



An
Bord
Pleanála

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

Inspector's Report ABP-313276-22

Strategic Housing Development

Demolition of an existing structure on the eastern boundary of the site, construction of 219 no. residential units (42 no. houses, 177 no. apartments), creche and associated site works.

Location

Site at the former Devoy Barracks, John Devoy Road, Naas, Co. Kildare. (www.devoynaasshd2.ie)

Planning Authority

Kildare County Council

Applicant

The Land Development Agency

Prescribed Bodies

Inland Fisheries Ireland

Transportation Infrastructure Ireland

Observer(s)	Arconagh Residents Association Brendan and Claire Kenny Colm Kenny Enda and Eadaion Scott Fiona and Rudi Villing Padraig O'Brien Paul Carroll Paul Horan Peter and Margaret O'Hehir Protect Arconagh Environment Company Limited Seamus Towey Sheila Horan Siofra and Sean Murphy The Devoy Terrace Residents
Date of Site Inspection	9 th September 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 site forms part of the former Devoy Barracks lands in Naas, Co. Kildare. It is situated c. 750 metres to the south-west of Naas Town Centre. The site is accessed from John Devoy Road, which is a local access street that runs between the Newbridge Road (R445) and the South Orbital Road.
- 2.2. The site, 4.11 hectare in area, comprises undeveloped lands. The site slopes generally from north to south. It comprises grassland, scrub, semi-mature trees and there are trees and hedgerow along the southern and western boundaries. There is a stream along the southern boundary (Yeomanstown / Rathasker Stream), running from the roundabout at John Devoy Road to the southern most tip of the site. The stream continues south through the Elsmore housing development. A construction access road with associated earthen banks passes through the southern and eastern side of the site, terminating north of The MERITS building.
- 2.3. The site is accessed via John Devoy Road to the southeast, which is a relatively new local access road linking the town centre to the southern orbital road/by-pass. The Kildare County Council civic offices are to the east of the site. There is an established housing development to the west (Arconagh, 2 storey dwellings) and north-west (Devoy Terrace, 2 storey dwellings). To the north there is a small cluster of 3 no. industrial units at the end of St. Patrick's Terrace (cul-de-sac from Newbridge Road) with housing beyond (2 storey dwellings). Along the boundary to Kildare County Council there are two buildings, the MERITS building, an innovation hub (recently constructed and in operation), and the Kildare Civil Defence Building. There are a number of new housing developments under construction along John Devoy Road. The Elsmore development to the south and southeast comprises two phases of housing development (approx. 150 units in phase 1 and 314 in phase 2) and associated childcare facilities and a retail unit. To the south-east permission

has been granted under ABP-307258-20 for a development comprising 152 no. apartments, a childcare facility and associated works.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of the construction of 219 no. residential units (42 no. houses and 177 no. apartment / duplex units), a childcare facility and ancillary site development infrastructure.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	4.11 ha gross; 3.97 ha nett
No. of Residential Units	219
Density, net	55 units per hectare
Childcare Facility	411sqm - 59 childcare spaces
Public Open Space	6158sqm public open space and 4683sqm private open space
Height	2-5 storeys
Part V	46 units proposed for use by Cluid

Table 2: Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments/Duplexes	64	105	8	177
Houses			42	42
Total				219
As % of total	29%	48%	23%	100%

Table 3: Parking Provision

Car Parking	314 car spaces (in-curtilage, on street and undercroft)
Bicycle Parking	482 cycle spaces

- 3.3. The scheme is accessed through the existing vehicular and pedestrian access at the Roundabout on John Devoy Road, three pedestrian only accesses to the west, a new pedestrian connection to the east of the site adjacent to the MERITS Building, and a pedestrian only access to the north of the site.
- 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:
- Planning Report
 - Statement of Consistency
 - Material Contravention Statement
 - Response to ABP Opinion
 - Schools Demand and Childcare Assessment
 - Community and Social Infrastructure Audit
 - Appropriate Assessment Screening Report
 - Ecological (Biodiversity) Appraisal, including Bat Survey Report
 - EIA Screening
 - Architectural Design Statement, including HQA
 - Building Lifecycle and Estate Management Plan
 - Part V Assessment
 - Landscape Masterplan
 - Landscape Design Report
 - Engineering Services Report

- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Residential Travel Plan
- Stage 1 Quality Audit (incorporating an access, cycling, walking and road safety audit)
- DMURS Statement of Consistency
- Construction Management Plan
- Construction Waste Management Plan
- Operational Waste Management Plan
- Energy Strategy and BER Report
- Planning Stage Noise Assessment
- Arboricultural Report
- Photomontages and CGIs
- Archaeological Assessment
- Sunlight and Daylight Access Analysis

4.0 Planning History

ABP-309954-21 – Permission REFUSED for SHD application for 221 residential units for the following reason:

Having regard to the locational context of the site and in particular the absence of high frequency urban public transport services within easy walking distance of the site, the Board considers that the level of car parking provision is deficient and that it would not serve the needs of future occupants of the development. Furthermore, the Board also considers that the street environment would be dominated to an unacceptable degree by surface car parking and that this would undermine the sense of enclosure and overall amenity of the development, and be contrary to the provisions of the Guidelines for Sustainable Residential Developments 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, in particular criteria number 7 Layout and 11 Parking and the Design Manual for Urban Roads and Streets (DMURS) issues by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, in particular Section 2.2.1 and Section 4.4.9. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board included a note in it's Direction (Note 1), which stated that the proximity of the proposed 3 storey block containing units 1-9 of the proposed development to the Yeomanstown Stream would be in contravention of Objective GI 20 of the County Development Plan and its proximity to the rear of no. 86 Arconagh and its overbearing impact on the open space would be unacceptable in terms of residential and visual amenity.

The Board also noted (Note 2) that the proposed development would be in contravention of Section 17.2.1 of the Kildare County Development Plan.

The following history relates to lands proximate to the SHD site:

ABP 248953 (Planning Ref: 17525) – Permission GRANTED for a single storey dwelling to the rear of No. 6 Devoy Terrace, granted permission by An Bord Pleanála in November 2017.

PA Ref: 218844 – Permission GRANTED for 4 No. three storey three bedroom semi-detached houses, permission to extend Devoy Terrace access road across site frontage, permission for car parking, A planning application at Newbridge Road, immediately north of the site, was submitted to Kildare County Council on the 18th June 2021.

[Site is located to north of application site and is included in the LAP as a location through which a pedestrian/cycle route could be provided into the application lands, which is not possible due to the permitted layout].

PA Ref. 09/500050 / ABP-236928: Permission GRANTED for 161 no. residential units (houses and apartments) and a creche and a section of the Devoy Link Road

on lands to the south of the subject site. This permission has been subject to a number of amending permissions (inc. ABP-240261, PA Ref. 17/853 and PA Ref. 17/1469).

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

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

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 15th December 2021 (ref. ABP-311684-21). 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.1.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was requested to submitted the following specific information with any application for permission:
1. A report / statement demonstrating how the proposed development accords with the objectives of the Urban Design Brief / framework for this Key Development Area (KDA), including objectives relating to Connectivity / Movement. The statement should also address the access requirements of the commercial uses proposed for the eastern side of the KDA lands as part of the overall design brief.
 2. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020). The assessment should also demonstrate how the proposed apartments comply with the various

requirements of those guidelines, including its specific planning policy requirements and the floor areas and standards set out in Appendix 1.

3. Justification, and where appropriate amendment, to demonstrate that car parking quantity and location, road layout, including design and materiality of the different street types within the street hierarchy (eg proposed homezones, etc) complies with the provisions of the Design Manual for Urban Roads and Streets (DMURS) and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). The application should demonstrate that car parking provision should be convenient and accessible to residents.
4. The application should have regard to the detailed requirements set out in the report of the Kildare County Council Roads, Transportation and Public Safety Department dated 27th October 2021, and should be accompanied by the following:
 - i. A detailed Traffic and Transport Assessment (TTA).
 - ii. A Mobility Management Plan and a Parking Management Strategy.
 - iii. An operational service plan including a detailed swept path analysis. The service plan should also consider the management of car parking and drop-off requirements of the proposed creche
 - iv. A Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The audit should consider, inter alia, the design and layout of parking within the development.
 - v. A construction traffic management plan.
5. A public lighting plan and a Draft Construction and Waste Management Plan.
6. A Social & Community Infrastructure Audit having regard to the provisions of the Naas LAP 2021 - 2027.
7. Detailed landscaping proposals which should address the matters raised in the report of Kildare County Council Parks Section, including inter alia details of measures for the retention and protection of existing trees and hedgerows along the boundaries of the site and integration with the existing public open space to the west, serving the Arconagh estate.

8. The application should address the following:
- i. The matters raised in the report of Kildare County Council Water Services Section dated 2nd November 2021, including inter alia, revisions to the design of the surface water management system, including a revised SUDs strategy and revisions to Site Specific Flood Risk Assessment.
 - ii. The matters raised in the submission from Irish Water dated 28th October 2021, namely the requirement to ensure that the relevant consents to connect to 3rd party foul water infrastructure are in place and that such infrastructure is of sufficient standard and capacity to accommodate the proposed development.
9. A report that addresses issues of residential amenity (of both future occupants and existing residents of adjacent development), specifically with regards to overlooking, overshadowing, visual impact and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
10. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and their effect appropriately described and / or quantified.

11. Additional CGIs/visualisations/3D modelling, particularly from the Sean Devoy Road and the open space of Arconagh estate to the west.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
13. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. This should include details on materials and finishes for the ground floor terrace areas serving the duplex units. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.
14. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.
15. A statement as to how the proposed Strategic Housing Development has sought to comply with the principles of Universal Design
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

5.2. Applicant's Response to Pre-Application Opinion

A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016.

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 plot ratio, car parking standards, height, and permeability objective PERM 68. 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 policy objectives are noted as follows:

- National Policy Objective 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- National Policy Objective 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.
- National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 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.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. **Section 28 Ministerial Guidelines**

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

- 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 (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Guidelines Regarding the Regulation of Commercial Institutional Investment in Housing (May 2021)

6.2. **Regional Policy**

6.2.1. **Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031:**

- Naas is a designated Key Town in the Core Region.
- Definition of Key Town: Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.
- Naas – Residential Development: ‘...The sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric’.
- Investment in sustainable mobility will be delivered through local transport plans (LTPs) to be prepared by local authorities in collaboration with transport agencies, to include Naas.
- The following Regional Policy Objectives are noted:
 - RPO 4.48: Promote the improvement of the transport network within and serving Naas town, including delivery of a robust and efficient walking, cycling and bus network with strong links to Sallins Railway Station, key destinations within the town and to the North West Quadrant and town centre area.
 - RPO 4.50: Regeneration and consolidation of the historic centre to improve the retail and commercial functions of the town core, with enhanced permeability and sustainable mobility within the town centre and improve links between the core and surrounding residential and employment areas through the further development of walking and cycling routes and improved public transport.
 - RPO 4.52: Support the delivery of new and enhanced public transport infrastructure in Naas and Sallins, including Park and Ride and interchange facilities as identified by the NTA and Kildare County Council.
 - RPO 4.53: Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities.

6.3. Local

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

- 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.

- Naas is a Key Town in the Core Region.

Housing & Density

Table 4.2 indicative density standards

- Inner suburban/ infill- Site Specific
- Outer Suburban/greenfield- 30-50 units per ha
- MDO1- Require that new residential development provide for a wide variety of housing types, size and tenures.
- DLO1- Create high quality living environments for residents in terms of individual dwelling units, layout design etc. in line with the development plan standards and Sustainable Residential Development in Urban Areas, Urban Design Manual and Design Standards.

Traffic

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

MTO3- Review and Implement Integrated Transport Studies for Naas with the DTTS, TII and NTA to provide a framework to cater for the movement of pedestrians, cyclists, public transport and private vehicles. WCO4- Secure the development of the following specific cycle scheme (subject to funding from the NTA) as part of the GDA Cycle networks Projects: Greater Dublin Area Cycle Network Plan Urban and Inter Urban Schemes:

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

Urban Design

Section 15.5- Expansion

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

Section 15.7 Detailed Urban Design Considerations

Section 15.8 Overall layout design considerations

Biodiversity

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

Development Management Standards

Section 17.2.1- Building Heights

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

Section 17.2.3 Plot ratio

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

Section 17.4.3- Housing Mix

- Housing Mix statement for 50 units or more.

Table 17.6 Minimum floor areas and Storage requirements for apartments

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

Section 17.4.7 Public Open Space

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

Section 17.5 childcare

- Rate of 20 places / 75 houses.

Table 17.9 car parking standards

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

Table 17.10 Cycle Parking Standards

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

Naas Local Area Plan 2021-2027

- Zoning Objective C 'New Residential'. Some minor areas to the north and east are governed by Zoning Objective A 'Town Centre'.
- 'This Plan does not propose to place any height limitations on new development in Naas. Also, in keeping with the provisions set out in SPPR 1 the town centre has been identified for the possible location of taller buildings'.
- Application site is one of two designated Key Development Areas (KDA) in Naas.
- One specific Key Development Area (KDA) at the Devoy Barracks which extends to ca. 4.4 hectares has been identified. 'Given the location of the lands proximate to the town centre and public transport, the site has the capacity to deliver a higher density'.
- The KDA frameworks set out broad parameters for the future development...While principal access points and connections, key building frontages

and public spaces should generally be regarded as fixed requirements; a degree of flexibility can apply... Key building frontages and the layout of the urban blocks may also be varied where it is demonstrated that there is a strong urban design rationale, and that passive supervision of public spaces will not be compromised.

- Table 10.2 Devoy Barracks KDA Design Brief:

- Vision: To develop Devoy Barracks as an attractive, legible and permeable urban district that is home to high-quality residential neighbourhood with an element of commercial uses to be located to the east of the site adjacent to the MERITS building and Áras Chill Dara.
- Connectivity/ Movement: Provide for the integration of existing links between the area and Newbridge Road including the provision of pedestrian/cyclist only routes. Vehicular access to the site will be via John Devoy Road which will also include for pedestrian and cycle links. Facilitate strategic car parking provision within the perimeter block of commercial developments and where appropriate, underground parking. The KDA should be permeable and integrate seamlessly with adjacent lands. Routes and connections within the KDA should prioritise sustainable movement (walking/cycling).
- Built Form: Medium to higher density residential developments should be located within the centre of the KDA, to the west of the commercial development built from. The perimeter block building typology will be encouraged for higher density development. Lower density residential development should be located around the west and southern fringes of the KDA in order to integrate with the surrounding established residential estates.
- Landscape and Spaces: Provide for a minimum of 15% quality open space within the residential lands. Overall, the framework provides for a coherent and legible urban structure based on the principles of permeability, continuity and urban enclosure. A defining part of the layout is the provision of a landscaped amenity space at the centre. This will create a focal point of the area and also provide for a pedestrian/cyclist link to the Newbridge Road (see Figure 10.22)

- Objective HCO1.7: Require all Strategic Housing Development applications, or applications for 100 residential units or more, to include an assessment of how the development connects to high-capacity sustainable transport services and measures proposed to improve this.
- Objective HCO 2.1: Require that a good mix of housing types and sizes is provided in all new residential areas and in appropriate brownfield/infill areas, to meet the needs of the population of Naas, including the provision of appropriate supported housing and longer-term residential care solutions designed for older people and/or people with disabilities. All planning applications on lands zoned C: New Residential or C: New Residential Phase 2 shall be accompanied by a Housing Mix Statement illustrating compliance with this objective.
- MTO 1.1 Support and promote the use of sustainable active transport modes in Naas and seek to implement a connected network of walking and cycling infrastructure in the town as detailed in Table 5.2 and 5.3 and illustrated on Map 5.1 and 5.2. in conjunction with the National Transport Authority, other statutory agencies, and the relevant stakeholders. The final design details shall be subject to ecological assessment, where applicable, and undergo appropriate public consultation.
- MTO 4.1 Apply the parking standards in the Kildare County Development Plan, and relevant Section 28 Guidelines, to all applications for planning permission in Naas. Dispensations will only be considered in exceptional circumstances and having regard to location, proximity to key public transport routes, heritage and urban design context.
- IO 2.3 Incorporate Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage solutions as part of all plans and development proposals in Naas. Priority shall be given to SuDS that incorporate green infrastructure and promote biodiversity including green roofs, walls and rain gardens. Proposals for development in the Key Development Areas, Core Regeneration Areas and Masterplan areas must consider the potential for SuDS to control surface water outfall and protect water quality, with underground retention solutions only being considered when all other options have been exhausted.

- Education – The Plan has zoned land for possible locations for new schools; located north of the R409 road to Caragh, the site adjacent to both the Kilcullen Road and the Southern Distributor Road, in addition to a site off the Southern Distributor Road adjacent to recent residential developments at Castle Farm and Elsmore.
- Recommendations for future social infrastructure provision have been taken into consideration in the preparation of the Naas Local Area Plan 2021-2027.
- Table 5.2, Role of Pedestrian Measure and Delivery Timeframe – Perm 68, Permeability link between Devoy Barracks Site and Newbridge Road, with delivery schedule stated as follows: Medium Term (3-5yrs).
- Table 3.5 Estimated Residential Capacity of Lands Zoned New Residential – C(2), Devoy Barracks; site area of 4.37ha; estimated capacity of 175-218 units; density range of 40-50.

7.0 Observer Submissions

- 7.1. In total 16 submissions were received, 2 of which were from prescribed bodies (see section 9 for a summary of submissions from prescribed bodies). The observer submissions are broadly summarised hereunder:

Policy

- Lack of time in SHD process for meaningful public consultation.
- Protect Arconagh Environment Company Ltd consider the proposal contrary to EU Law requirements inter alia re Sustainability, Non Risk to below ground water, and that is environmentally friendly. Protect Arconagh Environment Company Ltd refer the Board to their previous submission on the previously refused application for this site, SHD ref 309954. Compliance in relation to EIA and public consultation.
- Housing mix questioned.

Density, Design and Layout

- Height and density is not in line with surrounding estates.
- Density is greater than that indicated in Naas Town Development Plan.

- Density and low provision of shared open amenity space materially contravenes both the development plan and Naas LAP 2021-2027 and will not achieve objectives as per Naas LAP and its Key Development Area Design Brief for Devoy Barracks. A green and vibrant urban quarter should be created.
- Devoy site is elevated in comparison to some homes in the Devoy Terrace estate.
- Question justification of height and density based on proximity to town centre and public transport. Main retail for Naas on outskirts.
- Open space is of low amenity or recreational value. The three proposed spaces are fragmented and compromises and do not meet the requirement of the LAP. The linear open space along eastern boundary is 8.8m wide (not the required 10m) and accounts for 1/3 of the overall public open space. This is not usable open space.
- The boundary fence along the east with the Merits building means these spaces will not be linked, and neither will those to the west.
- Height should not exceed height of houses in Devoy Terrace and section drawings not an accurate reflection (selected dwelling is one of the higher properties).
- Part V should be dispersed across all units types and mass purchasing by any one body disallowed.
- Site should be retained as a green space.

Impact on Residential Amenity

- Objection to pedestrian / cycle connections into Arconagh estate. Links have negligible value. Entrance into Arconagh at Devoy Terrace / Newbridge Road not pedestrian / cycle friendly and has safety issues. Concerns in relation to impact of proposed links to the west on amenity and biodiversity, maintenance, security, potential for anti-social behaviour, car parking overspill. No consent for works to greenspace in Arconagh (owned / maintained by residents). CDP states that permeability through existing housing estates shall be subject to local public consultation – no consultation to date.

- Arconagh residents request that Cell B be redesigned to single storey units – type F1, F2 and F3 (ie those two storey houses along the northern and southern boundaries).
- Orientation of houses 23-26 be amended and rotated 90 degrees to ensure privacy of residents of house no. 100 in Arconagh Estate.
- Impact on residential amenity, overlooking and overshadowing on no. 7 and no. 8 Devoy Terrace. Levels not adequately considered. The four houses no. 160-163 should have a ground level at 96.00, similar to no. 7 and no. 8 Devoy Terrace.
- Drawings do not accurately show extent of no. 7 which was extended in 2013 and is closer to the boundary (File No. 12500066). The distance of the extension to the boundary is 15m, and not 21.06m as indicated on drawings. Roof of ground floor extension is measured at 9.790 on submitted drawings. Ground level of houses to rear is 97.6. Cross sections do not show the difference accurately. House no. 7 is 7.7m high; new homes are 9.71m high; ground level difference of 3m, therefore overall 5m height discrepancy. Proposal would be equivalent of a 3 storey development. Photos and diagrams showing impact are submitted with the objection from no. 7.
- ARC analysis in relation to sunlight and daylight questioned in terms of impacts on no. 7 and no. 8, and overshadowing during winter months.
- No solid boundary exists to rear of no. 8. A secure boundary wall should be extended along rear of no. 7 to include the rear of no. 8. The Arboricultural Report indicates that the Hawthorn Tree (T487) to rear of no. 8 Devoy Terrace should be kept and protected during construction. The adjacent hedgerow (G469) is to be removed. Propose that the 2m wall is continued to meet the chain link fence of the Arconagh open area. It would need to be set back 2-3m metres to protect the root structure of T487.
- End of terrace house no. 160 has entrance from side, which is right on the boundary line.
- It is not possible to build boundary to rear of no. 7 Devoy Terrace on top of existing boundary given height differences and stability. New boundary should be set inside the site.

- Concern re level of soakpits in rear gardens to rear of Devoy Terrace and potential for run off.
- Electricity cables/wires shown running through garden of no. 8 Devoy Terrace and no. 7. No consent given to run cable over or under no. 7 and no. 8. Sewerage and water lines already exist under the properties.
- Inadequate distances between 100 Arconagh and houses no. 19-22. Site slopes up from rear of no. 100 into the site. Difference in levels will affect height of boundary and overlooking. See cross sections. No. 100 will have houses overlooking its front, side and rear.
- Positioning of boundary inside the site 400mm from existing boundary of no. 100 Arconagh will undermine the existing boundary and create a unusable space between the boundary. Impact of proposed boundary on front garden trees of no. 100.

Open Space and Boundary Treatment

- No justification for three pedestrian links into Arconagh open space, which is private and maintained by residents, and will add no value.
- Object to expansion of greenspace at Arconagh into proposed development.
- Residents of Arconagh estate want a 2.4m rendered and capped boundary wall between Arconagh and the proposed development. There is a local precedent for the construction of such a block wall during the construction of the Elsmore housing development directly to the Western side of Arconagh.
- Arconagh residents request the two pedestrian accesses into Arconagh at southeast be removed and a solid boundary with hedgerow planting be provided.
- Concern that Arconagh estate will be used for overspill parking given connection through open space and it would be hazardous for cyclists to use existing exit onto the R445 from Arconagh estate, particularly right turning traffic.
- Drawing 103 and proposed wildflower area – problematic to establish and maintain. Hedging along the boundary instead of wildflower planting is requested, which would tie in with the existing Arconagh hedgerow to be retained.

- Lack of open ground for children / teenagers / adults in this area of Naas. Site could be retained as a park.
- Question amenity for future occupants. Question compliance with 15% public open space standard and design guidance in Section 17.4.7 of CDP for open space.
- Devoy Terrace residents request that provision is made for future permanent vehicular access to rear of their properties to alleviate access and ancillary service issues.

Natural Heritage

- CDP policies (GI11 and NH1) seek to retain hedgerow / trees etc and where removal unavoidable require appropriate measures to replace / mitigation. Hedgerows on edge of Arconagh are proposed to be removed to facilitate construction.
- Wooded area of Birch trees in middle of the site was removed by LDA and its associates on 9th December 2021.
- Along the boundary with Devoy Terrace, a new boundary wall is proposed, 0.45m from the existing boundary. Concerns that this distance will affect the root system of existing trees and hedgerows. Devoy residents request that the boundary be set back sufficientl to improve aesthetics and preserve amenity.

Social Infrastructure

- Limited local public amenities to serve this and adjoining developments in the Naas southwest area.
- In this particular corner of Naas in recent years there have been a number of new developments: Whitethorn (commenced 2020) 314 units Castle Farm (commenced 2017) 186 units Elsmore (commenced 2020) 308 units, giving total increase of 808 units. Additional social or community infrastructure required.

Traffic and Transportation

- Concern in relation to level of car parking. Rate of provision is a material contravention of CDP and LAP standards and is unrealistic given low levels of public transport and distance to services and employment.

- Concern that due to walking distances between duplex units and parking spaces, future residents will park along the access road in Arconagh.
- Too few parking spaces provided for Cell B with 65 spaces for 56 units.
- Inadequate number of car charging points.
- Buses serve Dublin or towns to the west of Naas. Limited bus service and Rail Station over 5 km away.
- Objection to construction access via Arconagh estate unclear if access for stage 2 construction will be through Arconagh. Access during construction phases 1 and 2 must be via the John Devoy Road NOT the Newbridge Road
- Issue of noise and hours of construction should be limited from 9am-5pm and on Saturdays should be avoided or limited to 10am-2pm.

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 7th June 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

- Transport Department: Refusal recommended due to lack of parking and location of parking spaces relative to units.
- Parks Section Report: No objection subject to detailed revisions, including additional site sections, changes to materials and finishes, clarification on boundaries etc.

- Water Services Report: No objection subject to detailed revisions to the SuDS proposals and a Flood Risk Assessment.
- Housing Report – Revisions recommended regarding location and layout of units.
- Environment Department – Standard conditions recommended.
- Fire Officer – No objection subject to standard conditions.

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

Concerns raised in relation to following issues:

- High density
- Permeability
- Low number of parking spaces for apartments
- Question over closing date of submissions.
- Question over number of EV charging points.
- Pollinator friendly shrubbery required.
- Cycling facilities.
- A lot of highrise developments in the area all along John Devoy Road,
- Green spaces provided are not suitable for sports recreational facilities.

8.1.3. **Planning Analysis within CE Report**

- Density: Site in inner suburban/infill, where density is site specific. Naas LAP 2021-2027 provides that a density of 40-50 units per hectare and unit number of 175-218 is acceptable. A net density of 55 units per hectare is proposed. Neighbouring SHDs permitted had densities of 72 units per hectare and to the southeast of 28 units per hectare. The proposed is appropriate for the site.
- Plot Ratio and Site Coverage: Plot ratio of 0.45 (marginally below 0.5-1) is acceptable having regard to the proposed form, density and overall layout. Site coverage at 21% is low, however, having regard to adjacent low density housing and transitory nature of the site, this coverage is acceptable as the layout achieves the main targets of the KDA framework.
- Access Permeability and Car Parking:

- Majority of third party submissions object to connections at the west to the Arconagh Housing Estate. KCC welcomes the connections in interests of permeability and placemaking, however, one northerly connection would suffice in place of the proposed three to accommodate desire lines and connect new development to Newbridge Road, with hedgerow planting recommended to supplement the existing hedgerow.
- In terms of car parking, PA notes location of site close to Naas town centre, to the potential for connectivity through adjacent lands to the north, existing travel plans and content of Residential Travel Plan. Sustainable travel patterns and provision of adequate parking in appropriate locations close to relevant housing units must be meaningfully addressed in order to prevent haphazard car parking causing traffic hazard to all road users including vulnerable road users, eg, accessing the creche.
- Context: The layout respects the form of existing residential development, removes hard boundaries and provides a degree of coalescence and permeability to the wider area.
- The site is situated proximate to civic areas, the town centre and transport links including the M7 and bus stops. There is a notable absence of local convenience facilities in the immediate area.
- Connections: Pedestrian and cycle connections are considered integral to promoting travel and permeability and every effort should be made to ensure these connections are provided prior to the occupation of units. Connectivity to the north is essential as without them pedestrian connectivity to public transport and town centre services is dramatically reduced with doubled walking distances.
- Inclusivity: A hierarchy of open space is proposed which caters for all ages.
- Variety and Distinctiveness:
 - A red/brown brick is the primary material for external finishes with some render and lighter bricks proposed. A more varied palette of finishes is recommended.
 - Unit type K should be redesigned to integrate private open space into the units and prevent external balconies on strategic and prominent elevations.

- The 5 storey block has a rendered façade with little variation in materials, depth or fenestration. Projecting balconies are considered of poor quality and should be provided as recessed or enclosed features.
- Notwithstanding the Parks Department's comments, the hierarchy of open spaces and varying finishes help to provide a sense of character and also a clear distinction between the different cluster of units.
- Existing hedgerows and trees on western boundary require supplementary hedgerows to ensure their integrity, while providing for at least one connection to the northwest.
- Layout:
 - 15.5% is proposed with a north-south linear park forming a transition between the residential and civic land uses and an east-west link to Arconagh housing development.
 - Unit no. 100 will be overlooked by a number of units. Revisions could be made in the form of directional or high level windows.
 - Unclear if level changes relative to no. 7 and no. 8 Devoy Terrace are accurate.
 - Parking complies with Apartment Standards but not the Development Plan. Concerns also regarding the layout and location of parking spaces relative to their respective housing units and concerns that the proposal does not meet the requirements of DMURS in this regard.
- Detailed Design:
 - Unit type K should be redesigned to integrate private open space in lieu of projecting balconies.
 - 5 storey building should be enhanced with a more varied front elevation addressing John Devoy Road.
 - A more varied external finish to the differing house types to add variety and interest is recommended.
 - Blank facades overlooking open spaces from unit nos. 129-130 and nos. 202-203.

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 revisions including in relation to car parking, as it is stated the current vehicular parking proposals represent a traffic hazard for road users and residents in the proposed development. The following is a summary of proposed revisions recommended in the CE Report:

- All proposed pedestrian and cycle connections to adjoining lands to be provided prior to occupation of any units on site. Connectivity is required to comply with KDA in Naas LAP 2021-2027 and to justify the lack of parking.
- Revision to layout to accommodate additional car parking to comply with Apartment Guidelines, DMURS, and KCDP 2017-2023 and to revise location of spaces.
- Revised SUDS scheme.
- Revised elevation treatments, in particular to the 5 storey entrance building at Devoy Road roundabout.
- Boundary treatment to rear and side of 8 Devoy Terrace in light of information presented in third party submissions.
- Revision to units 160-163 to reduce visual impact on Devoy Terrace.
- Reduce the degree of overlooking to no. 100 Arconagh through use of angled or high level windows.
- All hedgerows to be retained on site, with exception of permeability connections and additional hedgerow planting where existing chain link fence is compromised.
- Additional fenestration to side of no.s 129-130 and 202-203, to improve passive surveillance, improve internal residential amenity, and improve architectural amenity by reducing large expanses of rendered blank facades.
- Additional detailed design in terms of landscaping proposals.

9.0 **Prescribed Bodies**

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

1. Irish Water
2. Inland Fisheries Ireland
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Kildare County Childcare Committee
6. OPW

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

- 9.1. Inland Fisheries Ireland (IFI) - Comprehensive surface water management measures (GDSDS study recommendations) must be implemented at the construction and operational stage to prevent any pollution of local surface waters; All works will be completed in line with a Construction Management Plan (CMP); The short-term storage and removal / disposal of excavated material must be considered and planned such that risk of pollution from these activities is minimised. 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; 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; All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.
- 9.2. Transport Infrastructure Ireland (TII) – No observations to make.

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 and Urban Design
- Height and Design
- Quality and Residential Amenity of Proposed Development
- Impact on Amenity of Neighbouring Properties
- Ecological Impact Assessment 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 Appropriate Assessment Screening and an Environmental Impact Assessment Screening in respect of the proposed development, as detailed in Sections 11 and 12 of this report.

10.2. **Zoning/Principle of Development**

Principle of Development - Zoning

10.2.1. The Kildare County Development Plan 2017-2023 (KCDP) and the Naas Local Area Plan 2021-2027 are the relevant statutory plans for the area.

10.2.2. The site is zoned C 'New Residential' under the LAP with an objective 'to provide for new residential development'. A small area of land along the eastern boundary is zoned A 'Town Centre' with an objective 'to protect, improve and provide for the future development of the town centre'. There is a map based objective referenced in the LAP as PERM 68 - Permeability link between Devoy Barracks site and Newbridge Road, which is to be delivered in tandem with new development, prior to the occupation of the dwellings.

10.2.3. 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 proposed uses comply with the respective zoning objectives which affect the site. A number of objectives within the Naas LAP relate to the plan lands and the development is generally in accordance with the LAP objectives. The principle of development is therefore acceptable within the context of the applicable zoning objectives, subject to detailed planning considerations discussed elsewhere in this report.

Core Strategy

- 10.2.4. 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. 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.
- 10.2.5. Naas has a housing allocation of 898 no. units over the period 2020 to 2023. Permission was granted for 152 no. units on an adjacent site under the SHD process since the adoption of variation no. 1. Other recent SHD permissions predate the variation. The site is proximate to the urban core of Naas, with the site identified as a Key Development Area. I am satisfied that the proposed development is consistent with the core strategy and that the level of development proposed under the subject application is planned for.

10.3. Density

- 10.3.1. Observers consider the density is too high for this location, is not in line with neighbouring estates, materially contravenes the Naas Local Area Plan 2021-2027, and is not supported by adequate public transport and retail services.
- 10.3.2. The CE Report considers the site is an inner suburban/infill site, where density is subject to site specific assessment (ie it is not specified) and the proposed density is acceptable for this location. The density is also considered appropriate having regard to proximity to the town centre and services, proposed permeability of the site for pedestrians/cyclists which supports active travel, and measures in the residential travel plan submitted with the application.

- 10.3.3. The proposed development comprises 219 units on a nett site area of 3.97ha, with a resulting density of 55 units per hectare. The Kildare County Development Plan (KCDP) 2017-2023 sets out indicative density standards under table 4.2, with inner suburban/infill subject to site specific densities, and outer suburban/greenfield subject to densities of 30-50 units per hectare. I concur with the CE Report that this site, given its proximity to Naas town centre, is an inner suburban/infill site and therefore the density achievable is subject to a site-specific assessment. The Naas LAP 2021-2027 further identifies the site subject of this application, known as Devoy Barracks, as a Key Development Area. Table 3.5 indicates 'estimated residential capacity of lands zoned new residential', whereby the lands subject of this application including additional area to east (total area of 4.37ha) have an estimated capacity of 175-218 units at a density of 40-50 units per hectare. I note these figures are estimates of the capacity of the land, not maximums, and the proposed development in terms of units proposed and density only marginally differs from the estimates in the LAP. I consider the density as proposed is not a material contravention of the operative development plan or Naas Local Area Plan.
- 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. I have considered 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, which 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, however, do not specify a density range for infill sites and state that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 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 (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 is described in the guidelines as an 'Intermediate Urban Location' given its proximity to Naas town centre (<1000m). Such areas are deemed to be suitable for smaller-scale higher-density development that may wholly comprise apartments, or alternatively, medium to high density residential development of any scale that includes apartments to some extent (generally greater than 45 dwellings per hectare net). The guidelines note that the scale and extent of development should increase in relation to proximity to core urban centres and public transport as well as employment locations and urban amenities.
- 10.3.8. The application site is contiguous to the urban core of Naas, which is identified as a Key Town on a regional and county level). The site, being an intermediate urban location as per the apartment guidelines, is therefore within close walking distance of town centre facilities, educational facilities and urban amenities, as well as a number of high employment locations such as Kildare County Council, Main Street businesses and Naas Hospital. The site is also within walking distance (500m) of bus stops on the Newbridge Road that provide commuter services to Dublin City and other settlements. Given the site's proximity to a principal town centre and employment locations, as well as higher order urban services and facilities I consider that the site can sustainably support a density of 55 units per hectare. I am satisfied that the issue of material contravention does not arise in respect of density as the relevant development plan does not specify a density for inner suburban locations, and the figures only marginally exceed the estimated figures given in the operative LAP and cannot in my opinion be considered material.
- 10.3.9. The plot ratio standard in the KCDP is 0.5-1 for inner suburban sites. The proposed plot ratio of 0.45 falls below this. The applicant argues the proposal should not be assessed solely on plot ratio. The CE Report considers that having regard to the proposed form, density and overall layout of the development in the context of

neighbouring land uses, that the proposed plot ratio and site coverage is acceptable. I concur with the CE Report in this regard.

- 10.3.10. In conclusion, having regard to the provisions of the KCDP 2017-2022 and Naas LAP 2021-2027 in relation to residential density and national policy set out in the NPF and the Section 28 Guidelines, I consider the overall density to be acceptable.

10.4. Layout and Urban Design

- 10.4.1. The site was subject to a previous SHD application which was refused on 27th July 2021. I outline here, in the interests of clarity, the differences between the applications, which are set out also in the submitted Planning Report and in the submitted Architectural Design Statement (pages 21-22). The reason for refusal on the previous application related to a deficient level of car parking relative to public transport and dominance of surface parking on the street environment. I note the Board direction contained a note highlighting the proximity of a three storey duplex block to the Yeomanstown Stream in contravention of Objective GI20 of the operative development plan which requires a 10m set back from streams and also its proximity to no. 86 Arconagh in terms of overbearance and impact on residential and visual amenity. The previously refused application was for 221 units and this application is for 219. The previous application proposed 235 on street surface car parking spaces. This application proposes 314 spaces, with provision for 108 undercroft spaces under the communal open space in Cell A (southeastern block where creche is located), as well as a mix of in-curtilage and on street spaces. The parking ratio for duplex and apartment dwellings is increased from 0.82 spaces per unit to 1.22 spaces per unit, with the rate of 2 spaces per house proposed, as per the previous application. The block to the southeast proximate to the entrance and Yeomanstown Street has been omitted and a swale is in its place, with the remainder of the street redesigned with the now two-storey dwellings having in-curtilage parking spaces.
- 10.4.2. The proposed development is influenced by its immediate context, specifically existing residential developments to the northwest (Devoy Terrace), to the west and south of the site (Arconagh Estate), and by the existing access provision off the

roundabout on John Devoy Road. There is also the new MERITS building located proximate to the eastern boundary.

- 10.4.3. The LAP outlines an urban structure for this site based on the principles of permeability, continuity and urban enclosure. I assess the layout in terms of these keys principles and the potential impact on existing residential amenity, as well as consideration for the amenity of future occupants.

Pedestrian Connectivity

- 10.4.4. The majority of observers raise concerns in relation to the three proposed pedestrian connections to Arconagh estate to the west, which is considered unjustified, will result in use of adjoining Arconagh public open space by new residents, increase potential for anti-social behaviour and result in use of streets in Arconagh for parking given lack of parking in the proposed development.
- 10.4.5. The CE Report states that pedestrian and cycle connections are considered integral to promoting travel and permeability and every effort should be made to ensure these connections are provided prior to the occupation of units. Connectivity to the north is stated in the CE Report to be essential as without it pedestrian connectivity to public transport and town centre services is dramatically reduced with doubled walking distances. In relation to connections to Arconagh, the CE Report states KCC welcomes the connections in interests of permeability and placemaking, however, one northerly connection would suffice in place of the proposed three to accommodate desire lines and connect new development to Newbridge Road, with hedgerow planting recommended to supplement the existing hedgerow.
- 10.4.6. Within the Naas LAP 2021-2027 an indicative layout and movement strategy is shown for the Key Development Area (KDA) of Devoy Barracks. I note the indicative layout (which is noted is open to amendment at detailed stage) shows vehicular access off Devoy Road roundabout in addition to a vehicular north-south street through the site connecting into St. Patricks Terrace, two local east-west streets connecting onto Arconagh Estate to the west, and a pedestrian/cycle only route through the northern boundary adjoining Devoy Terrace. I note a recent permission for 4 houses to the north of the site blocks the indicative pedestrian/cycle only route at that location in the KDA diagram. This application proposes one vehicular access from John Devoy Road roundabout, three pedestrian routes up to the boundary to

Arconagh to the west, one pedestrian link to the site to the east, and one north-south pedestrian/cycle route up to the boundary with St. Patricks Terrace. While vehicular connectivity with adjoining sites is limited compared to that indicatively shown in the KDA, the layout prioritises pedestrian/cycle connectivity. In terms of the capacity of the existing street network, I note the Transportation Assessment submitted with the application supports the provision of one vehicular access and indicates the surrounding street network can accommodate projected traffic levels (I refer the Board to Section 10.9 of this report).

10.4.7. The layout as proposed shows a high degree of pedestrian/cyclist permeability to the west, east and north-south, supported by cycle and pedestrian paths on both sides of the John Devoy Road. Pedestrian connectivity with adjoining sites over vehicular connectivity and a focus on pedestrian movement through the site is in my opinion acceptable and will support a shift in modal split from the private car to walking/cycling. I note in this regard, table 10.2 in the LAP which states in relation to the connectivity/movement vision for this site that ‘...The KDA should be permeable and integrate seamlessly with adjacent lands. Routes and connections within the KDA should prioritise sustainable movement (walking/cycling)’. I consider the detailed layout as proposed is aligned with this vision.

10.4.8. While I note the concerns of Arconagh residents in relation to proposed connectivity through the open space in their estate, I consider a pedestrian connection is warranted in the interests of permeability and connectivity, as supported by the section 28 guidelines Sustainable Residential Development in Urban Areas. I concur with the CE Report that one pedestrian connection would suffice and in the interests of biodiversity, the remaining existing hedgerow boundary to the west should be supplemented and strengthened. The request to insert a wall along the Arconagh estate to ensure that open spaces remain separate is unnecessary in my view and would undermine the existing hedgerow to be retained. I note the issue raised in the Quality Audit that the pedestrian connection to the boundary does not connect into an existing path on the other side, in the open space in Arconagh Estate. The applicant states in response to this issue that the Arconagh open space is outside lands in the ownership of the developer and completion of a pedestrian link should be agreed with the Local Authority. I note the Arconagh residents state that the open space is taken in charge and it is maintained by the residents. It would therefore

appear that it is within the remit of the Local Authority to provide for a connecting pathway on the other side of the boundary if deemed necessary. It would also appear that deliverability of the northern connection to St. Patricks Terrace is also within the remit of the PA to deliver on the opposite side of the boundary. It is important, as suggested in the CE Report, that pedestrian connections to the north, west and east are in place at an early stage of development occupation. This application shows all connections up to the boundaries, with the land ownership on the other side appearing to be in the hands of the Local Authority. A condition that the pedestrian connections be delivered is warranted should the Board be minded to grant permission and a timeline imposed in relation to their delivery.

Building Form

- 10.4.9. It is stated in the LAP in terms of built form that ‘Medium to higher density residential developments should be located within the centre of the KDA, to the west of the commercial development built from. The perimeter block building typology will be encouraged for higher density development. Lower density residential development should be located around the west and southern fringes of the KDA in order to integrate with the surrounding established residential estates’.
- 10.4.10. The highest building on the site is five storeys, and is located in the southeast corner, proximate to the roundabout entrance from John Devoy Road, where the LAP identifies a ‘focal building’ should be located. Along the eastern boundary and within the centre of the site, it is proposed to accommodate three storey duplex units orientated around central communal spaces within the blocks. To the northwest and south two storey dwellings are proposed. Public open space is located along the western boundary and along a section of the eastern boundary. A north-south pedestrian route is proposed along the eastern boundary, with a pedestrian path connecting mid-way across the site to the west to the open space along the western boundary.
- 10.4.11. The Naas LAP indicates in figure 10.22 that a focal building is suitable for the southeast of the KDA, where the five storey building in this application is proposed. The LAP does not define what a focal building is and does not link focal buildings to heights per se. In my opinion, a focal building is a building of interest, and that interest can be generated by way of design and/or height. In this case a focal

building has been created at the point indicated in the LAP, with a cranked building form which addresses two streets, different in design to other buildings within the scheme, and of a design and height which will be legible and identifiable at the entrance to the scheme from the John Devoy Road. These factors combined make for an attractive focal building, in my view, and is consistent with the vision for this KDA as set out in the LAP.

- 10.4.12. Overall, I consider the layout, heights and density proposed in line with the vision of the built form outlined in the Naas LAP 2021-2027.

Public Realm

- 10.4.13. In terms of 'Landscape and Spaces', the LAP states there should be provision for 'a minimum of 15% quality open space within the residential lands. The LAP states that a defining part of the layout for the Devoy Barracks KDA is the provision of a landscaped amenity space at the centre, which is stated will create a focal point of the area and also provide for a pedestrian/cyclist link to the Newbridge Road. I note that while a central public open space as envisaged in the KDA layout is not proposed per se, the positioning of the communal open spaces and the connection of the western and eastern open spaces with a pedestrian link across the site will in my opinion deliver upon a quality and accessible open space layout, which is consistent with the vision for this KDA. I note the CE Report considers the quantum of open space proposed, including communal spaces, at 15.5% of the site area to be acceptable.

- 10.4.14. Overall buildings address the streets, turn corners and overlook open spaces, with a focal building proposed at the entrance from the John Devoy Road and a high level of pedestrian permeability across the site. I consider the layout and public realm strategy will result in a high quality development. There are a small number of instances where overlooking of the adjoining street could be improved and I have addressed this in Section 10.6 of this report. This issue can be satisfactorily addressed by way of condition.

10.5. Height and Design

- 10.5.1. A number of submissions consider the building height of 5 storeys for the southeastern block to materially contravene the development plan and the proposal is out of keeping with existing heights.

- 10.5.2. The CE Report notes the variation in building height across the site and makes no other comment on its acceptability or otherwise, however, I note the CE Report does not suggest revisions in terms of building height with regard to the taller buildings.
- 10.5.3. The proposed development comprises buildings varying in height from two to five storeys. I note the building at the entrance to the site is five storeys, with an overall height of 17.8m. The 4-storey C1 duplex units, C2, and D2 units have a ridge height of 15.66 metres (+0.66 metres).
- 10.5.4. The Kildare County Development Plan (KCDP) 2017-2023 states under Section 17.2.1 that varied building heights are supported across residential, mixed use and town centre areas to support consolidation and to create a sense of place, urban legibility and visual diversity. The KCDP states that tall buildings are defined here as buildings that exceed five storeys and/or 15 metres in height and will only be considered at areas of strategic planning importance identified in a Local Area Plan. The Naas Local Area Plan 2021-2027 identifies the application site as a Key Development Area in Naas, which highlights it as being of strategic planning importance to the development of Naas. The LAP also states that this Plan 'does not propose to place any height limitations on new development in Naas and that in keeping with the provisions set out in SPPR 1 the town centre has been identified for the possible location of taller buildings'. I note in the previous application on this site, the height of the 5 storey building was also 17.8m and the Board in its Order stated: 'The Board also noted that the proposed development would be in contravention of Section 17.2.1 of the Kildare County Development Plan'. In this application, the proposed five storey building at the entrance remains 17.8m in height, which is in excess of the 15m height definition for taller buildings in CDP. I note that the LAP was not in place at the time of the last application and the LAP currently in place identifies the site as being of strategic planning importance, with a focal building recommended at the location of the proposed five storey building, therefore no material contravention arises in my opinion.
- 10.5.5. I highlight, as per the wording above, the LAP does not preclude the location of taller buildings outside the town centre and the CDP allows for taller buildings in areas of strategic planning importance, such as this. The LAP is clear that no height limits should apply to new buildings. Furthermore, site specific densities are allowable on inner suburban sites in the CDP, which while I note is not specifically linked to

height, is a factor in the generation of higher buildings. In considering the wording of the development plan and the LAP, I do not consider a material contravention issue in relation to height arises in this application. Should the Board differ from this view, I note the issue is addressed in the submitted Material Contravention Statement, which has been advertised in accordance with legislation. The Board can, therefore, consider invoking Section 37(2)(b) of the Planning and Development Act (as amended), in this instance where it is minded to grant permission. It is noted that SPPR3 provides that permission may be granted where the development management criteria in the guidelines are met, even where specific objectives of the relevant development plan or local area plan indicate otherwise. I refer the Board to section 10.11 of this report in relation to the issue of material contravention.

- 10.5.6. Observers raise concerns with overlooking and overshadowing at specific locations of no. 100 Arconagh and no.s 7 and 8 Devoy Terrace. With regard to Devoy Terrace a change in ground levels of 2.5-3m is raised as an issue by observers as is proximity to no. 100 Arconagh. I discuss the issue of residential amenity in detail under Section 10.7 hereunder. However, overall I consider the proposal has had due regard to the prevailing height of immediately neighbouring residential properties and to ground levels, with dwellings of similar height proposed at those boundaries where existing two storey dwellings are located and sufficient distances proposed between proposed and existing dwellings, notwithstanding some difference in ground levels to the north.

Building Height Guidelines

- 10.5.7. In terms of national policy, I have assessed the development and its height against the 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines), which provides a detailed national planning policy approach to the assessment of building height in urban areas and states that in the assessment of individual planning applications, it is Government policy that building heights must be generally increased in appropriate urban locations, and that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. I have considered these guidelines alongside other relevant national planning policy standards, including national policy in Project Ireland 2040 National Planning Framework,

particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

10.5.8. The Building Height Guidelines state that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. Section 3.1 of the Building Height Guidelines present three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights (note my response is under each question):

1. *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

My Opinion: Yes – as noted and explained throughout this report this is achieved by focussing development in an urban location within 1000m of the town centre and associated services and amenities and supporting national strategic objectives to deliver compact growth in urban centres.

2. *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

My Opinion: in my opinion the building height strategy within the operative development plan does not take clear account of the requirements set out in the Guidelines with a height limit used to define taller buildings.

3. *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

My Opinion: It cannot be demonstrated that implementation of the policies of the operative development plan, which predate the Guidelines, support the objectives and policies of the NPF.

- 10.5.9. Section 3.2 of the Building Height Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments.

Section 3.2 Criteria: At the scale of relevant city/town

Public Transport

- 10.5.10. The first criteria under section 3.2 of the Building Height Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.
- 10.5.11. I note the PA states in the CE Report that the site is proximate to civic areas, the town centre and transport links, including the M7 and bus stops. The PA states in relation to connections from the site to the surrounding area, that the proposed pedestrian connection to the north is essential as without it pedestrian connectivity to public transport and town centre services is dramatically reduced with doubled walking distances. The Transportation Department Report accompanying the PA report considers the bus services are not high frequency and the walking distance is greater than indicated. I note the Transportation Department Report states the highest frequency bus is no. 126 (operating at 10-20mins in the am peak) which is stated to be 1.5km from the site at the post office. By my measurements, the post office is 982m from the site via St. Peters Terrace, or 1129m from John Devoy Roundabout. I note the nearest bus stop for the 126 route is actually in front of Kildare Co Co Offices and at the fire station, which is 285m-484m from the northern connection through St. Peter's Terrace (depending on which way one is travelling), or 648m from the site if one travels from the roundabout at John Devoy Road and an additional 177m if one measures it from the southwest corner of the site. Eitherway, it is clear that the stops are all within walking distance of the site, that being a distance of 1000m-1500m, given the central location of the site to the town centre.

10.5.12. The Traffic and Transport Assessment states there are 2 no. Bus stops within 500 metres of the site on Newbridge Road (R445), and a further 2 no. Bus stops c. 800 metres from the site on Fairgreen Street (R448) at Rushe's Supervalu. The closest bus stop is served by routes 125, 126, 717, 726, 736, 826 and 846 which connect to the local towns in the surrounding area and to Dublin city and Dublin Airport.

10.5.13. While the individual routes are not high frequency (ie not every 10 minutes), Naas is well served by links to Dublin and other regional towns and it has good connections to a commuter rail service to Dublin at Sallins (c. 4km north of the site), with the RSES acknowledging the strong links between the Sallins settlement and Naas, and the site is proximate to the M7 motorway. There are segregated cycle paths on both sides of the John Devoy Road. The application site is contiguous to the urban core of Naas and is within walking distance of Naas Town Centre and a number of employment locations (e.g., Kildare County Council offices, town centre businesses, and Naas Hospital), retail facilities, educational facilities and urban amenities. I consider that the site can sustainably support a density of 55 units per hectare. I further note the designation of Naas as a Key Town under the RSES 2 (Tier 3 Settlement) where sustainable, compact and sequential growth, as proposed in this application, is supported.

Ability to integrate into/enhance the character and public realm of the area

10.5.14. Point two of the Section 3.2 criteria in the guidelines, at the scale of the relevant city/town, relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area.

10.5.15. A Photomontages and CGIs Report has been submitted, in addition to an Architectural Design Statement, and associated architectural drawings. I am satisfied that the full suite of plans and particulars submitted with the application is sufficient to allow for an assessment of the proposed development.

10.5.16. I note there are no protected views in the area of the site, there are no protected structures on the site or in the immediate surrounds and no features of archaeological interest on the site. I have had regard to the character of the existing area and consider hereunder whether the proposed development would make a

positive contribution to the character and public realm of the immediate and wider area.

10.5.17. This is a large serviceable site within an established urban setting, which in planning terms is currently underutilised, and I note the surrounding area to the south and east is a newly developing area with houses and apartments under construction. This site is sequentially closer to the town centre than the neighbouring developing sites. The developing area to the south and east comprises a range of building heights and designs from 2 storeys to 5 storeys, with a permitted SHD application comprising a 4-5 storey building on the opposite side of the roundabout to the 5 storey building proposed in this application. I consider the site is suitable for high density development and higher buildings and I consider the step up in building height and the transition from the existing two storey housing to be well considered in this instance (I refer the Board for more detail to Section 10.7 of this report in relation to adjoining residential amenity). The submitted Photomontages and CGIs report give an overview of how the development will look in conjunction with existing neighbouring dwellings. I refer the Board to photomontages 4-7 and aerial photos 1-4. I consider, overall, the proposal will integrate satisfactorily with the neighbouring dwellings, and will deliver on a quality public realm, with buildings addressing the streets and overlooking open spaces and pedestrian routes. I consider that the positioning, design and orientation of the 5-storey building will contribute positively to the public realm along John Devoy Road as well as to the internal streets within the scheme. The block with its cranked footprint and design will not be monolithic in form and through its design and height will integrate satisfactorily with the developing urban form being established by neighbouring developments along John Devoy Road, particularly the similarly scaled building permitted and under construction on the opposite side of the John Devoy roundabout. While the CE Report considers a greater variety in terms of materials and finishes to the 5 storey apartment block at the entrance, would be warranted, I consider the variety and level of finishes to that building and the other residential units to be acceptable and will assist in the delivery of a positive public realm.

10.5.18. The outlook from the neighbouring low density two storey dwellings will change due to the transition of the site from greenfield to residential, however, the

change is consistent with the zoning objective and with the emerging character of the area. I consider the level of visual change to be acceptable.

Contribution of the site to place-making

10.5.21. The guidelines state a proposed development should make a positive contribution to place-making and delivery of new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

10.5.22. The internal layout of open spaces and pathways around the scheme is overall positive and the placing of the 5 storey block at the entrance will contribute to place-making along John Devoy Road.

Section 3.2 Criteria: At the Scale of District/Neighbourhood/Street

10.5.23. The bullet points under this section of the Building Height Guidelines relate to how the proposal responds to the overall natural and built environment and contribution to the urban neighbourhood and streetscape; whether the proposal is monolithic in form; whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure; issue of legibility through the site or wider urban area and integration with the wider area; contribution to building/dwelling typologies available in the neighbourhood.

10.5.24. I consider the layout of the streets, enclosure provided by the buildings, variety in scale provided by the varied building heights, and the design and layout of the parking, the communal open space and public open space, will result in a positive urban environment, legible and connected both within and to adjoining areas, with stepped building heights at sensitive boundaries assisting in the future integration of this development with the wider area. I consider the mix in units types and sizes will furthermore contribute to the local neighbourhood and a variety of housing needs.

10.5.25. I acknowledge the sensitivities of considering any new structure on an infill site bounding existing dwellings and the delicate balance between protecting the character of the area and allowing appropriately scaled development on a well serviced zoned site, acknowledging that land is a finite resource. I have assessed

the proposal against the existing context and I am satisfied that the design, scale and massing of the proposal responds appropriately to the existing built environment, neighbourhood or street, and the design and form of the proposed buildings will, in my opinion, contribute to the urban neighbourhood and streetscape. A move away from traditional two storey development formats can contribute positively to the architectural interest of an area, and in this instance I consider the design and layout has achieved this balance of moving forward through consolidated higher densities, while respecting the existing character of the neighbouring two storey dwellings along sections of the boundaries.

- 10.5.26. In terms of how the development responds to the overall natural environment, I have assessed the impact on the biodiversity value of the site and the landscaping strategy put forward by the applicant (see Section 10.8 hereunder). I am satisfied that the proposal will not detract from existing biodiversity given the low ecological value of the existing site. Overall, the proposed landscaping plan will contribute positively to biodiversity.

Section 3.2 Criteria: At the scale of site/building

- 10.5.27. As per the Building Height Guidelines, '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'. I have considered in more detail elsewhere in this report the impact of height on residential amenity of future residents as well as neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy (see Sections 10.6 and 10.7 hereunder) and I have no concerns in this regard.

Section 3.2 Criteria: Specific Assessments

- 10.5.28. A number of specific assessments have been undertaken and submitted with this application, specifically a Sunlight and Daylight Access Analysis, Planning Stage Noise Assessment, and a Bat Assessment as part of the Ecological Appraisal. There are no sensitivities associated with the site in terms of built heritage and an EIA Screening Statement and AA Screening have been submitted as part of the application documentation. Given the overall scale of the development, I do not anticipate any significant effects with regard to microclimate. No telecommunication channels of importance were identified in close proximity to the subject site. I assess

in more detail results of the reports submitted, namely Sunlight and Daylight Access, Planning Noise Assessment and Bat Assessment, elsewhere in this report. I am satisfied that adequate information has been submitted to enable me to undertake an assessment of the impact of the proposed development.

Conclusion

10.5.29. Overall, I am satisfied that the proposed development will not negatively impact on the character of the existing area, will add visual interest, will make a positive contribution to the skyline of the area and will improve legibility with the height, scale and massing acceptable in townscape and visual terms. It is my opinion that the proposed development will contribute to the sustainable and compact growth of the area. The Board may in such circumstances approve such development for higher buildings, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, as per SPPR3. In this regard, while the height is greater than the 'taller building' height of 15m as set out within the Kildare County Development Plan (notwithstanding the LAP does not impose height restrictions), I consider the proposed development will provide for a strong well designed urban form at this accessible and serviced site, and the building height proposed is in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas.

10.6. Quality and Residential Amenity of Proposed Development

Design Standards for New Apartments

- 10.6.1. 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.
- 10.6.2. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.
- 10.6.3. 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.

- 10.6.4. 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.
- 10.6.5. A Building Lifecycle Report has been submitted, as required.
- 10.6.6. Car parking provision is considered acceptable and in accordance with guidelines. This is discussed in more detail in Section 10.9 hereunder.
- 10.6.7. While the proposed development complies with the required SPPRs, I note a small number of locations where overlooking could be improved, which is also noted in the CE Report. This relates to the gable elevation to units 129-130 and 204-205. A condition in this regard would be warranted, should the Board be minded to grant permission.

Public and Communal Open Space

- 10.6.8. There is a requirement for 15% of the site area (3.97ha nett) governed by zoning objectives C and A to be provided for open space. 15% equates to a requirement for 0.59ha/5955sqm. The applicant states 6158sqm of public open space is proposed (this excludes the communal open space).
- 10.6.9. Section 4.10 of the Apartment Guidelines refers to the requirement for communal amenity space and based on the number and size of units proposed, the development generates a requirement for 1127sqm communal open space. The applicant states 4684sqm is proposed across 4 spaces within perimeter blocks.
- 10.6.10. Observers raise concerns in relation to the inclusion of the linear open space along the eastern boundary which is stated to be of little recreational value. This area equates to 1879sqm. I agree that this is more a public realm route through the scheme and while of significant value for future residents, it is not a high recreational value space given its movement function. However, even excluding this space from the calculation, 15% of the site area is being provided for open space (public and communal combined), in accordance with the development plan. I consider overall the quantum and quality of open space proposed is acceptable and in accordance with the operative development plan and LAP. I note the CE Report states that notwithstanding the Parks Department Report, it is overall considered that the

hierarchy of open spaces and varying finishes help to provide a sense of character and also a clear distinction between the different cluster of units and it is overall satisfied with the hierarchy of spaces proposed. A condition is recommended in relation to details of the landscaping and finishes, which I concur with.

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

10.6.12. While the apartments meet the SPPR standards set out in the guidelines, I note the CE Report raises concern in relation to the proposal for external balconies to the apartment units and some of the duplexes and with regard to the finishes to the proposed apartment block and variety of finishes to the houses. I have no concerns in relation to the use of external balconies to serve different units within the scheme. While recessed balconies offer better protection in terms of the weather and are visually attractive in a scheme, I also consider the addition of a limited number of suspended balconies as proposed to be visually acceptable and will not detract from the visual amenity of the scheme or the area. The CE Report in relation to the 5-storey block raises issues in terms of finishes and materials. I consider the finishes on the primary elevations to be of high quality and do not see a need for significant variation.

House Designs

10.6.13. 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. Chapter 17 of Kildare County Development Plan also sets out standards. There is a minimum floor area standard of 100 sq.m., a minimum storage area standard of 9 sq.m. and a minimum private open space standard of 60 sq.m. All houses meet the minimum standards.

Dwelling Mix

10.6.14. The Naas LAP 2021-2027 states that the housing mix in Naas currently consists of a high proportion (c.86.8% of overall housing stock) of detached and/or semi-detached dwellings. The plan states that the provision of a range of homes including apartments, smaller units, age friendly units, single storey houses, adaptable and universally designed homes must also be considered as part of new

residential schemes and mixed-use developments to provide a greater choice for the existing and future population of Naas.

- 10.6.15. The dwelling mix caters for a range of 1, 2, and 3 bed units, with a mix of typologies including dwellings, duplexes and apartments. Concerns are raised by observers in relation to the number of smaller units being proposed.
- 10.6.16. The Apartment Guidelines recognise that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The proposal in my opinion serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community, which has traditionally been served by standard housing.

Sunlight Daylight

- 10.6.17. 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.

10.6.18. The applicant has submitted a Sunlight and Daylight Access Analysis 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. The relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

10.6.19. 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.

10.6.20. 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 10.7 of this report hereunder.

Daylight - Internal to the Proposed Buildings

10.6.21. 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.

- 10.6.22. 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 living rooms, a 1.5% ADF is applied, for combined living/kitchen/dining rooms a 2% ADF value is applied and 1% for bedrooms.
- 10.6.23. Of those rooms requiring assessment, all achieved ADFs above the BRE and BS 8206-2:2008 guidelines.
- 10.6.24. The CE Report raises no concerns in relation to the assessment submitted.

Sunlight in Proposed Outdoor Amenity Areas

- 10.6.25. 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.
- 10.6.26. Section 5 of the applicant's Sunlight and Daylight report assesses site sunlighting within the proposed amenity spaces. Figure 5.1 shows all the open spaces assessed, ie the western open space, the eastern open space, three communal open spaces, podium level open space and creche open space. I note the eastern access route which I do not consider as open space, has been excluded in this assessment, which is acceptable.
- 10.6.27. All the open spaces assessed will receive far in excess of two hours or more of sunlight on 21st March and are therefore in compliance with the BRE standard.

Sunlight-Daylight Conclusion

- 10.6.28. 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.

Noise Assessment

- 10.6.29. A submitted noise assessment prepared by Allegro Acoustics indicates that the noise environment in this area is dominated by traffic noise. It concludes that acoustic design criteria detailed in Section 6 of the assessment would provide an appropriate level of acoustic comfort to the residents and uses of the development. I consider this acceptable and do not consider noise will have a significant impact on proposed occupants or neighbouring properties.

Waste Management

- 10.6.30. The submitted documents include an Operational Waste Management Plan that addresses the level of provision and collection arrangements. In the event of a grant of permission I recommend that a condition is included that requires a finalised Operational Waste Management Plan to be submitted for agreement prior to the commencement of development.

10.7. Impact on the Amenity of Neighbouring Properties

- 10.7.1. Neighbouring properties exist to the north, west and south of the development site. To the north east there are a number of small scale industrial premises at the southern end of St. Patricks Terrace and there is two storey terraced housing to the north of this. To the north, the rear gardens of houses fronting onto Devoy Terrace back onto the site, with the ground levels of no. 7 and no. 8 Devoy Terrace lower than the neighbouring dwellings along Devoy Terrace, due to the fall of the land. These properties have relatively long rear gardens (c. 20-26 metres). A newly constructed single storey dwelling exists to the rear of no. 6 Devoy Terrace abutting the site boundary (ABP Ref. PL09.248953). I note, as raised in an observer submission, an extension to the rear of no. 7 Devoy Terrace, results in a rear garden depth of c. 15m. To the west the site is bounded by existing public open space in Arconagh estate, which adjoins the access street into the estate. To the southwest private gardens of residential properties no. 86-no.100 Arconagh back and side onto the site and there are also open spaces along the shared boundary. The boundaries are marked with hedgerows for the most part and a partly weathered chain link fence. The closest dwelling (no. 100 Arconagh) sides onto the boundary and has a separation of c. 4 metres off the boundary. The closest dwelling that backs onto the site (no. 86 Arconagh) has a setback of c. 11.4 metres from the boundary. Dwellings

in Elsmore Grove are situated to the southeast of the site and to the south and west of Arconagh. The closest dwelling no. 13 Elsmore Grove is c. 26 metres from no.1 (2 storey dwelling along the proposed entrance street on the application site).

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

10.7.3. The residents of Arconagh request a boundary wall be constructed between their estate and the development, as was permitted (not constructed) as part of original permission for that estate in the 1990s. I note that there is no onus on the developer as part of this application to construct a boundary wall permitted as part of an historic separate permission. The applicant proposes to retain the existing western hedgerow boundary and augment the existing hedgerows where they are weak. The landscape masterplan shows some of this augmentation involves wildflower planting. The CE Report and accompanying Parks Report requests that details in relation to the western boundary be agreed to ensure the existing hedgerow is retained and that it be strengthened with native hedgerow and the construction of the site should be managed to ensure the retention of the hedgerow. I agree that the existing western boundary should be retained in the interests of biodiversity and placemaking (with the exception of where an opening to provide for a pedestrian connection is proposed) and I consider the insertion of a solid wall along the western boundary, as requested in the majority of observer submissions, would be unwarranted and would undermine the existing hedgerow. I agree with the CE Report that the additional planting should comprise native hedgerow and the masterplan does not appear to support this with wildflowers shown. A condition with regard to the existing boundary to be retained and agreement in relation to additional planting would be warranted should the Board be minded to grant permission. I note that half of the boundary proposed to the rear of no. 8 Devoy Terrace is shown as being retained (existing boundary is a net fence) and half is a proposed 2m high solid boundary where a new house is proposed. In the interests of visual amenity, as well as in the interests of security, the proposed block wall to the rear of proposed dwelling no. 160 should be extended westwards to extend along the entire rear boundary of existing dwelling no. 8 Devoy Terrace.

10.7.4. A submission from no. 7 and no. 8 Devoy Terrace raises concerns in relation to the potential for impacts on the existing houses due to level differences, which would

result in the proposed development appearing as three storey dwellings. Given the length of the gardens in Devoy Terrace and the resulting setback from the existing dwellings coupled with the fact that the housing proposed along the shared boundary is two storey, I am satisfied that any potential for undue impacts on the existing housing due to overlooking or overbearance can be excluded.

- 10.7.5. A dwelling has been constructed to the rear of No. 6 Devoy Terrace along the shared boundary. This dwelling has no windows in the rear elevation into the site and the closest proposed dwelling would be over 12 metres from this single storey dwelling. I am satisfied that the proposed development would not, therefore, have any impact on the amenity of this dwelling.
- 10.7.6. A submission from residents of Devoy Terrace requests that provision is made for a roadway along the north-west site boundary to provide access to the rear gardens of houses in Devoy Terrace to facilitate access to the rear gardens. There is no objective in the land use plan to support this. I consider that a change of the nature proposed would represent a material change to the development and that it would not be appropriate to impose a requirement of this nature on the applicant by way of condition.
- 10.7.7. With regard to the southern boundary some observers raise concerns in relation to the potential impact on existing vegetation within their sites. The Arboricultural Report states the proposed 2m high block wall along the southern boundary will require excavation works to install conventional strip foundations to construct walls which will have the potential to cause significant damage to tree roots. In order to minimise damaging the roots of neighbouring trees, a section of the wall, as highlighted on the Tree Protection Plan, must be installed using special methods of construction, which are outlined in the submitted report. I consider this approach to adequately address the concerns of neighbouring properties to the south. A similar approach to a portion of the northern boundary is also proposed.
- 10.7.8. A submission received from the owner / occupier of no. 100 Arconagh expresses concern in relation to the position of housing forward of the established building line. There is a varied building line within the Arconagh estate and on this basis, I consider that the layout within the application site should not be bound by these building lines, I am satisfied that given the distance of the properties from no. 100,

and given their overall design, height and orientation, that the layout as proposed is acceptable. I consider the suggestion in the CE Report that angled or high-level windows should be considered, is unwarranted and would give rise to other design issues.

10.7.9. With regard to potential impact on the commercial premises Sanctuary Landscapes to the north of the site, I am satisfied that the design of the gable end of units 218-219, the overall height and design of no. 175, and distance to the boundary of no.s 176-178, that these properties would not give rise to impacts in terms of significant overlooking or overbearance.

10.7.10. Overall, given the design and layout of the proposed development particularly at the boundaries with existing houses, and given distances to boundaries, I have no concerns in relation to overlooking, loss of privacy, or overbearance. While the outlook of existing properties will be altered, I consider the level of visual change is not so significant as to warrant a refusal or reduction in building heights to what is proposed along the boundaries. 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.

Daylight – Vertical Sky Component (VSC)

10.7.11. 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.

10.7.12. 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)

- 10.7.13. 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.
- 10.7.14. The submitted Daylight and Sunlight Access Analysis Report by ARC assesses a representative sample of rooms and windows at Devoy Terrace, Arconagh and Elsmore Close for detailed quantitative analysis. It is stated that in the interest of completeness, the submitted report assesses the potential impact of the development on daylight access to the closest Council buildings to the west – which are the Kildare Civil Defence building and the new Mid Eastern Region Innovation Think Space (MERITS) building. The existing commercial warehouses to the north of the site, adjacent to St. Patrick's Terrace were not assessed given the distance between these buildings and proposed new structures and given that these buildings appear to be primarily lit by roof light windows. I have reviewed the information submitted and accept the methodology adopted in the report. I further note that the baseline information in relation to levels, as submitted with this application, was available to ARC consultants and I have no reason to believe the data as presented is inaccurate.
- 10.7.15. With regard to Devoy Terrace and Arconagh, which is north of the proposed development, I note that the proposed VSC is in all instances above 27%, which the exception of one window which as it exists is at 17.5% and the percentage reduction to 16.30% is 0.93 times its former value. The potential impact in all instances is rated as imperceptible. With regard to the Civil Defence Building, the impact on one of the two windows is imperceptible to slight and the other is imperceptible. The impact on the MERITS building is stated as imperceptible. No significant impact is therefore anticipated. With regard to the new dwellings recently constructed to the east at Elsmore, I note the separation distances involved and the height of the existing and proposed dwellings at two storeys to the southeast of the site, therefore no significant impact is anticipated in terms of daylight.

Sunlight Access Impacts

10.7.16. Annual Probable Sunlight Hours (APSH) is a measure of sunlight that a given window may expect to receive over the period of a year. The percentage of APSH that windows existing properties receive might be affected by a proposed development. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed.

10.7.17. The receptors most sensitive to changes in the daylight environment as a result of the construction of development on the application site would be low level windows to the west, north and east of the proposal in buildings in residential use, which face within 90° of due south and which are in close proximity to the site (i.e. low level rooms at Arconagh to the west and at Devoy Terrace to the north). The submitted Daylight and Sunlight report identified a representative sample of rooms and windows at Arconagh and Devoy Terrace for detailed quantitative analysis. While there is no need to analyse windows in existing buildings facing within 90° of due north, the submitted report also assessed the potential for shadows cast by the proposed development to affect sunlight access to sample windows facing north, such as those in buildings to the south of the site at Arconagh and Elsmore Close, and also on the council buildings to the east.

10.7.18. The submitted Sunlight and Daylight report assesses the annual, summer and winter impacts. The impacts fall within BRE guidance with no significant impacts identified.

Sunlight on Amenity Space of Neighbouring Properties and Overshadowing impact

10.7.19. The submitted Daylight and Sunlight Assessment assesses the impact of the proposed development on sunlight to existing amenity spaces and gardens of adjacent properties. The following gardens have been assessed: 1-8 Devoy Terrace; 1 and 13 Arconagh; 99-100 Arconagh; and 88-89 Arconagh.

10.7.20. The BRE guidelines recommend that at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21st March, or not less than 0.8 of its current situation, in order to appear adequately sunlit throughout the years. Of the 14 gardens assessed, all are stated to meet the guidelines with the development in place. In terms of overshadowing impact, the potential of the proposed development to result in overshadowing of lands outside the application site is limited. I refer the

Board to the shadow diagrams in the submitted report. The analysis accompanying the diagrams highlights that shadows cast by the proposed development are likely to extend outside the boundaries of the application site to the residential estate at Arconagh to a small extent during the mornings throughout the year. To the south, shadows cast are likely to extend to houses and gardens along the southern boundary of the site for a short time during the very early mornings and very late evenings during the spring, summer and autumn months. The potential impact of the proposed development on sunlight access to the Elsmore residential estate is assessed as none to “imperceptible”. During the spring, summer and autumn months, shadows cast by the proposed development will extend to the rear of a number of rear gardens at Devoy Terrace for a very short time during the mornings resulting in an “imperceptible” change in the shadow environment. During the winter months when the shadow environment is dense and shadows are long, shadows cast by the proposed development are likely to result to extend further into the rear gardens and to the rear of some houses at Devoy Terrace during the mornings and early afternoons. However, relevant windows within the existing dwellings at Devoy Terrace and their associated rear gardens will continue to receive a level of sunlight in excess of the level recommended by the BRE Guide (2011) to achieve an appearance of adequate sunlighting over the course of the year. The potential impact of the proposed development on sunlight access to Devoy Terrace is assessed as none to “imperceptible” to “slight”. I am satisfied that based on the layout, height and design of the development, in addition to the orientation of the site, and based on the data submitted, no significant impacts will arise.

Sunlight-Daylight Conclusion

- 10.7.21. I have used the Guidance documents referred to in the Ministerial Guidelines to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical. I am satisfied that the development proposed meets the guidance set out in the guidance documents and

the development will not have a significant adverse effect on residential amenity of neighbouring properties.

Construction Phase Impacts

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

10.8. Ecological Impact Assessment and Landscaping

- 10.8.1. An Ecological (Biodiversity) Appraisal has been submitted with the application, dated 21st February 2022 and An Arboricultural Report, dated March 2022.
- 10.8.2. Field surveys for the Ecological (Biodiversity) Appraisal were undertaken on 31st January 2020, 9th June 2020, 23rd September 2021, and 4th March 2022. A bat survey was undertaken on 9th June 2020 and 23rd September 2021 and additional building survey on 14th March 2022.
- 10.8.3. The site is a greenfield site that is dominated by unmanaged grassland of relatively low species diversity with patches of bramble-dominated scrub. The western and southern boundaries comprise semi-mature hedgerows / tree line, with gaps in places. The proposed development will require the removal of eight trees and three groups of trees, all of low quality and value (C Category). The Arboricultural Report notes that the most notable tree cover is located off-site, along the roadside of the Arconagh residential estate, which abuts the western boundary. This tree line

consists of several good quality early-mature silver birch. There are elder and hawthorn located within the site along this boundary. The southern and northern boundaries comprise mainly of offsite trees and hedgerows that overhang beyond the existing fence line and into the application site.

- 10.8.4. No indication of habitats or species of conservation significance were recorded within the site. In terms of drainage the site is in the Liffey and Dublin Bay catchment. The Yeomanstown Stream (or Rathasker Stream) is within the Liffey surface water catchment and flows into the Naas canal.
- 10.8.5. It is proposed to retain an existing hedgerow along the western boundary and provide for supplemental planting, with specialist construction methods used to protect existing vegetation in neighbouring properties to the south and to the north where a 2m high boundary wall is proposed.
- 10.8.6. Overall, the site has a relatively low ecological value and no long-term impacts are envisaged as a result of the proposed development.
- 10.8.7. An observer submission received states a group of trees in the centre of the site has in recent times been removed by the developer. The submitted Ecological report states that there was an area of young and semi-mature regenerating woodland in the centre of the proposed development site. In July 2021, archaeological test trenching was carried out at the site for the purposes of the proposed development. The report states it was not possible to complete test trenching in the central portion of the site, which was inaccessible due to the presence of these trees and over the winter of 2021/22, the area of trees was cleared to facilitate test trenching, which was subsequently carried out in January 2022. While I am not clear that any unauthorised works have been undertaken, any concerns residents have in relation to unauthorised works is a matter for the planning authority. I note under the previous application on this site, it was not recommended that this area in the centre of the site be retained.

10.9. Traffic, Transportation and Access

- 10.9.1. The Naas LAP 2021-2027 states a key challenge facing Naas during this Plan period and beyond is the imperative need to improve connectivity and permeability within the town, including provision of an internal public transport network in and around Naas along with connections to Sallins Railway Station (Objective CSO 1.7). A

Naas/Sallins Transport Strategy was published in 2020 and has identified a range of measures for local bus routes, bus interchange and bus priority measures throughout the town to create the potential for a substantial proportion of trips to be completed via sustainable travel modes. It is stated that many of the measures identified will undergo a detailed design stage and further analysis of constraints and will be subject to the Part 8 process.

- 10.9.2. The application site is accessed via an existing roundabout on John Devoy Road. This street has pedestrian and cycle facilities and public lighting. There is potential for future more direct pedestrian and cycle connections to the town centre via adjacent lands to the north, as well as to the east and west. The proposed pedestrian network within the site is designed to allow for future connections.

Transportation Assessment (TA)

- 10.9.3. The application has been accompanied by a Traffic and Transportation Assessment Report, a Residential Travel Plan, DMURS Statement of Consistency, and a Stage 1 Quality 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.
- 10.9.4. Surveys of the existing roads and junctions were carried out on 30th November 2021 over a 12-hour period at 5 no. local traffic junctions and detailed modelling was undertaken at 2 no. junctions, namely the priority controlled junction of John Devoy Road and the Kildare County Council HQ and at the roundabout junction that provides access into the SHD site. Trip generation rates for the development are forecast based on the trips arising from the adjacent Arconagh estate which were compared against and exceed figures taken from the NRA / TII approved TRICS database. PICADY9 software is used to assess the operational capacity of the junction into Kildare County Council HQ and ARCADY software is used to assess the capacity of the roundabout junction. The assessment takes account of the baseline traffic conditions, committed development and traffic growth. The proposed development is shown to have a negligible impact on the existing priority controlled junction into the KCC car park, while the roundabout providing vehicular access to the development will operate well within capacity. Based on the guidance set out in

the TII's Traffic and Transport Guidelines 2014 and given the low trip generation rates forecast I am satisfied that the development, of itself, would not have a significant impact on the local road network and will not result in undue adverse traffic impacts. Any outstanding issues, such as those raised in the Quality Audit, may be dealt with by condition. I highlight here one specific issue to the Board. The submitted Quality Audit highlights that an existing cycle path/shared space is provided on either side of John Devoy Road, however no details are provided to indicate how a cyclist can safely access / egress the cycle path/shared facility on John Devoy Road from the proposed development (Point 4.6 of the Quality Audit). I further note from site inspection that the cycle lane on both sides of John Devoy Road stops before the roundabout on both arms of the road leading up to the roundabout, albeit there appears to be sufficient existing space to allow for its continuation. This issue is not addressed by either the applicant or by KCC. This deficit in the existing cycle infrastructure on John Devoy Road and lack of satisfactory connection from the main street in the scheme/Street 1 to the cycle paths could in my opinion give rise to conflicts between cyclists and pedestrians as well as potential conflicts with vehicular traffic. While the infrastructure is outside the red line boundary, it is in the ownership of Kildare County Council and the delivery of connecting infrastructure on this road due to the addition of these 219 units is in my opinion required and in the interest of both KCC and the developer. I consider a specific condition is required to ensure a safer connection to the existing cyclepaths on John Devoy Road from the site entrance, thereby enabling cycle friendly navigation of the existing roundabout, as well as connection into the main street of the development.

Construction Traffic

- 10.9.5. The volume of traffic generated during construction will be lower than that generated during the operational phase and on this basis, I am satisfied that no significant impacts would arise. Submissions received have expressed concern in relation to a reference in the Construction Management Plan to a potential second construction access via the Arconagh Road to the west of the development site. I note this was proposed under a previous application but is not proposed as part of the Construction Management Plan submitted with this application. In the interests of clarity and to ensure the avoidance of an unnecessary disturbance to existing

properties, I recommended that a condition in relation to construction access be applied to any grant of permission which should be via John Devoy Road only.

Car Parking

- 10.9.6. The application proposes 314 car parking spaces for the residential units and 14 spaces for the childcare facility. The parking equates to 2 spaces per house to serve the 42 houses proposed and 1.22 spaces per apartment/duplex for the 177 apartments/duplexes proposed. I note the previous SHD application refused on this site proposed 235 number of on-street parking spaces, at a ratio of 0.85 parking spaces per apartment. The layout of the car parking spaces has also been altered, reducing from the previously proposed 211 no. on-street parking spaces in the previous SHD application, to 97 no. on-street parking spaces in the current SHD application, with the format altered to include 108 undercroft spaces with podium level open space above. I draw the Board's attention to a recent SHD permission for 152 no. apartments on an adjacent site (ABP-307258-20) that had a parking ratio of 1.15 spaces per unit.
- 10.9.7. In relation to parking standards, the Design Standards for New Apartments, indicates parking standards for intermediate urban locations and states that in urban locations served by public transport or (*my emphasis*) close to town centres or (*my emphasis*) employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.
- 10.9.8. The Transportation Planning Report which is included in the CE Report consider the area is considered a 'peripheral and/or less accessible urban location and the low level of parking proposed is indicated as a reason for refusal. I disagree with this assignment of the site as a less accessible urban location and proceed with my assessment based on the characterisation of the site as an 'intermediate urban location', in accordance with the Apartment Guidelines. Notwithstanding, I would highlight that the reduced number of spaces is marginally below the minimum figures outlined for 'peripheral and/or less accessible urban locations', where one space per unit with an element of visitor parking, such as one space for every 3-4 apartments, is required, which would equate to a requirement for 221-236 spaces for this scheme, with 216 spaces proposed here. However, the characterisation of the area

as an intermediate urban area within walking distance of the town centre means a reduction in parking is supported at a national level.

10.9.9. A large number of observers raise concerns in relation to the low level of parking and consider this would give rise to significant overspill parking into Arconagh estate, particularly given the pedestrian links proposed to that estate. Observers also highlight the limitations of public transport.

10.9.10. The CE Report raises concerns in relation to the deficit of car parking spaces and location of spaces remote from entrances to properties. The Transportation Department report accompanying the CE Report recommends a refusal on the basis of car parking.

10.9.11. In terms of development plan parking provisions, table 17.9 of the Kildare County Development Plan (KCDP) 2017-2023 sets out the car parking standards for residential developments. Car parking standards for a house is 2 car spaces per unit; for an apartment is 1.5 car spaces per unit plus 1 visitor space per 4 apartments (1.75 spaces per unit in total), and for a crèche is 0.5 per staff member plus 1 per 4 children. The CE Report states this equates to 84 spaces for the houses, 310 spaces for the apartments and 20 spaces for the creche, which is a total of 414 spaces. The applicant is proposing 84 spaces for the houses, 216 spaces for the apartments and 14 spaces for the creche. This equates to a parking ratio of 1.22 spaces per apartment.

10.9.12. The Apartment Guidelines encourage a 'reduced' overall car parking standard in intermediate urban locations such as this but do not state a minimum level of provision. There is a requirement at all locations to demonstrate specific measures that enable car parking provision to be reduced and to show that the site is sufficiently well located in relation to employment, amenities and services. The site adjoins and is within walking distance of Naas town centre and its associated employment, amenities and services – Kildare County Council and the Merits building (business incubation unit) is immediately east of the site; there is a supermarket 475m west of the site via the proposed St. Patricks Terrace pedestrian connection or 1000m from the site from John Devoy Road roundabout; there is a hotel/bar/restaurant 264m to the east; a school and local shop are 409m-554m to the northeast; Naas hospital is 1.1k on foot from the site or 2.4km by car; Naas sports

centre/swimming pool/AFC/athletics club/skate park/playground are in a complex 900m north of the proposed pedestrian entrance from St. Patricks Terrace/664m via the proposed Arconagh estate pedestrian link; and the site is proximate to the pedestrian 'historic trail' along the canal to the northwest. In terms of measures, to support sustainable active modes, there are pedestrian connections west to Arconagh estate, east to the Merits building/council offices, and north to St. Patricks Terrace. Pedestrian connectivity in addition to the developing cycle network, including those segregated paths on John Devoy Road, will encourage these sustainable modes.

10.9.13. I acknowledge the CE concern that car parking spaces are not located directly outside each unit, however, I would note that the distances to car parking spaces is not excessive and that all car parking spaces are overlooked. A Car Parking Management Plan has not been submitted, however, the submitted Transportation Assessment indicates a strategy to manage car parking through the use of permits which will be allocated by the management company of the scheme. Given the lower level of parking and distance from some properties to parking spaces, I consider a car parking management plan will be required in order to manage the proposed spaces. A condition in relation to this issue would be warranted, should the Board be minded to grant permission. The removal of car storage from the site, shifting the residents to other means of transport, is in line with local and national policy in this regard. People buying into this development will be aware of its car parking policy and location of allocated spaces per unit, which may ultimately determine if they choose to live here.

10.9.14. In terms of public transport, the submitted Transportation Assessment (TA) highlights there are 7 existing bus routes within a 10 min walk of the site, operated by several bus operators. These bus routes provide for regional links, particularly commuter links, at peak hours to Dublin and with connections to other towns. While they are not high frequency, together they provide good connections, particularly to Dublin, during peak times. Sallins train station is 4km north of the site/20 min cycle. I note the John Devoy Road comprises footpaths and cyclepaths on both sides of the street, allowing for a high level of mobility on foot as well as by bicycle. There is an existing GoCar car-sharing service in the Fairgreen Car Park off Ballymore Road, approx. 650m to the east of the subject site (15-minute walk/5-minute bicycle

journey). An additional GoCar base is located at the Naas Retail Park near the M7 (approx. 1.75km to the west of the subject site), which is within a 10- minute bicycle journey.

10.9.15. The submitted Residential Travel Plan states that existing GoCar car sharing services operate in Fairgreen Car Park to the east of the site (850m/11min walk) and at Naas Retail Park to the west (3km/36min walk). The submitted plan states that the allocation of internal GoCar spaces (or a similar car sharing scheme) shall be considered with the providers of this service at detailed design stage, subject to commercial viability and anticipated interest from future occupants. I consider that given the reduced parking spaces on site, it would be prudent to attach a condition requiring a minimum of two of the car parking spaces be reserved for car sharing use only, to ensure maximum effort to attain a sustainable modal split away from the private car. Given the level of new development in this area of Naas, it would not be unreasonable to assume that were a service to be put in place it would likely succeed and I consider this element of the Residential Plan should therefore be strengthened. The provision of car club spaces will aid in the sustainability of parking provision, and will further reduce the traffic impact of the development. Issues raised in submissions regarding the potential for illegal parking in surrounding streets is a matter for law enforcement and the planning authority, outside the remit of this planning application. I consider the development as proposed can adequately cater for the parking requirements of future residents.

10.9.16. I consider that a reduction in car parking provision for houses and apartment units (relative to the CDP standard) is warranted at this location, in accordance with national policy, given the site's proximity to the urban core of Naas and that there is a need to limit overall car parking provision to promote sustainable transport options. I note that following on from the last SHD application (which was refused), the applicant has increased the level of parking from the then proposed 0.85 spaces per apartment to the now proposed 1.22 spaces per apartment, which is more in keeping with the location of this site in a town centre with facilities and services in walking distance, and acknowledging that the bus services available are commuter services primarily and not town services, however, there are plans to improve local bus services as well as active modes in Naas. I note that the parking is now facilitated in an undercroft format, as well as on-street and in-curtilage which mitigates the visual

impact of parking on the streetscape and which is line with the recommendations of DMURS that for densities over 50 dwellings per hectare, large areas of off-street parking, such as basements, will generally be required.

- 10.9.17. With regard to the issue of Material Contravention (MC), the applicant has included car parking in the submitted MC statement. I note the table in the development plan sets out standards and there is a degree of flexibility allowed for in the wording of the CDP with the figures not subject to specified objectives. I do not consider the issue a material contravention issue. I consider the overall level of parking to be appropriate for this site, which is zoned, accessible and serviceable, forming part of a new quarter of development in this area of the town, and is in accordance with the Apartment Guidelines.

Bicycle Parking

- 10.9.18. The site has a total of 177 Apartments/Duplexes containing a total of 298 bedrooms. This translates to a requirement for 298 long stay residential bicycle parking spaces and 89 visitor bicycle parking spaces, which equates to a requirement for 387 spaces. 482 bicycle parking spaces are provided on the site. I consider this acceptable and in compliance with the standards.

Construction Traffic

- 10.9.19. 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.

10.10. Water Services

Water and Wastewater

- 10.10.1. In terms of existing water and wastewater services, it is noted in the submitted Engineering Services report that this development will connect into existing services.
- 10.10.2. 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

- 10.10.3. It is proposed to connect to an existing 225mm diameter stormwater sewer on John Devoy Road. The proposed development includes a surface water system that combines sustainable urban drainage features (rainwater 'butts', permeable paving, tree pit drainage, swales, soakaways, road gullies and oil separator). In addition two storm attenuation tanks and one constructed wetland are being provided across the development site. All surface water runoff generated by the new development shall limit its runoff to greenfield runoff rates and then discharge into the new surface water sewer network in the John Devoy Road, excess stormwater shall be attenuated on site in the three attenuation systems, two attenuation tanks and one constructed wetland. The CE's Report notes that the Water Services Section has no objection subject to conditions that require revisions to the proposed SuDS design. In the event that the Board is minded to grant permission, I recommend that a condition is attached, requiring the developer to submit details for the agreement of the PA. I note concerns raised in submissions in relation to the proposed soakaways in rear gardens. The Engineering Services report highlights site investigations were undertaken in relation to soakaways tests which demonstrated ability of the site to accommodate the soakaways with no adverse impacts on neighbouring properties.
- 10.10.4. Flood Risk: I refer the Board to the Flood Risk Assessment (FRA) submitted with the application. The site lies within Flood Zone C. The FRA indicates that the risk of flooding (tidal, fluvial, pluvial or ground water flooding) across the site is low and no further mitigation measures are proposed. Residential development is an acceptable land use within Flood Zone C (Table 3.2 Flood Risk Management Guidelines refers). I am satisfied that the requirements of the Flood Risk Management Guidelines are met.
- 10.10.5. 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.
- 10.10.6. 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.

10.11. Material Contravention

10.11.1. 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.

10.11.2. The following items to be considered are set out in the submitted Material Contravention Statement:

- Plot Ratio
- Car Parking Standards
- Height
- Permeability Objective PERM 68

10.11.3. Each item is considered against the Kildare County Development Plan 2017-2023. I note from the outset that Chapter 17 of the Kildare County Development Plan (KCDP) relates to Development Management Standards. Section 17.1, Background, states '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'.

Plot Ratio

10.11.4. The application includes a Material Contravention Statement that addresses the deviation from the plot ratio standard in the KCDP. A case is made for the proposed plot ratio in the context of national policy and on the basis that there is a conflict between competing objectives in respect of plot ratio, density and open space.

10.11.5. Chapter 17 of the KCDP sets out under Table 17.1 a plot ratio standard for inner suburban sites of 0.5-1. The CDP also states that densities for inner suburban/infill sites should be decided on a site specific basis. The Naas LAP 2021-2027 does not indicate a plot ratio standard and states no upper height will be applied to new developments. The proposed plot ratio of 0.45 is below the KCDP standard.

10.11.6. Plot ratio is only one measure for assessment, and I note that chapter 17 allows for flexibility in the application of standards. The plot ratio standard is not intended as a rigid figure to be applied but rather the purpose of the plot ratio standard is to assist in the prevention of adverse effects of over-development on the layout and amenity of buildings and also to ensure an adequate sense of enclosure and the efficient and sustainable use of serviced land, all factors which have been considered elsewhere in this report. I further note the conflict between indicating a plot ratio and allowing for density to be determined on a site-specific basis.

10.11.7. Given the flexibility that is set out in chapter 17 of the KCDP, I do not consider a material contravention of plot ratio arises.

10.11.8. Should the Board consider a material contravention issue arises, it is open to the Board to invoke section 37(2)(b) of P&D Act 2000 as amended, in particular in particular section 37(2)(b)(i) and (ii), due to strategic nature of application and designation of the site as a Key Development Area for Naas and conflicting policies within the operative County Development Plan (the indicative density levels for an inner suburban site are to be determined on a site specific basis, therefore the application of a rigid plot ratio standard would be contrary to this guidance).

Car Parking Standards

10.11.9. The applicant considers the car parking level proposed for the apartments and duplexes is in line with Section 28 Guidelines to reduce car parking provision and the car parking level proposed is in line with recent permissions in the area.

10.11.10. Chapter 17 of the KCDP addresses Car Parking under Section 17.7.6. It states that car parking standards as set out in Table 17.9 are to guide proposed development. Other than 'Residential', parking standards are maximum standards, which infers the residential parking standards are either minimum or benchmark standards. It is further stated in the KCDP that 'The Council reserves the right to alter

the requirements outlined below, having regard to the circumstances of each particular development' and 'Large complex developments may be assessed separately with regard to the circumstance of each case'.

10.11.11. Having regard to national policy, and as discussed in Section 10.9 of this report, I consider the level of parking provision to be acceptable. Having regard to the wording of the development plan, I consider there is flexibility included to allow for reduced car parking in certain circumstances and I consider this a large development which should be assessed with regard to the circumstance of the case. I do not consider a material contravention issue for the aforementioned reasons arises in this case.

10.11.12. Should the Board consider a material contravention issue arises, it is open to the Board to invoke section 37(2)(b) of P&D Act 2000 as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of application and having regard to s. 28 Apartment Guidelines which states that for intermediate urban areas planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

Height

10.11.13. The applicant argues that the height proposed is in line with the LAP but there is conflicting/non-aligning terminology between the Development Plan and LAP.

10.11.14. Chapter 17 of the KCDP under Section 17.2 addresses General Development Standards. Section 17.2.1 relates to Building Heights. It is stated that the appropriate maximum or minimum height of any building will be determined by a number of factors, including prevailing height, proximity of existing housing, height and scale relative to width of street or open space. It is further stated that 'Tall buildings, defined here as buildings that exceed five storeys and/or 15 metres, will only be considered at areas of strategic planning importance identified in a Local Area Plan'.

10.11.15. Naas LAP 2021-2027 identifies Devoy Barracks (the majority of the subject site) as a Key Development Area (KDA) for Naas. KDAs are defined as lands that 'are considered to be strategic areas for residential development and economic regeneration that will make an important contribution to the future growth and consolidation of the town'. The LAP states the plan 'does not propose to place any height limitations on new development in Naas'. While the LAP says a possible

location for taller buildings is in the town centre, this does not, infer a height limit on all other areas given the wording within the LAP.

10.11.16. The proposed apartment block is 5 storeys in height and exceeds 15m. As it is proposed in an area of strategic planning importance, as determined by the LAP, it cannot, in my opinion, be considered a material contravention of the KCDP or Naas LAP.

10.11.17. Should the Board consider a material contravention issue arises, it is open to the Board to invoke section 37(2)(b) of P&D Act 2000 as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of application and having regard to s. 28 Apartment Guidelines.

Permeability Objective PERM 68

10.11.18. The applicant states that the Naas LAP indicates a route is required between the site and Newbridge road, however, the link provided differs from the route on the map which is indicative only. It is stated that the pattern of development in the area, in particular the legal land ownerships, prevents the delivery of the route, as per the Map in the LAP.

10.11.19. Naas LAP 2021-2027 states under Section 10.6, Key Development Areas, that 'A design framework has been prepared for each KDA, based on an appraisal of each area in its respective contextual environment. The frameworks set out broad parameters for the future development within the KDAs and are intended to assist a variety of parties involved in the planning process including landowners, developers, design teams and residents. They will also guide Kildare County Council or An Bord Pleanála in the assessment of any detailed proposals submitted'. Table 5.2, titled 'Role of Pedestrian Measure and Delivery Timeframe', states under ref. no. 68 'Pedestrian link between Devoy Barracks Site and Newbridge Road', with associated timeframe 'Medium Term' (3-5 yrs). Table 11.4, titled Implementation and Delivery Schedule, states under Infrastructure 'PERM 68 - Permeability link between Devoy Barracks site and Newbridge Road'; under delivery schedule it is stated: 'On-going - To be delivered in tandem with new development, prior to the occupation of the dwellings'; and under funding sources the following is listed: 'Developer, State, KCC'.

10.11.20. I note figure 10.22, which indicates an urban design framework/layout for the Devoy Barracks KDA, shows a proposed 'local route/street' connecting up to the

existing link at St Patricks Terrace onto the Newbridge Road; and a pedestrian/cycle link via a site to the north connecting to the Newbridge. The applicant is proposing a pedestrian link up to the boundary with St. Patricks Terrace. The other pedestrian/cycle link can no longer be provided as a permission for 4 dwellings on this site has been granted by KCC and therefore this link (which traverses a third party property) can no longer be provided. Having regard to the wording of the LAP, I do not consider the layout for the Devoy Barracks KDA, as per figure 10.22, was intended to be rigidly followed, but as stated in the LAP, is to act as a guide. I do not consider a material contravention arises in relation to objective PERM 68 as a connection is being proposed up to the boundary with St. Patricks Park.

- 10.11.21. Should the Board consider a material contravention issue arises, it is open to the Board to invoke section 37(2)(b) of P&D Act 2000 as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of application and having regard to s. 28 Apartment Guidelines.

10.12. Other Matters

Consultation

- 10.12.1. A number of observers raise issue with the SHD process and consultation.
- 10.12.2. The application was made and advertised in accordance with requirements of Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the accompanying regulations. The SHD process is defined under a legislative framework and it forms the legitimate process for the determination of this application. Consultation has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016. Public participation is allowed for in the application process and I have considered all submissions made in my assessment.

Part V

- 10.12.3. I note changes have been made in relation to Part V under the Affordable Housing Act 2021 and this may impact the applicants Part V obligations and a review will be required. This issue can be addressed by way of condition and if 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.

Childcare, Schools and Social Infrastructure

- 10.12.4. A number of observers have raised concerns in relation to the level of development within Naas and the need for commensurate provision of additional community facilities and amenities.
- 10.12.5. The application is accompanied by a Schools Demand and Childcare Assessment and a Community and Social Infrastructure Audit
- 10.12.6. The Naas LAP 2021-2027 addresses existing social infrastructure in Naas and any deficits, including in relation to schools. The LAP identifies zoned land for possible locations for new schools - located north of the R409 road to Caragh, the site adjacent to both the Kilcullen Road and the Southern Distributor Road, in addition to a site off the Southern Distributor Road adjacent to recent residential developments at Castle Farm and Elsmore. The LAP further states the Council has had regard to the Development Plans: Guidelines for Planning Authorities (DEHLG, 2007), the Department of Education and Skills Technical Guidance Documents for primary schools and the Memorandum of Understanding between the Department of Education and Skills and the County and City Manager's Association on acquisition of sites for school planning purposes (2012). The application site is not one of the sites identified for schools and therefore there is no requirement for a school on the site and there is no timeline associated with the phasing of development in Naas and school provision.
- 10.12.7. This application proposed a childcare facility as part of the development. This facility can cater for 59 childcare spaces and is 411sqm in area. I am satisfied that the level of provision is adequate to serve the proposed development, in accordance with the childcare guidelines (which would require a minimum of 41 spaces), and that the facility is appropriately located. The Quality Audit raises concerns in relation to the one-way drop off facility proposed to the front of the childcare unit, however, I am satisfied this can be addressed by way of appropriate signage.
- 10.12.8. The Naas LAP identifies land appropriate for the delivery of strategic open space. The application site is not identified as such and open space in accordance with development plan standards is proposed as part of this application.

10.12.9. The submitted Community and Social Infrastructure Audit shows that Naas has a broad range of established social, community and recreational facilities, including higher order medical facilities (hospital and primary care centre) and recreational and sporting outlets (inc. Grand Canal and a Racecourse). Having regard to the foregoing, I consider the proposal can be facilitated and that a refusal would not be warranted on the basis of inadequate social infrastructure.

Archaeology

10.12.10. I refer the Board to the submitted Archaeological Assessment. There are no recorded monuments within or in the immediate environs of the site. The site within c. 800m of the medieval town of Naas (east) and within c. 400m of a 17th century site at Jigginstown (west). Historic cartographic evidence shows that the eastern section of the site contained structures associated with Devoy Barracks a 19th century military barracks. This includes the western extent of Devoy Barracks including a Fever Hospital, Mortuary and Infant School. The Barracks were built in 1813 and operated until 1928. These structures were not visible during site survey. It is noted that the northern site boundary is a townland boundary but that the original boundary hedge has been removed and replaced with a post and wire fence.

10.12.11. Test trenching has taken place across the site. No archaeological finds or features were identified during the test testing. It is noted that the site includes the western extent of Devoy Barracks, the 25" map shows a number of features associated with the barracks within the site boundary. This includes the fever hospital, infant school, and the mortuary. These remains date to the second half of the 19th century. These structures are no longer visible at ground level. The proposed development includes a linear park within this area, with no deep excavation proposed here as part of the development (no test trenching was undertaken in this area). This will allow for the sub surface remains to be preserved in situ. It is stated that no further archaeological input is required and no further monitoring is suggested.

Architectural Heritage

10.12.12. There are no architectural heritage features within or immediately adjacent to the site. The former Naas Cotton Mills (RPS Ref. NS19-215), a freestanding chimney (c.1930) that was part of the former Naas Cotton Mills, is located c. 80 metres to the

north-east of the closest housing block. While visible from the site, this structure is visually separated from the proposed development by existing industrial structures and housing. I am satisfied that the proposed development would not impact unduly on the setting of the protected structure.

11.0 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 Appropriate Assessment Screening Report dated 30th March 2022. 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.

11.2.2. 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 (Biodiversity) Appraisal

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

'In view of best scientific knowledge this report concludes that the proposed development, individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites. It is considered that this report provides sufficient relevant information to allow the Competent Authority (An Bord Pleanála) to carry out an AA Screening, and

reach a determination that the proposed development will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives.'

11.2.4. 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 4 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 219 units and a creche on a largely greenfield site, 4.11ha gross in area, in the urban area of Naas. The area is characterised by residential and civic uses. The site is serviced by public water, foul drainage and surface water drainage networks. Habitats on site comprise unmanaged grassland, trees, hedgerow and some areas of scrub. No habitats of conservation significance were identified during site survey. A stream/drainage ditch, known as the Yeomanstown Stream² (or Rathasker Stream), a first order tributary of the River Liffey, runs along the southern site boundary. There are no other watercourses on or in the immediate vicinity of the proposed development site. The

Yeomanstown Stream flows into the Liffey at a point approximately 3.5km to the north west of the Devoy Barracks site. The Grand Canal (Corbally Branch) is approximately 300m to the north of the proposed development site at its closest point.

- 11.3.4. 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.
- 11.3.5. 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

- 11.3.6. The submissions and observations from the Local Authority, Prescribed Bodies, and Observer are summarised in sections 7, 8 and 9 of this report.
- 11.3.7. I have reviewed all submissions made and issues where relevant are addressed within my assessment hereunder.

European Sites

- 11.3.8. 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, as well as those SACs/SPAs within the catchment of the River Liffey, which are in excess of 33km from the site. The nearest European Site, Mouds Bog SAC, is located c.7.6km from the proposed development.
- 11.3.9. 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 (see table 4 below).

Factors Likely to Give Rise to Potential Impacts

- 11.3.10. 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.
- 11.3.11. 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
- 11.3.12. Habitat degradation as a result of hydrological impact: There is no direct pathway from the site to any European site. There is an identified indirect link via the existing surface water network and foul sewer network. Yeomanstown Stream (or Rathasker Stream) runs in an open channel along the southern site boundary. Surface water from the site will be attenuated on site and will drain to a surface water sewer along John Devoy Road that outfalls to the Yeomanstown Stream. This stream is within the catchment of the River Liffey and is connected to Naas Canal (Grand Canal Corbally Line) both of which ultimately drain to Dublin Bay. Wastewater from the development will drain (via the public network) to the Osberstown WWTP which in turn discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA) and ultimately drains to Dublin Bay. There is a potential indirect source-pathway-receptor link to European sites in the downstream receiving environment of Dublin Bay from surface and foul water discharges (via Grand Canal and River Liffey).
- 11.3.13. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, with the exception of sites in Dublin Bay and the Poulaphouca Reservoir

SPA, all sites (including the sites within a 15 km radius that are listed in the table below) can be screened out based on a combination of factors including intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. There is no pathway between the proposed development site and any other European sites, such as the bog SACs within 10km, or Pollardstown Fen SAC, c.11km to the south west. This SAC is groundwater dependent, however there is no groundwater pathway between Pollardstown Fen and there is therefore no possibility of significant effects on this SAC as a result of any development. There will be no loss of habitat or species, fragmentation or disturbance to qualifying interests of these sites.

11.3.14. The European Sites within the downstream receiving environment of Dublin Bay which are deemed to be within the zone of influence of the site due to surface and foul water discharges are the South Dublin Bay SAC (site code: 0210), North Dublin Bay SAC (site code: 0206), South Dublin Bay and River Tolka Estuary SPA (site code: 4024) and the North Bull Island SPA (site code: 4006). The application site is over 33km from these European sites with greater separation following the flow of the River Liffey and the Grand Canal. The indirect surface water pathway relating to Dublin Bay sites creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. However, given the nature of the proposed development and the very significant distances to the European sites of Dublin Bay (in excess of 33km), any pollution entering the River Liffey would be entirely undetectable by the time the water reaches Dublin Bay. The fact that a significant level of dilution and mixing of surface and sea water would occur in any event upon reaching the Bay means that any pollutants would be even further diluted and dissipated by the receiving waters.

11.3.15. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will discharge to the surface water sewer on John Devoy Road (See Engineering Services Report and Construction Management Plan). The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a

development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to European sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Dublin Bay (dilution factor). I would also note that according to the EPA Map Viewer, both the Liffey Estuary Lower transitional waterbody and Dublin Bay coastal waterbody are classified as 'unpolluted'. Under the WFD 2010-2015, water quality of the Liffey Estuary transitional waterbody and Dublin Bay coastal waterbody have been classified as 'moderate' and 'good' respectively and the Dublin Bay coastal waterbody has a WFD risk score of 'not at risk'.

11.3.16. Wastewater from the development will pass to the Osberstown wastewater treatment plant which has been recently upgraded. The Osberstown WWTP discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA) (licence no.: D0002-01). The development will be subject to a connection agreement with Irish Water. The discharge from the site is negligible in the context of the overall licenced discharge at Osberstown WWTP, and thus its impact on the overall discharge would be negligible.

11.3.17. Water will be supplied from a mains supply which is likely to originate from the Poulaphouca Reservoir at Ballymore Eustace which is designated as an SPA indicating a potential connection. The water demand of this scheme is not significant in the context of the overall region and as such its impact on the SPA would be marginal.

11.3.18. The potential for significant impacts on European sites via ground water is excluded in view of the ground conditions underlying the site (Engineering Services Report refers) and level of separation.

11.3.19. I am satisfied that the potential for impacts on all other European sites can be excluded due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

11.3.20. In terms of in-combination impacts, other relevant projects, plans and applications in the region, which are also subject to AA, have been considered, as set out in section 8 of the submitted Screening Report and no cumulative impacts have been shown to arise.

Table 4 Screening Summary Matrix:

European Site & Distance	Qualifying Interests and Conservation Objectives
Mouds Bog SAC (Site Code 002331) c. 7.6 km west	QI: Active raised bogs [7110]; Degraded raised bogs still capable of natural regeneration [7120]; Depressions on peat substrates of the Rhynchosporion [7150] CO: To restore the favourable conservation condition of Active raised bogs in SAC.
Red Bog Kildare SAC (Site Code 000397) c. 9.3 km east	QI: Transition mires and quaking bogs [7140] CO: To maintain the favourable conservation condition of Transition mires and quaking bogs in SAC.
Ballynafagh Lake SAC (Site Code 001387) c. 9.7 km north west	QI: Alkaline fens [7230]; Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]*; Euphydryas aurinia (Marsh Fritillary) [1065]* CO: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Ballynafagh Bog SAC (Site Code 000391) c. 10.6 km north west	QI: Active raised bogs [7110]; Degraded raised bogs still capable of natural regeneration [7120]; Depressions on peat substrates of the Rhynchosporion [7150] CO: To restore the favourable conservation condition of active raised bogs in Ballynafagh Bog SAC.
Pollardstown Fen SAC (000396) c. 11km south-west	QI: Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]; Petrifying springs with tufa formation (Cratoneurion) [7220]; Alkaline fens [7230]; Vertigo geyeri (Geyer's Whorl Snail) [1013]; Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]; Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] CO: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Poulaphuca Reservoir SPA (Site Code 004063) c. 10.2 km south-east	QI: Greylag Goose (Anser anser) [A043]; Lesser Black-backed Gull (Larus fuscus) [A183] CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
Wicklow Mountains SAC (Site Code 002122) c. 13.6 east	QI: Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]; Natural dystrophic lakes and ponds [3160]; Northern Atlantic wet heaths with Erica tetralix [4010]; European dry heaths [4030]; Alpine and Boreal heaths [4060]; Calaminarian grasslands of the Violetalia calaminariae [6130]; Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]; Blanket bogs (* if active bog) [7130]; Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]; Calcareous rocky slopes with chasmophytic vegetation [8210]; Siliceous rocky slopes with chasmophytic vegetation [8220];

	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]; Lutra lutra (Otter) [1355]</p> <p>CO: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>South Dublin Bay SAC (Site Code 000210) c. 33.4 km north-east</p>	<p>QI: Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p> <p>CO: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>North Dublin Bay SAC (Site Code 000206) c. 36.7 km north east</p>	<p>QI: Mudflats and sandflats not covered by seawater at low tide [1140]; Annual vegetation of drift lines [1210]; Salicornia and other annuals colonising mud and sand [1310]; Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]; Mediterranean salt meadows (Juncetalia maritimi) [1410]; Embryonic shifting dunes [2110]; Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]; Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]; Humid dune slacks [2190]; Petalophyllum ralfsii (Petalwort) [1395]</p> <p>CO: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>Rockabill to Dalkey Island SAC (Site Code 003000) c. 39.2 km north east</p>	<p>QI: Reefs [1170]; Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>CO: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 33.4 km</p>	<p>QI's: Light-bellied Brent Goose (Branta bernicla hrota) [A046]; Oystercatcher (Haematopus ostralegus) [A130]; Ringed Plover (Charadrius hiaticula) [A137]; Grey Plover (Pluvialis squatarola) [A141]; Knot (Calidris canutus) [A143]; Sanderling (Calidris alba) [A144]; Dunlin (Calidris alpina) [A149]; Bar-tailed Godwit (Limosa lapponica) [A157]; Redshank (Tringa totanus) [A162]; Black-headed Gull (Chroicocephalus ridibundus) [A179]; Roseate Tern (Sterna dougallii) [A192]; Common Tern (Sterna hirundo) [A193]; Arctic Tern (Sterna paradisaea) [A194]; Wetland and Waterbirds [A999]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA.</p>
<p>North Bull Island SPA (Site Code 004006) c. 33.4 km</p>	<p>QI's: Light-bellied Brent Goose (Branta bernicla hrota) [A046]; Shelduck (Tadorna tadorna) [A048]; Teal (Anas crecca) [A052]; Pintail (Anas acuta) [A054]; Shoveler (Anas clypeata) [A056]; Oystercatcher (Haematopus ostralegus) [A130]; Golden Plover (Pluvialis apricaria) [A140]; Grey Plover (Pluvialis squatarola) [A141]; Knot (Calidris canutus) [A143]; Sanderling (Calidris alba) [A144]; Dunlin (Calidris alpina) [A149]; Black-tailed Godwit (Limosa limosa) [A156]; Bar-tailed Godwit (Limosa lapponica) [A157]; Curlew</p>

	(Numenius arquata) [A160]; Redshank (Tringa totanus) [A162]; Turnstone (Arenaria interpres) [A169]; Black-headed Gull (Chroicocephalus ridibundus) [A179]; Wetland and Waterbirds [A999] CO: To maintain or restore the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA.
Dalkey Island SPA	QI's: Roseate Tern (Sterna dougallii) [A192]; Common Tern (Sterna hirundo) [A193]; Arctic Tern (Sterna paradisaea) [A194] CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Howth Head Coast SPA	QI: A188 Kittiwake Rissa tridactyla. CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

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 any 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 219 residential units on a site with a stated gross area of 4.13ha. The site is located within the urban area of Naas, County Council. 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 (Biodiversity) 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 development is served by municipal drainage and

water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 11 of this report concludes that the potential for adverse impacts on European sites can be excluded at the screening stage. 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. The proposed construction of a housing development and the operation of same would not be likely to have significant effects on the environment.

- 12.6. 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).
- 12.7. 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:
- EIA Screening Report and Regulation 299B Statement
 - Statement of Consistency
 - Material Contravention Statement
 - Photomontages and CGIs
 - Ecological (Biodiversity) Appraisal, including Bat Survey Report
 - Engineering Services Report
 - Site Specific Flood Risk Assessment

- Traffic and Transport Assessment
- Energy Strategy and BER Report
- Sunlight and Daylight Access Analysis
- Appropriate Assessment Screening Report
- Construction Management Plan
- Construction Waste Management Plan
- Operational Waste Management Plan

12.8. 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 Appendix 5 of the EIA Screening Report which includes a 'Statement Pursuant to Article 299B(1)(b)(ii)(II)(C)', which highlights the following:

- The submitted Appropriate Assessment Screening document and Ecological (Biodiversity) Appraisal document have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- Directive 2007/60/EC, the Floods Directive, was taken account of in the submitted Site-Specific Flood Risk Assessment.
- Directive 2008/98/EC on waste has been taken into account in the submitted Construction Management Plan.
- Directive 2010/31/EU in relation to energy performance has been taken into account in the submitted Energy Statement and BER Report.

I note Directive 2001/42/EC, SEA Directive was taken account of in the operative Kildare County Development Plan 2017-2023.

Screening Determination

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

12.10. 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.

12.11. 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 Naas Local Area Plan 2021-2027,
- (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.

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 11th day of April 2022 by Brady Shipman and Martin, on behalf of The Land development Agency.

Proposed Development

Planning Permission for a strategic housing development at the site of c. 4.11 ha at the former Devoy Barracks, John Devoy Road, Naas, Co.Kildare.

The development will consist of the construction of a residential development comprising of 219 no. residential units, containing 42 houses and 177 apartments/duplexes ranging, in height from 2 to 5 storeys and a childcare facility with outdoor play area all of which will be provided as follows:

- 42 no. 2 storey 3 bedroom houses (House Types F1, F2 & F3) including private open space in the form of gardens and solar panels on the roof of all house types.
- 177 no. apartments/duplexes (64 no. 1 bedroom, 105 no. 2 bedroom and 8 no. 3 bedroom) all of which have gardens, balconies or terraces set out as follows:
 - o 5 no. 1 bed apartments at ground floor and 5 no. 2 bed duplexes at first and second floor in 5 no. 3 storey blocks (Unit Type A2).
 - o 14 no. 1 bed apartments at ground floor and 14 no. 2 bed duplexes at first and second floor in 14 no. 3 storey blocks (Unit Type A3).
 - o 4 no. 2 bed apartments at ground floor and 4 no. 3 bed duplexes at first and second floor in 4 no. 3 storey blocks (Unit Type B1).
 - o 4 no. 2 bed apartments at ground floor and 4 no. 3 bed duplexes at first and second floor in 4 no. 3 storey blocks (Unit Type B2).

- o 3 no. 2 bed duplexes at ground and first floor and 3 no. 2 bed duplexes at second and third floor in 3 no. 4 storey blocks (Unit Type C1).
- o 2 no. 2 bed duplexes at ground and first floor and 2 no. 2 bed duplexes at second and third floor in 2 no. 4 storey blocks (Unit Type C2).
- o 2 no. 1 bed apartments at ground and first floor and 1 no. 2 bed duplex at second and third floor in 1 no. 4 storey block (Unit Type D2).
- o 8 no. 2 bed duplexes at ground and first floor and 4 no. 2 bed apartments at second floor in 4 no. 3 storey blocks (Unit Type E1).
- o 4 no. 2 bed duplexes at ground and first floor and 2 no. 2 bed apartments at second floor in 2 no. 3 storey blocks (Unit Type E2).
- o 9 no. 2 bed apartments in 3 no. 3 storey blocks (Unit Type K1).
- o 9 no. 2 bed apartments in 3 no. 3 storey blocks (Unit Type K2).
- o 19 no. 2 bed duplexes at ground and first floor and 19 no. 1 bed apartments at second floor in 19 no. 3 storey blocks (Unit Type L1).
- o 4 no. 2 bed duplexes at ground and first floor and 4 no. 1 bed apartments at second floor in 4 no. 3 storey blocks (Unit Type L2).
- o 20 no. 1 bed apartments and 8 no. 2 bed apartments in 1 no. 5 storey block (Unit Type X), with crèche of c.411.4 sq.m and outdoor play area of c.265 sq.m. at ground floor.

A new central public open space is provided to the east of the site with a connected linear public open space route to the east providing an interface with the MERITS building. A further public open space is provided to the west of the site with a total public open space provided on site of c. 6,158 sq.m. Communal open spaces are provided centrally around the scheme totalling 4,684 sq.m with private open spaces provided in the form of gardens, balconies and terraces.

The scheme is accessed through the existing vehicular and pedestrian access at the Roundabout on the John Devoy Road and a new pedestrian connection is provided to the east of the site adjacent to the MERITS Building. The development will include for a total of 314 no. car parking spaces to be provided in a combination of in-

curtilage, on street and undercroft locations throughout the scheme (including 24 EV Charging and 14 no. accessible spaces), and 482 no. bicycle parking spaces.

The development will also provide for all associated ancillary site development infrastructure including 3 no. ESB sub-stations, bike stores, bin stores, plant rooms, public lighting & foul and surface water drainage; demolition of an existing single storey structure of c. 10.7 sq.m on the eastern boundary of the site; green roofs; solar panels on all residential buildings; internal roads & footpaths; site landscaping, including children's play area, wetlands/SUDs features, boundary treatments; associated scheme signage, 1 no. temporary marketing signage for a period of 3 years, and all associated engineering and site works necessary to facilitate the development.

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 Naas Local Area Plan 2021-2027,

- (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, and zoning objective A: Town Centre,
- 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.

16.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as
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	<p>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>
2.	<p>This permission is for 219 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 (Biodiversity) Appraisal 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>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 retention and augmentation of the western hedgerow boundary and construction methodology relating to boundaries to the south, west and north to ensure existing trees and hedgerows identified for retention are appropriately managed. 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>

5.	<p>Prior to commencement of any works on site, revised details shall be submitted with regard to the following:</p> <ul style="list-style-type: none"> (a) Revised plans and particulars in relation to the western boundary, which shall comprise an existing hedgerow to be retained, supplemental native planting along the hedgerow boundary, and one pedestrian connection only up to the boundary with Arconagh estate. The location and design of the pedestrian connection to Arconagh estate shall be agreed in writing with the planning authority prior to the commencement of development. (b) The developer shall agree in writing with Kildare County Council the detailed design and construction of Street 1 as shown on the Proposed Site Layout Plan (19024DEV-MCO-00-ZZ-DR-A-0505) and its connection to the roundabout on John Devoy Road, which shall include provision for a more cycle friendly connection from the site entrance linking to the existing cycle paths to the northeast and southwest along John Devoy Road and include provision for the extension of the cyclepaths to the entrance of the development, subject to agreement with Kildare County Council. (c) The 2m high block to the rear of dwelling no. 160 shall be extended westwards to extend along the entire rear boundary of existing dwelling no. 8 Devoy Terrace. (d) The proposed unit type A3 on plot no. 129-130 shall be revised to provide additional fenestration on the gable elevation to enable adequate overlooking of the adjoining open space. (e) The proposed unit type C2 on plot no. 202-203 shall be revised to provide additional fenestration on the gable elevation to enable adequate overlooking of the adjoining pathway along the eastern boundary.
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	<p>(f) Full details of privacy screens between balconies of the apartments.</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>
6.	<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 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>
7.	<p>No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
8.	<p>A revised comprehensive boundary treatment and 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) Revised plans and particulars detailing the location, design and finishes of one pedestrian connection only to Arconagh estate, one pedestrian connection point to the east (neighbouring the</p>

	<p>MERITS building), and one pedestrian connection point to the north to St. Patrick's Terrace.</p> <p>(b) Revised plans and particulars in relation to the layout and design of the western boundary and supplemental native hedgerow planting. Details in relation to how existing trees and hedgerows to the west are to be maintained shall be agreed on site with the planning authority, in the presence of the site ecologist. Details in relation to a construction methodology, specifications, plan and section drawings, shall be submitted for the written agreement of the planning authority prior to the commencement of development.</p> <p>(c) Revised plans and particulars in relation to the boundary treatment to the swale in the southeast corner of the development.</p> <p>(d) Details in relation to layout and design of play facilities and equipment across the scheme;</p> <p>(e) Details and specifications in relation to the north-south linear route along the eastern boundary and proposed central open space to the east of site, including details in relation to ground levels, paving, planting, and seating areas;</p> <p>(f) Details in relation to the interface of site services and trees/hedgerows to be retained;</p> <p>(g) Details in relation to public furniture/benches;</p> <p>(h) 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;</p> <p>(i) 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</p>
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	<p>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;</p> <p>(j) Any clearance of vegetation from the development site shall only be carried out in the period between the 1st of September 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>
9.	<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</p>

	<p>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 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>
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 pedestrian connections to the adjoining sites to the north, to the west and to the east shall be delivered prior to the occupation of any units, unless otherwise agreed in writing with the planning authority.</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 a 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.</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 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>Revised drawings and details demonstrating that all items raised in the submitted Stage 1 Quality Audit (dated March 2022) have been adequately addressed shall be submitted for the written agreement of the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
19.	<p>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 Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p>

	<p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
20.	<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. In this regard the following shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development:</p> <ul style="list-style-type: none"> (a) Two of the on-street car parking spaces shall be reserved as car sharing spaces for communal car sharing, the location of which shall be submitted for the written agreement of the planning authority prior to the commencement of development. (b) 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 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 the development shall be assigned, segregated by use and how the car park shall be continually managed. (c) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, with the exception of the car share spaces, unless the subject of a separate grant of planning permission.

	<p>(d) Provision for cyclists shall comply with latest National Cycle Manual and Design Manual for Urban Roads Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
21.	<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>
22.	<p>Prior to the opening or occupation of the development, a detailed 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>
23.	<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</p>

	<p>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 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>
24.	<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>
25.	<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>
26.	<p>A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the</p>

	<p>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>
27.	<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>
28.	<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 detailed traffic management plan for the construction phase which shall provide for all construction access via John Devoy Road only.

	<ul style="list-style-type: none"> • noise management measures and • off-site disposal of construction/demolition waste. <p>Reason: In the interests of public safety and residential amenity.</p>
29.	<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>
30.	<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, as amended, 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>
31.	<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</p>

	<p>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>
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 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>

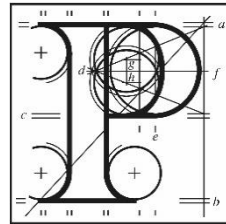
	Reason: To ensure the satisfactory completion of the development.
34.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided 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

15th September 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-312761-22
Development Summary		Construction of 219 no. residential units, a creche, 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	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the operative Development Plan.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises construction of residential units on lands governed by zoning objective C 'New Residential' under the LAP with an objective 'to provide for new residential development'. A small area of land along the eastern boundary is zoned A 'Town Centre' with an objective 'to protect, improve and	No

		<p>provide for the future development of the town centre’.</p> <p>The uses are consistent with the surrounding area. The building heights of up to 5 storeys are higher than that of surrounding housing but are consistent with the scale of the KCC civic offices and recent permitted development in the area and with government policy which promoted increased building height.</p>	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	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.	No
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?	Yes	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.	No
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?	Yes	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 significant operational impacts in this regard are anticipated.	No

<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 final 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 finalised 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>

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<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 and adherence to standard construction noise and vibrations ELV's. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	<p>No significant emissions to water are anticipated. Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a final agreed Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<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>	No

1.10 Will the project affect the social environment (population, employment)	Yes	<p>Redevelopment of this site as proposed will result in 219 no. residential units which is considered commensurate with the development of these zoned lands in this urban area. Redevelopment of this site as proposed will result in an intensification of use and an increase in population at this inner suburban location. The development will meet an identified accommodation demand. The childcare facility will cater for childcare demand within the urban area.</p>	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	<p>Stand-alone development, with other residential developments in the immediately surrounding area on zoned lands. The proposed development is independent of other projects in the area with a different applicant and landowner. On this basis this issue of project splitting (as raised in third party submissions) can be discounted. The development is one of a number of construction sites in the area that are been developed for housing. This is resulting in a level of change to the character of the area. The development is consistent with the zoning objectives for the area, which has been subject to SEA and AA screening at a plan level.</p>	No

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>No European sites located on the site. There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are: Mouds Bog SAC (c. 7.6 km), Red Bog Kildare SAC (c. 9.3 km), Ballynafagh Lake SAC (c. 9.7 km), Ballynafagh Bog SAC (c. 10.6 km), Pollardstown Fen SAC (c. 11 km), Poulaphoca Reservoir SPA (c. 10.2 km) and Wicklow Mountains SAC (c. 13.6). There are no hydrological or ecological pathways to these sites. There is a potential pathway to Dublin Bay and to European Sites in Dublin Bay (+33 km) due to surface and foul discharges from the site that drain to the River Liffey. The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 11 above.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>No such species use the site and no impacts on such species are anticipated.</p>	No

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The proposal considers all built environment, natural and cultural heritage issues and no significant impacts are identified.	No
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?	No	There are no areas in the immediate vicinity which contain important resources.	No
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?	No	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.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.	No

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?	No	The site is served by a local urban street network. Consolidation and intensification of development in Naas will contribute to mitigating wider congestion issues. No significant additional traffic or congestion impacts are anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community uses which could be affected by the project.	No

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		
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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 C 'New Residential' under the Naas LAP 2021-2027, with an objective 'to provide for new residential development'. A small area of land along the eastern boundary is zoned A 'Town Centre' with an objective 'to protect, improve and provide for the future development of the town centre'.
- 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: _____ **15th September 2022** _____