Residential Development in Urban Areas, I consider the proposed development is in accordance with national guidance and the proposal would be justified under S.37(2)(b)(iii).

16.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>This permission is for 101 units only.</p> <p>Reason: In the interests of clarity.</p>
3.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
4.	<p>Prior to the commencement of any development works, the developer shall submit and agree in writing with the planning authority a comprehensive Invasive Species Management Plan, which shall include an assessment of measures taken to date on the site in relation to invasive species and detailed measures for the elimination of alien invasive plant species from the site.</p> <p>Reason: To ensure the eradication from the development site of invasive plant species and to protect biodiversity.</p>
5.	<p>A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology, in particular relating to the northern and eastern treeline and hedgerow boundaries and the linear open space along the River Liffey. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.</p> <p>Reason: In the interest of nature conservation and the protection of the environment.</p>
6.	<p>Prior to commencement of any works on site, revised details shall be submitted with regard to the following:</p>

	<p>(a) The apartment block to the southwest of the site shall be omitted and any proposed development of this portion of the site for residential use shall be the subject of a separate planning application.</p> <p>(b) Duplex units 17 and 18, housing units 42 and 53, and duplex units 53 and 54 shall be omitted from the development and the remaining end units shall be designed as double fronted units, addressing the eastern boundary and their adjoining streets. The remaining space shall be incorporated as open space with a pedestrian path traversing the site north-south along the eastern boundary, connecting into the open space along the northern and southern boundaries.</p> <p>(c) Revised plans and particulars in relation to the location of the proposed new northern and eastern boundary treatments shall be agreed on site with the planning authority, in the presence of the site ecologist. The northern and eastern boundaries shall be set within the site, 2m from the hedgerow stem centre to be retained along the northern and eastern boundaries. That section of the new northern boundary located to the rear and side of units on sites 1, 2 and 41 and at the north end of the cul-de-sacs at the northern boundary shall comprise a wall of two metres in height, capped and plastered on both sides, unless otherwise agreed with the planning authority, in consultation with the site ecologist. The remaining section of the new northern boundary located to the north of duplex block A and the entirety of the new eastern boundary shall comprise a two metre high, green coloured, pre-coated paladin fence of stock proof standard, unless otherwise agreed with the planning authority, in consultation with the site ecologist. Details in relation to a construction methodology shall be submitted to ensure the retention of the northern and eastern hedgerows and supplemental planting.</p>
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	<p>(d) Boundary Treatment Two as set out on Boundary Plan Dwg No. DWG.09 Rev.C shall be omitted and the boundary treatment between rear gardens shall instead comprise 1.8m high concrete post and base with timber panel fencing, with a 2m length of 1.8-2m high block wall, capped and plastered, provided for the initial 2m from the rear building line of the dwelling.</p> <p>(e) The proposed boundary treatment within the 10m riparian corridor of the River Liffey as proposed to the southwest and southeast of the apartment block and to the southwest of duplex block B shall be omitted. Any revised boundary proposed to the southwest of duplex Block B shall be relocated outside the riparian corridor and shall be agreed in writing with the planning authority.</p> <p>(f) The east-west street on the southern portion of the site, which is an extension to the existing Riverside Drive, shall be extended up to the eastern site boundary and the Taking In Charge Drawing shall be amended accordingly to include the area up to the boundary.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
7.	<p>A revised landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <p>(a) Details of a lighting scheme and pathway network, located entirely outside the 10m riparian corridor of the River Liffey,</p>

and which shall be designed in accordance with guidance contained in Institution of Lighting Professionals (ILP) (2018), Guidance Note 08/18: Bats and artificial lighting in the UK, and signed off on by a bat specialist before submission to the planning authority for its written agreement.

- (b) Details of signage as provided for within the Biodiversity Management Plan, to include signage relating to the River Liffey and 10m riparian corridor.
- (c) Details in relation to layout and design of play facilities and equipment in the linear park north of the River Liffey.
- (d) Details and specifications in relation to the proposed central open space to the east of site, including details in relation to ground levels, paving, planting, and seating areas.
- (e) Details in relation to the interface of site services and trees/hedgerows to be retained.
- (f) Details in relation to public furniture/benches;
- (g) Proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures and details in relation to the source of wildflower seeds;
- (h) All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.
- (i) Any clearance of vegetation from the development site shall only be carried out in the period between the 1st of September

	<p>and the end of February i.e. outside the main bird breeding season.</p> <p>Reason: In the interest of amenity, ecology and sustainable development, to provide for the conservation of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Acts (1976 to 2018) and to provide for the conservation of bat species afforded a regime of strict protection under the Habitats Directive (92/43/EEC).</p>
8.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerows which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) proposed to be retained, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site, unless by</p>

	<p>prior agreement with a specialist arborist.</p> <p>Reason: To protect trees, hedgerows and planting during the construction period in the interest of visual amenity.</p>
9.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the relevant planning authority that a childcare facility is not needed (at this time).</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
10.	<p>Before any part of the development commences, (or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing), a development programme, including inter alia a detailed comprehensive site layout, showing all proposed phases, shall be submitted to and agreed in writing with the planning authority. The linear park and associated playground shall be included as a phase 1 of the development and delivered prior to the occupation of any units.</p> <p>Reason: To ensure the timely delivery of services, for the benefit of the occupants of the proposed dwellings.</p>
11.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes, including pavement finishes and bicycle stands, shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>Details of the proposed signage to the childcare facility to be submitted prior to occupation for the written agreement of the planning authority. The proposed childcare facility shall be provided and retained as part of the development with access provided to both</p>

	<p>residents of the development and the wider community on a first come first served basis.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
13.	<p>All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p>Reason: In the interest of residential amenity.</p>
14.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
15.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the relevant planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation and no lighting shall be placed within the 10m riparian corridor associated with the River Liffey.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed</p>

	<p>development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
17.	<p>(a) Details of the bicycle parking space location, layout, access, storage arrangement for bicycles, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>(b) Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, and in the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.</p>
18.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, vehicular entrances and undercroft car park shall be in accordance with the detailed construction standards of the relevant 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.</p> <p>In this regard the following shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development:</p> <p>(a) Details of improvements in relation to the junction with Main Street / The Square which shall be implemented prior to the commencement of any development on site.</p> <p>(b) The north-south street within the development and the permitted north-south street to the west shall incorporate</p>

supplementary design measures to calm traffic and assist pedestrian movement, such as raised tables or platforms or changes to kerb lines/street alignment, as required under the Design Manual for Urban Roads and Streets (DMURS)(2013) to address longer straight stretches of street.

- (c) Revised drawings and details demonstrating that all items raised in the submitted Stage 1 Quality Audit (dated 13th December 2021) have been adequately addressed shall be submitted for the written agreement of the relevant planning authority.
- (d) A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.
- (e) Prior to the occupation of the development, a Car and Cycle Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the relevant planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within

	<p>the development shall be assigned, and how car park spaces shall be continually managed.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
19.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have 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.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
20.	<p>Prior to the opening or occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
21.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the relevant planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3</p>

	<p>Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
22.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
23.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall</p>

	<p>be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
24.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees and hedgerows on site to be retained and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any trees and hedgerows on the site or the replacement of any such trees and hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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.</p> <p>Reason: To secure the protection of the trees on the site.</p>
25.	<p>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 shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>

26.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines for the Preparation of Resource and Waste management Plan for Construction and Demolition Projects”, published by the EPA in 2021. 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.</p> <p>Reason: In the interest of sustainable waste management.</p>
27.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This CEMP shall incorporate the following details:</p> <ul style="list-style-type: none"> • (a)measures to avoid any pollution through surface water runoff or accidental discharges during the construction of the proposed development reaching the River Liffey. • (b)intended construction practice for the development • (c)location of all construction compounds with no compound or construction equipment permitted to be placed on lands governed by zoning objective F:Open Space and Amenity and I: Agricultural; • (e)a detailed traffic management plan; • (f)hours of working; • (g)noise management measures and

	<ul style="list-style-type: none"> • (h) off-site disposal of construction/demolition waste. <p>Reason: In the interests of public safety and residential amenity.</p>
28.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
29.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the planning and development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers, ie those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
30.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p>

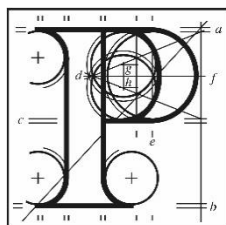
	<p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
31.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
32.	<p>Prior to commencement of development, the developer 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.</p> <p>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.</p>
33.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance</p>

	<p>company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
34.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Una O'Neill
Senior Planning Inspector

3rd August 2022

Appendix A: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312861-22
Development Summary		Construction of 125 no. residential units and associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA undertaken in respect of the operative Development Plan.</p>
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<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p> </p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises construction of residential units on lands governed by zoning objective C: New Residential, zoning objective A: Town Centre, zoning objective F: Open Space and Amenity, zoning objective B: Existing Residential and Infill, and zoning objective I: Agricultural</p>	<p>No</p>

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a residential development which is not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services on site.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in 125 no. residential units which is considered commensurate with the development of these zoned lands in this urban area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Stand-alone development, with other residential developments in the immediately surrounding area on zoned lands.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European sites.	No

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

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water and groundwater, however, no likely significant effects are anticipated.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There are no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

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

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective zoning objective C: New Residential, zoning objective A: Town Centre, zoning objective F: Open Space and Amenity, zoning objective B: Existing Residential and Infill, and zoning objective I: Agricultural.
- c) the results of the Strategic Environmental Assessment of the operative development plan,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction Management Plan,

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

Inspector: _____ **Una O'Neill**

Date: _____ **3rd August 2022** _____