

An  
Bord  
Pleanála

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

### Inspector's Report ABP-313825-22

#### Strategic Housing Development

7 year permission for 344 no. residential units (130 no. houses, 214 no. apartments), creche and associated site works

#### Location

Lands at Dublin Road and the Shinkeen Road, within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare ([www.ballyoulstershd.ie](http://www.ballyoulstershd.ie))

#### Planning Authority

Kildare County Council

#### Applicant

Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company

#### Prescribed Bodies

Uisce Eireann (formally Irish Water)

**Observer(s)**

1. Catherine Fermoyle Perry
2. Catherine Murphy
3. David Quinn
4. Elaine Breslin
5. Graham Kavanagh
6. Jason Clarke
7. Jelene Vilminska
8. Lisa Bergin
9. Maebh Ryan
10. Martinas Brennan
11. Mary Kinsella
12. Michael Collins
13. Michael Kellymor
14. Nuala Killeen
15. Olivia Giles Mulvey
16. Paul Reilly
17. Peter King
18. Ray Di Mascio

**Date of Site Inspection**27<sup>th</sup> March 2025**Inspector**

Irené McCormack

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## 1.0 **Introduction**

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

## 2.0 **Site Location and Description**

2.1. The subject site is located within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare.

2.2. The application site (with a gross site area of 13.4ha) is located to the south east of Celbridge town centre. The subject lands are predominately flat in character with a gentle slope from the central spine of the site to the watercourses on the eastern and western sides. The site is bisected by the Shinkeen Stream to the east of the development and there is a further stream known as the Hazelhatch watercourse to the west. The character of the Shinkeen watercourse is a very deep watercourse of circa 3-4m deep banks. Both watercourses form part of the Liffey Catchment.

2.3. The application site is bound by a greenfield site, Donaghcumper cemetery, former Retronix Semiconductor company and the Dublin Road to the north, the Rye River Brewing Company and the Ballyoulster Park housing estate to the north east, the Primrose Gate housing estate to the south, agricultural lands to the east and Shinkeen Road to the west. Donaghcumper Medieval Church Ruins (RPS No. B11-02) and the house on Dublin Road, Donaghcumper (RPS No. B11-26), are protected structures located north of the application site.

2.4. The subject site is well served by existing social and community infrastructure with a wide mix and variety of uses in the surrounding area. The neighbourhood centre of St Wolston's Shopping Centre is in very close proximity to the site and includes a Super Valu, a fitness club, a medical centre and a pharmacy. The subject site is also within walking distance of the town centre with a large range of restaurants, cafes and other services/facilities such as churches, community centres, medical services and a library. There are a number of sports and recreational facilities available in proximity to the site, including Celbridge Abbey Gardens, Celbridge GAA Club and Celbridge Football Club.

2.5. The main site access / egress will be via 2 no. new junctions including one on the Shinkeen Road and another on the Dublin Road. Hazelhatch and Celbridge train station is located c. 1.9km to the south of the site.

### 3.0 **Proposed Strategic Housing Development**

3.1. The proposed development for which a seven-year permission is sought comprises:

- 344 no. residential units (comprising 54 no. 1 beds, 30 no. 2 beds, 210 no. 3 beds and 50 no. 4 beds), a 2 no. storey childcare facility with a GFA of c. 369 sq.m, public and communal open space, landscaping, car and cycle parking spaces, provision of an access road from Dublin Road and Shinkeen Road, associated vehicular accesses, internal roads, pedestrian and cycle paths, bin storage, cycle storage, pumping station and all associated site and infrastructural works.
- The residential component of the development consists of 214 no. apartments / duplex units, and 130 no. houses of to be provided as follows:
  - 4 no. 3 bed two storey detached houses;
  - 28 no. 3 bed two storey semi-detached houses;
  - 48 no. 3 bed two storey terraced houses; • 50 no. 4 bed three storey semi-detached houses;
  - 214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, and all duplex apartments / apartments are provided with a terrace / balcony or private garden;
- The development includes a total of 585 no. car parking spaces, 4 no. loading bays and a total of 770 no. cycle spaces. The proposal includes hard and soft landscaping, lighting, boundary treatments, the provision of public and communal open space, including 3 no. Local Parks, children's play areas, and an ancillary play area for the childcare facility.
- The proposed development includes road upgrades, alterations and improvements to the Dublin Road / R403 and the Shinkeen Road, including the

provision of new vehicular accesses and signalised junctions, pedestrian crossing points, and associated works to facilitate the same. The proposal includes internal roads, including 3 no. bridge crossings, cycle paths, footpaths, with proposed infrastructure and access points provided up to the application site boundary to facilitate potential future connections to adjoining lands. The development includes foul and surface water drainage, pumping station, 3 no. ESB Substations, services and all associated and ancillary site works and development

3.1.1. An Environmental Impact Assessment Report have been prepared in respect of the application.

3.2. Key Development Statistics are outlined below:

	<b>Proposed</b>
<b>Application Site Area (Red Line Boundary)</b>	13.4 ha
<b>Land in applicant's control</b>	12.9 ha
<b>Net Residential Development Area</b>	9.7ha
<b>No. Residential Units</b>	344 no. units
<b>Non-residential units</b>	Childcare Facility – 369 sq.m
<b>Mix</b>	<p><u>All units (Duplex and houses)</u></p> <ul style="list-style-type: none"> <li>• 54 no. 1 beds</li> <li>• 30 no. 2 beds</li> <li>• 210 no. 3 beds</li> <li>• 50 no. 4 beds</li> </ul> <p><u>Breakdown</u></p> <ul style="list-style-type: none"> <li>• 4 no. 3 bed two storey detached houses;</li> <li>• 28 no. 3 bed two storey semi-detached houses;</li> <li>• 48 no. 3 bed two storey terraced houses;</li> <li>• 50 no. 4 bed three storey semi-detached houses;</li> <li>• 214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, all duplex apartments / apartment to have a terrace or private garden</li> </ul>

<b>Floor Areas</b>	<b>Houses</b> <ul style="list-style-type: none"> <li>3 Bed House 110.3 – 124.9 sq.m</li> <li>4 bed house 142.7</li> </ul> <b>Duplex Apartments / Apartments</b> <ul style="list-style-type: none"> <li>1 beds 51 sq.m</li> <li>2 beds 81.8-95.6 sq.m</li> <li>3 beds 105-117.7 sq.m</li> </ul>
<b>Site Coverage</b>	18%
<b>Plot Ratio</b>	0.4
<b>Density</b>	35.5 (based on net site area of 9.7ha)
<b>Accessibility</b>	Peripheral and/or Less Accessible Urban Locations under the definitions provided in the Apartment Guidelines 2020
<b>Building Heights</b>	2 to 3 no. storeys
<b>Dual Aspect</b>	100% dual aspect (number of houses also triple aspect)
<b>Car Parking / loading bays</b>	<ul style="list-style-type: none"> <li>585 no. spaces in total: <ul style="list-style-type: none"> <li>260 no. spaces for houses (2 spaces / unit)</li> <li>214 no. spaces for duplex units (1 space / unit)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>102 no. visitor spaces</li> <li>9 no. spaces for the childcare facility</li> </ul> <ul style="list-style-type: none"> <li>4 no. loading bays</li> </ul>
<b>Cycle Parking</b>	<ul style="list-style-type: none"> <li>770 no. spaces in total: <ul style="list-style-type: none"> <li>378 no. residential on curtilage spaces</li> <li>120 no. residential shared, covered and secure spaces</li> <li>272 no. visitor spaces (including 13 no. creche cycle parking spaces)</li> </ul> </li> </ul>
<b>Public Open Space (excluding riparian strip)</b>	24,726 sq.m (18% gross of site area / 25% of net site area)
<b>Communal Open Space</b>	2,151 sq.m
<b>Riparian Strip</b>	Total: 0.8 ha <ul style="list-style-type: none"> <li>Shinkeen Stream (centre of site): 0.7 ha</li> <li>Hazelhatch Watercourse (west of Site A): 0.1 ha</li> </ul>
<b>Part V</b>	69 no. units (pepper potted across the site) Includes: <ul style="list-style-type: none"> <li>7 no. houses</li> <li>62 no. apartments / duplex units</li> </ul>

3.3. The application included inter alia the following:

Planning Reports

- Statement of Response to the Board's Opinion
- Statement of Consistency and Planning Report
- Social and Community Infrastructure Audit / Assessment Statement of Material Contravention

Architectural Inputs

- Architectural Drawings, Schedule of Accommodation, Housing Quality Assessment and Schedule of Drawings
- Design Statement
- Building Lifecycle Report

Engineering Inputs

- Infrastructure Design Report, Engineering Drawings
- Traffic and Transport Assessment
- Mobility Management Plan
- DMURS Compliance Statement
- Site-Specific Flood Risk Assessment
- Preliminary Construction Management Plan
- A Quality Audit
- Energy Statement
- Lighting Report

Landscape / Arboricultural Inputs

- Landscape Drawings, Drawing Schedule and Landscape Strategy
- Arboricultural Assessment

## Environmental Inputs

- Environmental Impact Assessment Report and Non-Technical Summary
- Appropriate Assessment Screening Report
- Verified Photomontages Brochure
- Daylight, Sunlight and Overshadowing Analysis Report
- Resource Waste Management Plan
- Operational Waste Management Plan

## 4.0 **Planning History**

### Subject site

#### **ABP 313436-23 – RZLT**

##### In the Vicinity (Recent)

*North/west of site fronting Dublin Road*

**KCC 23/1057** – Blackrock Contractors Limited - Permission granted on 31/10/2024 for the construction of a 44 No. unit residential development comprising 28 No. two storey houses (10 No. 2 bed units and 18 No. 3 bed units ranging in size from c.83 sq. m to c. 116 sq. m) and a three storey building comprising 16 No. apartment and duplex apartment units (6 No. 1 bed units and 10 No. 2 bed units ranging in size from c.53 sq.m to c.113 sq.m).

*Northeast of site*

**KCC 23/901** – Minor amendment to 22/209

**KCC 22/209** – DP Financial Ltd., T/A Rye River Brewing Company– Permission granted for the construction of a new detached building to the east side of the existing building comprising of a single storey high bay warehouse storage element to the rear and a 2-storey element to the front with commercial use/brewery visitor centre to ground floor and ancillary office accommodation to first floor and associated site works.

**KCC 19/1068 / ABP 306213** – Contribution appealed re. - Change of use of part of

the ground floor of existing Light Industrial Building from existing office & associated use to new commercial use for the storage, sorting, preparation/assembly, and distribution of flowers & flower arrangements (both for off-site distribution and on line sales), for new retail sales area.

*South of site*

**ABP 316119-23** – Railway Order signed 13/04/2024 - DART+ South West Electrified Heavy Railway Order - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin.

**5.0 Section 5 Pre-Application Consultation -311958-21**

5.1. A Section 5 pre-application consultation took place on the 16<sup>th</sup> of February 2022 in respect in respect of a development for the construction of 343 no. residential units (123 no. houses, 220 no. apartments), creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Compliance with the Kildare County Development Plan Settlement Strategy
- Land use zoning and principle of development
- Design and layout & impact of revised FRA
- Roads and Access
- Water and Drainage
- Any Other Business

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion issued on 2<sup>nd</sup> March 2022 (ABP-311958-21) An Bord Pleanála stated that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The Bord Pleanála considered that the following issues needed to be addressed in the documents that could result in them

constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of, and possible amendment to the drawings and design proposals submitted, having regard to the findings of the Hazelhatch Flood Extents Study 2021 (KCC) and the impacts on the layout and extent of development proposed on the site. A revised Site-Specific Flood Risk Assessment should accompany the application which has full regard to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities in this regard.
2. Further consideration of the documents submitted, to include a detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposed development complies with local planning policy, having specific regard to the zoning of part of the proposed development site as objective E: Community & Educational. Such statement should have regard to the definition of Strategic Housing Development under section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, and section 9(6)(b) of the Act which provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.
3. Further consideration and elaboration of the documents submitted, to address consistency with the settlement strategy set out in the Kildare County Development Plan (Variation no. 1), clearly identifying the extent of existing and permitted development within the settlement. The application should provide a justification for any extension of the appropriate period sought in respect of the planning application.

5.2.1. The opinion also stated that the following specific information should be submitted with any application for permission:

1. Detailed phasing proposals for the development which should include all associated road and infrastructure works, public amenity spaces and social infrastructure. The proposed phasing strategy shall address the extent of

landscaping works to be undertaken within the Local Park in each phase and its on-going maintenance pending further development within the KDA.

2. A plan clearly identifying areas intended to be taken in charge by the local authority
3. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
4. A rationale for the siting, design and layout of the proposed entrance from the Dublin Road, having regard to the status and function of the proposed boulevard serving this wider KDA and key community and educational uses for the town.
5. Plans and details describing how the proposed development provides for, and will relate to, potential future development of residentially zoned third-party lands along the Dublin Road frontage, within the Ballyoulster KDA 2.
6. A report responding to the matters raised in the report of the Kildare County Council Transportation Department dated 25/11/2021. The report shall include, *inter alia*, the following:
  - a) Details of proposed junction design at Shinkeen Road and Dublin Road, including proposals for signalisation where required.
  - b) Proposals to address the lack of pedestrian and cycle facilities along the Dublin Road.
  - c) A Quality Audit in accordance with Advice Note 4 of DMURS. Such audit should consider the quality of pedestrian and cycle connections to services and amenities in the surrounding area.
  - d) A parking management plan.
  - e) A Travel Plan / Mobility Management Plan.
  - f) A Construction Traffic Management Plan which should have regard to the proposed phasing of development under item no. 3 above
7. A report addressing the matters raised in the report of the Water Services Section of Kildare County Council, dated 26/11/2021.
8. 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.

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

- Office of Public Works (OPW)
- Inland Fisheries Ireland
- Irish Water
- Kildare County Childcare Committee

5.4. ***Applicant's Statement***

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation would require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is required.

5.4.2. I note a Statement of Response to ABP's Opinion has been submitted. I note the items raised in the Opinion have been addressed.

6.0 **Relevant Planning Policy**

6.1. **Introduction**

This SHD application were prepared in the context of the subject site being governed and regulated by the policies of the Kildare County Development Plan, 2017-2023 and the Celbridge Local Area Plan 2017-2023.

Subsequent to the lodgement of the application on 17<sup>th</sup> June 2022 this application the Kildare County Development Plan, 2017-2023 was superseded by the Kildare County Development Plan 2023-2029. However, the Celbridge LAP 2017-2023 was not replace or extended and has subsequently expired I refer the Board to the section below on the *Status of the Celbridge Local Area Pan.*

6.2. **Kildare County Development Plan 2023 - 2029**

As noted above, the Kildare County Development Plan 2023 – 2029 was adopted on the 9th of December 2022 and came into effect on the 28th of January 2023 and is the current statutory plan for County Kildare, including Celbridge.

The Kildare County Development Plan 2023 – 2029 does not include a zoning map for Celbridge.

The Dublin Metropolitan Area Strategic Plan forms part of the settlement strategy for Kildare with four settlements being within the area. Maynooth, Leixlip, Celbridge and Kilcock. These all contain large scale residential and economic development areas that can deliver significant development in a sustainable manner within the metropolitan area.

Celbridge is also one of the ‘Self Sustaining Towns’. Self-Sustaining Towns are towns which have a high level of population growth and a weak employment base. The objective is to strengthen their overall economic offering, through biotechnology, knowledge based digital enterprises, logistics, tourism etc.

Policy UD A3 sets the objective to prepare town renewal masterplans for 19 no. settlements in Kildare, one being Celbridge. The Town Renewal Masterplan for Celbridge will sit underneath the LAP on the planning hierarchy and is delivering the KCDP.

Celbridge-Leixlip is one of five Municipal Districts in County Kildare. The population of County Kildare, 2022 figures, is given as 246,977 people and is expected to be 266,500 by 2031. The population of Celbridge is given as 20,288 people as indicated on Figure 1.1.

**Chapter 2 – ‘Core Strategy & Settlement Strategy’** indicates that Celbridge is a ‘Self-Sustaining Growth Town’ and is located on a Multi-Modal Transport Corridor and is located within the Metropolitan Area as per Map Ref: V1-2.1.

Self-Sustaining Towns are described as having ‘High levels of population growth and a weak employment base’. According to Table 2.3 ‘Housing Target for County Kildare’, there is demand for 18,425 homes over the period of 2020 – 2031 and Table 2.4 – ‘Methodology used to determine housing targets to the end of the Plan period’, indicates a demand for 9,144 units over the period of this development plan.

CS O1 Ensure that the future growth and **spatial development** of County Kildare is **in accordance with the population and housing allocations contained in the Core Strategy** which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the 'Housing Supply Target Methodology for Development Planning.

CS O4 Ensure that **sufficient zoned and adequately serviced lands** are available to meet the planned population and housing growth of settlements throughout the county **in line with the Core Strategy and the Settlement Hierarchy**.

CS O5 **Promote compact growth** and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of **30% of all new housing within the existing urban footprint of settlements**.

CS O7 Promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach that is **informed by settlement capacity audits and social infrastructure audits** by providing for land use zoning designations capable of accommodating employment, environmental education, community, leisure, education campuses, childcare, recreational and cultural facilities having regard to the quality of the receiving environment, and any landscape character, archaeological and architectural heritage sensitivities.

Objective CS 09 states, it is an objective of the Council to '**Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP** settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines'.<sup>14</sup>

<sup>14</sup> Where any objectives of an LAP are deemed to be no longer wholly consistent with the County Development Plan, the Planning Authority, will, where practical, consider options regarding the initiation of a review and/or prepare a statutory amendment to the LAP.

**Chapter 3 – ‘Housing’** provides appropriate densities in Table 3.1. Town Centre & Brownfield Sites have a Site Specific density, developments on Public Transport Corridors would be 50 units per hectare and Outer Suburban/ Greenfield sites would be 30 to 50 units per hectare. The section ‘Development at the Edge of Larger Towns’ refers to Circular Letter NRUP 02/2021 and for a town the size of Celbridge, regard to be had to the character of the area and ‘the full range of outer suburban density, from a baseline figure of 30 dwellings per hectare (net) may be considered, with densities below that figure permissible to facilitate a choice of housing types provided that, within a neighbourhood or district as a whole, average densities achieve the minimum recommended standards of the Guidelines’.

A number of objectives are provided and the following are considered to be relevant to this development:

**HO 015:** ‘a) Require that new residential developments provide for a wide variety of housing types, sizes and tenures. b) Specify target housing mixes, as appropriate, for certain sites and settlements as part of the Local Area Plan process. c) Require the submission of a ‘Statement of Housing Mix’ with all applications for 10 or more residential units. d) Require that all new residential developments in excess of 5 residential units provide for a minimum of 20% universally designed units in accordance with the requirements of ‘Building for Everyone: A Universal Design Approach’ published by the National Disability Centre for Excellence in Universal Design. Further detail in respect of unit mix is set out in Chapter 15: Development Management Standards’.

**HO 016:** ‘Promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood. Apartment development must be designed in accordance with the provisions of Sections 15.2, 15.3 and 15.4 (Chapter 15), where relevant, to ensure a high standard of amenity for future residents.’.

## **Chapter 5 refers to ‘Sustainable Mobility & Transport’**

Objective TM 010 which seeks to ‘Facilitate and secure the delivery/implementation of the public transport projects that relate to County Kildare as identified within the Integrated Implementation Plan (2019-2024), (or any superseding document), including the DART+ programme (Including DART+ West and DART+ South West), BusConnects and the light rail investments. The DART+ projects present an opportunity to improve journey time, reliability, and train frequency’.

A Local Transport Plan is proposed for Celbridge as listed under Action TM A2. A number of road/ sustainable transport schemes are listed within the development plan, the following are relevant to the proposed development. Section River Crossing is proposed from the R403 Clane Road to Hazelhatch Station and a new bridge for pedestrians/ cyclists is proposed, parallel to the existing River Liffey Bridge. Table 5.5 lists a number of regional roads that are proposed for improvement and No. 7 on the list is the R407 ‘Maynooth to county boundary at Hazelhatch via Celbridge’.

This Chapter also provides details on requirements in and around the airfields/ aerodromes in County Kildare. The subject site is within the ‘Inner Horizontal Surface’ and ‘Conical Surface’ of Weston Airport and Casement Aerodrome. Developments within this designated area are to be referred to the Irish Aviation Authority for comment. Map Ref.: V1-5.3 relates.

TM O140 - Require an aviation analysis to be provided for any proposed development within the areas coloured dark grey on the CDP “Map of Areas of Aviation Significance”, and to require aviation analysis for development of over 15m in height (above ground level) within the areas coloured light grey on the same map, and for development of over 30m in height above ground level in all other areas (and this analysis should take into account the elevations-OD/AMSL (a) of the proposed development, and (b) of the ground levels on the site, and (c) of any relevant aviation ‘obstacle limitation surfaces’.

Chapter 6 refers to ‘Infrastructure & Environmental Services’, Community Infrastructure & Creative Places’ in Chapter 10, Chapter 12 is ‘Biodiversity & Green Infrastructure’, with ‘Landscape, Recreation & Amenity’ in Chapter 13.

**Urban Design, Placemaking & Regeneration' is provided in Chapter 14.**

- Chapter 14 notes that Key Development Areas (KDA) are to be identified in Local Area Plans and supported by objectives contained therein

**Development Management Standards are set out in Chapter 15.**

- Table 15.2 provides the 'Minimum Floor space and Open Space Requirements for Houses.'
- Table 15.3 provides the 'Minimum Private Open Space Requirements for Apartments.'

Section 15.7.2 of the Plan provides Cycle Parking details and which are detailed in Table 15.4. Car Parking standards are set out in Section 15.7.8 and in Table 15.8. the Plan states:

- Car parking standards are set out in Table 15.8 and include:

<b>Residential</b>	
House	1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater
Apartment	1.5 spaces per unit + 1 visitor space per 4 apartments

- Parking standards are maximum standards. Residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision set out below.

### 6.3. Celbridge Local Area Plan 2017-2023 (expired)

Under the expired LAP the subject site was zoned C – *New Residential* with the objective: ‘To provide for new residential development.’ and E *Community and Education* with the objective; ‘To provide for education, recreation, community and health’.

#### Chapter 4, Compliance With Core Strategy

Location of Development	Quantum of Land for Housing (HA)	Estimated Residential Capacity*	Estimated Density
KDA 1 St. Raphael’s Town Centre Extension	9	100-150	Mixed Use Site
KDA2 Ballyoulster New Residential Area	29.5	885	30
KDA 3 Oldtown New Residential Area	13.7	411	30
KDA 4 Crodaun New Residential Area	19.9	600	30
KDA 5 Simmonstown New Residential Area	35	1050	30
Other Sites	14.1	423	Infill
Total	121.2	3519	

Table 4.1 Estimated Residential Capacity

Key Development Area 2 related to the subject site – Section 12.2.2 KDA 2 –  
BALLYOULSTER includes -

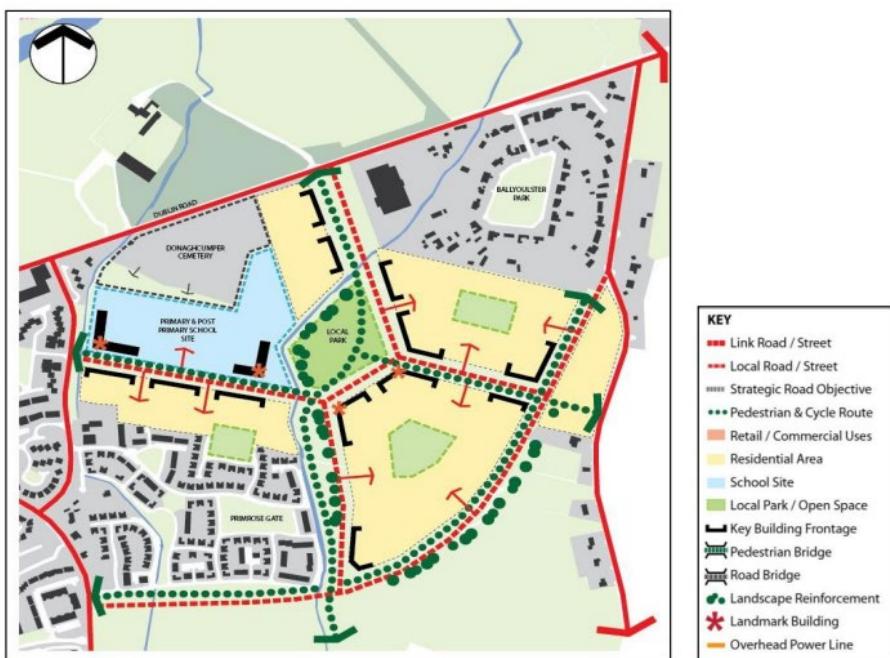


Figure 12.1 Design Concept for KDA 2 Ballyoulster

#### Vision

To provide for the development of a new residential neighbourhood, including primary and post primary schools and a local park that integrates with its surroundings whilst having its own unique character and a strong sense of place.

#### Connectivity/ Movement

Vehicular access to this KDA should be provided from the Dublin Road, Shinkeen Road and the Loughlinstown Road and should provide for continuous routes through the KDA that connect to surrounding areas. Provision should be made for a road connection from the Loughlinstown Road to the R405/Hazelhatch Road, south of the Willows housing estate, in the longer term.

A permeable network of pedestrian and cycle friendly streets and spaces that incorporate existing site features such as the Shinkeen stream and existing mature trees will be required.

#### Built Form

The development of this KDA should reflect the established pattern of development in the area. Site layouts should seek to fully integrate the identified primary and post primary school sites. School buildings should be designed to front onto new streets and spaces so that they contribute to the streetscape and the character of this KDA. A mix of housing types that range from two to three storeys in height is encouraged. Landmark / feature buildings should be provided along prominent

routes and at key junctions in order to provide for legibility and variety in the urban environment and to reinforce the proposed hierarchy of streets and spaces. This site will accommodate medium to low-density residential development in the order of 30 units per hectare.

#### Landscape and Spaces

The Shinkeen Stream should be incorporated into new developments as a landscape feature that includes a continuous pedestrian and cycle link along its bank. This green link should include natural landscaping that will enhance the ecological value of the stream. New residential areas should be structured around a variety of open spaces that provide for both active and passive recreation. Landscape proposals should provide for the retention of existing mature trees and the planting of new trees along the Ballyoulster/Loughlinstown townland boundary.

## Chapter 13, section 13.5. Phasing, Section 12.5.1 Key Development Areas (KDAs)

KDA 2 – Ballyoulster		
Type of Infrastructure	Description	Phasing
Town Centre pedestrian / cycle link	New pedestrian and cycle link from Celbridge Main Street to Dublin Road including pedestrian and cycle bridge crossing of the River Liffey or improved pedestrian and cycle facilities on the existing Liffey Bridge.	To be completed prior to the occupation of dwelling units 351 in this KDA.
Childcare	Compliance with objective CPFO 1 of the Kildare County Development Plan 2017 – 2023.	Pro-rata provision for dwellings 1-100 to be completed prior to the commencement of dwelling no. 101 in this KDA. Pro-rata provision for remainder to be completed prior to the completion of development in this KDA.
Open Space (Amenity and Recreation)	Local Park to include play areas, footpaths, green links and landscaping.	To be completed prior to the occupation of dwelling units 351 in this KDA.

### 6.3.1. Status of Celbridge Local Area Plan 2017-2023

A review of the Kildare County Council website (19/03/2025) with respect to *Current Local Area Plans* sets out that ‘Kildare County Council will have regard to the following adopted Local Area Plans until such time as they are reviewed, or another plan made’. The Celbridge Local Area Plan 2017-2023 is included in the list of *Adopted Current Plans*.

While the council website makes reference to Local Area Plans, the reference on the Council’s website does not have any statutory basis nor does it extend the lifetime of the LAP in accordance with the provisions of the Planning and Development Act 2000, as amended.

- The Celbridge Local Area Plan 2017-2023 clearly states in section 1.1 that ‘*the period of this plan shall be taken as being six years from the date of its adoption or until it is reviewed or another plan made, unless it is extended under section 19 (d) of the Planning and Development Act 2000 as amended.*’ (section 19(d) being the applicable section at the time of making the LAP).
- Planning and Development Act 2000 (as amended), Chapter II *Local Area Plans* sets out the following:

### Local Area Plans

Section 18(4) of the Planning Act 2000, as amended states that:

(a) *A local area plan prepared under this section shall indicate the period for which the plan is to remain in force.*

(b) *A local area plan may remain in force in accordance with paragraph (a) notwithstanding the variation of a development plan or the making of a new development plan affecting the area to which the local area plan relates except that, where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect.*

### Application and Content of Local Area Plans

Section 19 (1) (c) of the Planning Act 2000, as amended states:

*Section 20 (3)(a) shall be complied with—*

*(i) in the case of the first local area plan, not later than 2 years after the making of a development plan under this Part, and*

*(ii) notwithstanding section 18 (5), at least every 6 years after the making of the previous local area plan.*

- The Celbridge Local Area Plan was adopted at a special meeting of Celbridge – Leixlip Municipal District on 17th of August 2017 and in accordance with the provisions of Section 20 of the Planning and Development Act 2000 as amended came into effect six weeks after the adoption on 28<sup>th</sup> September 2017. The Celbridge Local Area Plan 2017-2023 has not been 'reviewed or another' LAP made, and the LAP has not been extended under the provisions of the Planning Act 2000 (as amended). Therefore, the LAP expired on 27<sup>th</sup> September 2023.

#### 6.4. National Planning Framework (2025)

The National Planning Framework 2025 sets out that the 'major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.'

Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: 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 and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.

6.5. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share

6.6. Climate Action Plan, 2024 and 2025

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share

2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

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

The RSES sets out that ‘the wider Dublin Metropolitan Area (DMA) metropolitan area, home to 1.4 million people in 2016, covers the continuous built-up city area and includes the highly urbanised settlements of Swords, Malahide, Maynooth, Leixlip, Celbridge, Bray and Greystones, which have strong connections with the city.’

The Metropolitan Area Spatial Plan (MASP) is an integrated land use and transportation strategy for the Dublin Metropolitan Area and is contained within Chapter 5 of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region.

#### 6.8. 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 directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

##### Section 3.3 relates to **Settlements, Area Types and Density Ranges**

The National Planning Framework identifies the five cities of Dublin, Cork, Limerick, Galway and Waterford. The city metropolitan area defined in the Metropolitan Area Strategic Plan (MASP) includes the city and suburbs area and the surrounding network of towns, villages and rural areas.

Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs sets out:

**City - Suburban/Urban Extension** - *Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of*

*the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)*

Section 3.4 relates to **Refining Density**

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open
- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

*Other relevant Section 28 Guidelines*

- EPA - Guidelines on the information to be contained in Environmental Impact Assessment Reports (2022)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the ‘Apartment Guidelines’).

#### 6.9. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

#### 6.10. ***Applicants Statement of Consistency***

6.10.1. The applicant has submitted a Statement of Consistency as part of the Planning Report as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the relevant national and regional planning policy, guidelines issued under Section 28 of the Planning and Development Act (2000), as amended, and the Kildare County Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023.

6.10.2. The Board will note that this application was made on 17<sup>th</sup> June 2022. I draw the Boards attention to the fact that the Draft Kildare County Development Plan was on public display from Monday 14th March 2022 to Tuesday 24th May 2022. With

respect to the Draft Plan the Statement of Consistency states that the subject site will be assessed under the current Development Plan and therefore the draft Plan is not a material planning consideration and that this accords with section 9 (2) of the Planning and Development (Housing) and Residential Tenancies Act 2016 which confirms when making a decision in relation to a SHD application, the Board shall when considering the likely consequences for proper planning and sustainable development in the area, including having regard to 'the provisions of the development plan, including any local area plan if relevant, for the area' and there is no reference to having regard to the provisions of a draft development plan.

6.10.3. This has been examined and noted.

#### **6.11. *Material Contravention Statement***

6.11.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the potential material contraventions of the Kildare County Development Plan 2017-2023 (CDP) and the Celbridge Local Area Plan 2017-2023, of the following:

- Housing unit allocation for Celbridge as set out in Table 3.3 of the CDP (as amended under Variation No. 1 of the CDP);
- The car parking standards set out in Table 17.9 of the CDP and objective MTO4.1 of the Celbridge LAP;
- The estimated density outlined for KDA2 set out in Table 4.1 and Section 12.2.2 of the Celbridge LAP; and
- Figure 12.1 of the LAP in relation to the Design Concept for KDA 2 Ballyoulster.

6.11.2. Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 3 (a), 11, 13 and 33), the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly, the Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness (2016), Housing for All: A New Housing Plan for Ireland (2021), the Urban Development and Building Height Guidelines for Planning

Authorities (in particular SPPR4), the Sustainable Residential Development in Urban Areas (in particular Chapter 5) and the Sustainable Urban housing: Design Standards for New Apartments 2020 (in particular Section 2.4 and 4.22). These guidelines and polices contain objectives which support the delivery of residential development in appropriate locations through the promotion of appropriate densities, in addition to supporting reduced car parking provision for apartments. The proposed development is located on a serviced site identified as Key Development Area 2 in the Celbridge Local Area Plan 2017-2023, contiguous to the town, which will help deliver a compact urban form, through the delivery of an appropriate density and quantum of development, mix of units and supporting car parking provisions.

6.11.3. In conclusion, the applicant asserts that the Board should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

6.11.4. As regards the 2017-2023 Development Plan, this Plan has been revoked and is no longer the operational Plan for the area. The relevant Plan is the Kildare County Development Plan 2023-2027. With respect to Celbridge Local Area Plan 2012-2023, this LAP expired on 27<sup>th</sup> September 2023. I draw the Boards attention again to the fact that the Draft Kildare County Development Plan was on public display from Monday 14th March 2022 to Tuesday 24th May 2022 inclusive, prior to the lodgement of this application. However, the Material Contravention Statement makes no reference to the Draft Plan.

## 7.0 **Third Party Submissions**

7.1. 18 no. submissions were received. The concerns raised are summarised below: -

### Principle of Development

- The proposed development is over the housing target of 603 units for Celbridge as set out in Variation no. 1 of the KCDP 2007-2023.
- New access road serving the development is located on lands zoned E – Community and Educational.

- Vacant properties should be developed first before greenfield sites.

### Residential Amenity

- The development will overshadow Primrose Gate.
- The development will overlook 27-43 Willow Square and will reduce their privacy, and natural light will be really badly affected.
- Several houses in the Willow Square area will have this development facing directly onto their back gardens. As these are north facing, this would further decrease the natural light levels.
- Construction impacts, traffic, dust, noise and 7-year timeframe for construction is too long.
- The boundary to the rear of site A poses an issue in terms of privacy for residents. (in particular no's 16 & 18 Willow Crescent). That estate is not as yet in charge so currently remains private property. The two permeability access points go through residents' private property.
- There is no agreement with the Residents Association of Willow Crescent. Concerns that this pedestrian access points at Willow Crescent would result in safety issues (sense of security), anti-social behaviour, maintenance concerns, noise and safety of young children, littering and would result in an informal drop off area. Willow Crescent is a small cul-de-sac and is not designed to accommodate the increase in foot fall or traffic that would come with the opening up of the fence through to the new development. The estate perimeter should remain intact as it was designed to be.
- The access point at Willow Crescent would be a fire hazard. It is set out that the proposed opening is on top of access to firefighting capability points.
- Concerns raised regarding the design of these connections.
- Lighting designs must balance safety and security with consideration for adjacent residents, in terms of properties beside and facing the boundary, especially with respect to how overpowering lighting can be on surrounds.

### Community and Social Infrastructure

- Excessive level of housing being permitted and there is a lack of social infrastructure to support this housing in Celbridge. Services and amenities should be development in tandem with proposed new housing.
- Social Infrastructure assessment does not reflect the childcare and educational capacity issues in Celbridge.
- Childcare facility should be delivered after the 70<sup>th</sup> home constructed.
- Open space should be delivered early in the scheme.

### Traffic and Transportation

- Traffic congestion will be exacerbated.
- Cycle lanes needed; cyclist currently have to use the footpath.
- Concern about the proposed signalised junction on Shinkeen Road. Adding a staggered signalled junction to this road, which is less than 150 meters from the existing lights on the Dublin Road plus the increased number of cars on this road due to the new development and the future schools will make it very difficult for existing residents get onto the Shinkeen Road
- The bus stop on the Dublin Road is currently not fit for propose and is a safety concern for the residence of the area. The path is less than 1100mm wide and when people are standing waiting on the buses, other people walking past are forced to step down onto the road to get past.
- Infrastructure investment needed before more houses built, including road upgrade and second bridge crossing and a bus stop on Dublin Road. This proposal should be postponed until Celbridge has its second traffic crossing point (bridge) built
- It is set out that Celbridge lacks efficient public transport and the existing public transport lacks capacity.
- Sufficient access required to service the area including proposed school campus for emergency services.

### Flood Risk

- Historical flooding in the area.
- Concern that the impact of the removal of a greenfield site which provides 'soakage' for the area will have a detrimental impact on Primrose Gate and increase the risk from flooding.
- Concern raised about the impact of the development on the water table.
- The Flood Risk Assessment (FRA) did not consider the entirety of the landholding or other existing development in the area.

#### Environment /Landscape

- The development will result in loss of habitat (trees and hedgerow) and will have a negative impact on local biodiversity. Concerns have been raised about birds and bats and a White-Tailed Eagle who is noted to have taken up residence on one of the trees on the green in Willow Crescent.
- Query who will take care and maintain the allotments.
- The open space area would benefit from some amenities for children for e.g. playground amenities or seating.
- Planning should be turned down until an in-depth wildlife study is conducted.

#### Other Matters

- Concerns raised about the school site and if it is of sufficient size.
- Cemetery is almost at capacity and needs a new car park.
- Concerns regarding the ability of the developer to deliver the scheme in full and with the ownership of the lands. It is set out that the developer is currently in Liquidation and in Receivership.

### 8.0 **Planning Authority Submission**

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 12<sup>th</sup> of August 2022. The report includes a summary of the pre-planning history, statutory context, site location and description, third-party submissions and prescribed bodies, relevant planning history, the proposed development, internal reports and policy

context.

The views of the elected members of the Celbridge-Leixlip Municipal District presented at meeting held on 15<sup>th</sup> July 2022 are summarised as follows: school capacity, facilities for children, inclusion of apartments on Dublin Road a surprise, Councillors excluded from SHD process, room to extend the cemetery should be provided, additional housing needs, additional facilities and amenities, bike sheds for cargo bikes should be considered, no real community space for congregation provided in the open space linear park.

Reports from the Municipal District Engineer, Water Services, Transportation, Chief Fire Officer, Environment, Housing and Parks have also been provided.

8.2. The key planning considerations of the Chief Executive's report are summarised below.

#### Zoning

Extent of land take for access road within lands zoned for Community and Education is excessive and would set an undesirable precedent.

#### Density

Gross density is stated at c. 27.6ha. The developable site area is 9.7ha.(excluding flood extents and archaeology) therefore net density is 35.5 units per ha. Taking into consideration the Sustainable Residential Development in Urban Areas (May 2009), the Settlement Hierarchy within the Kildare County Development including population allocation, density paraments outlined for KDA2 at 30 units per ha., and the location of the site and Celbridge not being indicated as a Key Town within the RSES Settlement Hierarchy or the Draft KCDP 2021-2023, the constraints of the site, a density off c. 27.6 units per ha. within the first phase of development is acceptable.

#### Housing Mix

Housing Mix in accordance with SPPR 1 of the Apartment Guidelines (2020). It is set out that a Housing Mix statement was not included in the application.

#### Public Open Space

It is noted that a Landscape Strategy has been included in the application. The level of open space provided is c. 18%. It is noted at 15% is required and that there is a hierarchy of public open spaces, with a mix of active and passive recreation. Community garden noted and it is set out the KCC would not be in a position to take this in charge as set out by the applicant. It is stated that the applicant was made aware of this issue at pre-planning stage and the management of same has not been addressed in any meaningful way.

It is noted that the Park Dept. were satisfied in principle.

#### Green Infrastructure

Green infrastructure policies noted but no comment provided by the LA.

#### Floor Area, Internal Storage, Private Open Space

It is set out that the proposal appears to comply with SPPR 3 and SPPR 4 of the Apartment Guidelines.

#### Childcare Facility

The proposed creche is 369sqm in area locate within the 'E' zoned lands and has a capacity of 74-92 children. A total of 46 no. spaces are required as per the LAP, as per the Childcare Guidelines a total of 92 spaces required. The facility can meet the minimum requirement and is therefore acceptable.

#### Overlooking

It is set out that the setback form rear opposing first floor windows both with third parties and internally is considered acceptable.

#### Overshadowing & Overbearing

Noting the shadow analysis submitted by the applicant, it is considered that there will be no undue overshadowing or impact of residential amenity.

#### Part V

Part V proposed for 69 no. units. Condition required.

#### Car Parking

Shortfall in car parking for the proposed creche noted and it is considered that there

is an inappropriate distribution of car parking within the scheme particularly within Site C around Lots A and D which are dominated by car parking resulting in poor public realm.

### Layout

Concerns raised as regards the location of apartment buildings within the development away from the main access road, resulting in poor design choice and lack of frontage onto main internal access road.

Proposed entrance on to Dublin Road is poor considered and lacks a sense of arrival.

Concern about the location, setting and configuration of the Terraced Block 4 on site B. It is set out that this block should be removed from the scheme.

### Building Height

It is considered that the development adheres to KDA2 regarding building heights. It is further set out that the development complies with the Building Height guidelines.

### Transportation

Map 8.1 of the Celbridge LAP requires for road and footpath improvements along the Dublin Road frontage. Proposal to provide the reservation but not to deliver the infrastructure is unacceptable. It is required to be delivered as part of the phasing outlined in section 13.5.1 of the LAP.

Noting the report from the Transportation Section, it is set out that the existing signalised junction at the Shinkeen/Dublin Road be upgraded with Toucan Crossing and MOVA to deal with additional traffic movements.

### Urban Design Assessment Criteria

The report addresses each of the 12 criteria indicated in the Urban Design Manual Best Practice Guidelines, DEHLG 2009. In addition to matters raised above, it is set out that the detailed design of the scheme is considered unsatisfactory.

The proposed phasing of the scheme is considered acceptable.

## Overall Considered View

Referring to the County Development Plan 2017-2023 and Variation no. 1 which designated Celbridge as a Self-Sustaining Town within the Settlement Hierarchy and the 'New Residential' zoning on the majority of the land as per the Celbridge LAP 2021-2023, the development is considered appropriate in principle.

8.2.1. KCC also recommends 44 no. conditions to be applied in the event that the Board decides to grant permission, including:

**Condition no .1** relates to revisions to the proposed layout including relocation of internal access road outside lands zoned E, revised elevation treatment for apartment/duplex block, revised car parking layout, omission of block 4 in Site B, increased set down area for the creche, revised connections and revised entrance design.

**Condition no. 2** relates to pedestrian/cycle route along Dublin Road to be provided in Phase 1 of the development.

**Condition no 5** relates to design and drawings for a 3m wide two-way off-road cycle track and a 2 m wide footpath including upgrading of public lighting at the site boundary south of the R403 Dublin Road.

**Condition no's 6, 7 & 8** relate to detailed design with respect to Traffic and Transportation infrastructure.

**Condition no. 10** sets out that the pedestrian permeability and vehicular links with the Willow Crescent shall be completed and in operation prior to occupation.

**Condition no. 21** relates to a revised Road Safety Audit.

**Condition no's 36-39** relates to SuDs.

**Condition no. 40 & 41** relates to flood risk mitigation and mitigation measures.

## 9.0 **Prescribed Bodies**

9.1. **Uisce Eireann** (Report dated 21<sup>st</sup> July 2022)

### In respect of Water:

A water connection is feasible without an infrastructure upgrade by Irish Water. A

local upgrade is required to facilitate the proposed connection at the Development, upgrade works are required to increase the capacity the water network (approx. 400m of new 200mm watermain required to replace an existing 150mm watermain). Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. The applicant will be required to fund these works, and it is expected that these works will be delivered in the public domain and will require a crossing of the M4 motorway. Engagement with the relevant authority in respect of the crossing will be required.

In respect of Wastewater:

There are significant wastewater network capacity constraints in the Celbridge area. Irish Water's Capital Investment Plan projects in the Lower Liffey Valley Catchment such as the Lower Liffey Valley Drainage Area Plan (DAP) scheduled to be completed Q2 2022 (this may be subject to change) and Irish Water's Capital Investment Plan project the Primrose Hill Pumping Station Project which will provide strategic solutions to the overall capacity constraints of the area. The Primrose Hill Pumping Station project is scheduled to be completed by Q4 2023 (this may be subject to change).

In addition, a wastewater network extension is required to facilitate this development. Irish Water currently has a project on its current investment plan which plans to deliver the required network extension. This upgrade project is currently scheduled to be completed by 2025 (this may be subject to change).

The applicant is required to continue to engage with Irish Water and Kildare County Council Water Services to maximise certainty on the timelines for any network hydraulic & condition network assessments, upgrades or storm water separation proposals that may be required to be delivered and / or development phasing arrangements so as to align available network capacity with the additional flows generated by the proposed development. Local network assessments would need to be carried out ahead of a connection agreement with Irish Water.

Please note, any storm water separation arrangements will need to be agreed between the applicant and Kildare County Council ahead of any connection application. Irish Water does not accept surface water into the sewer network.

### Design Acceptance:

The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission. Irish Water can confirm that the applicant has received a Statement of Design Acceptance dated 27<sup>th</sup> May 2022 for the proposed water and / or wastewater infrastructure within the Development's redline boundary.

The report includes 3 no. standard Uisce Eireann conditions.

## **10.0 Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive's report, 3<sup>rd</sup> party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Quantum of Development – Density, Housing Mix, Local Capacity to Accommodate Development
- Design Strategy & Placemaking
- Residential Standards/Residential Amenity
- Traffic and Transportation
- Drainage
- Material Contravention
- CE Report

*NOTE 1: As set out in section 6.1 above the Kildare County Development Plan 2023-2029 was adopted on the 9th of December 2022 and came into effect on the 28th of January 2023 and is the current statutory plan for County Kildare.*

**NOTE 2:** The attention of the Board is drawn to the fact that The Apartment Guidelines were updated in August 2023, subsequent to the lodgement of the subject application.

**NOTE 3:** The attention of the Board is drawn to the fact that Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) have been superseded by Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), subsequent to the lodgement of the subject application.

## **10.2. Principle of Development**

### *Proposed Development*

10.2.1. The applicant is seeking a 7-year permission for the construction of 344 no. residential units, creche and associated site works. The residential component of the development consists of 214 no. apartments / duplex units, and 130 no. houses of to be provided as follows:

- 4 no. 3 bed two storey detached houses;
- 28 no. 3 bed two storey semi-detached houses;
- 48 no. 3 bed two storey terraced houses;
- 50 no. 4 bed three storey semi-detached houses;
- 214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, and all duplex apartments / apartments are provided with a terrace / balcony or private garden.

### *Status of Celbridge Local Area Plan 2017-2023 (Zoning)*

10.2.2. I refer the Board to section 6.0 above. The Celbridge Local Area Plan was adopted at a special meeting of Celbridge – Leixlip Municipal District on 17th of August 2017 and in accordance with the provisions of Section 20 of the Planning and Development Act 2000 as amended came into effect six weeks after the adoption on 28<sup>th</sup> September 2017 for a period of 6 years. Consistent with the Planning Act 2000, section 1.2 of the Celbridge LAP 2017-2023 clearly states that 'The period of

this plan shall be taken as being six years from the date of its adoption or until it is reviewed or another plan made, unless it is extended under section 19 (d) of the Planning and Development Act 2000 as amended.'

10.2.3. While objective CS 09 of the KCDP 2023-2029 states, it is an objective of the Council to 'Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines'<sup>14</sup> (Footnote 14 states that 'Where any objectives of an LAP are deemed to be no longer wholly consistent with the County Development Plan, the Planning Authority, will, where practical, consider options regarding the initiation of a review and/or prepare a statutory amendment to the LAP.') The Celbridge Local Area Plan 2017-2023 has not been 'reviewed or another' LAP made and the LAP has not been extended under the provisions of the Planning Act 2000 (as amended). Therefore, the LAP expired on the 27<sup>th</sup> September 2023.

10.2.4. The Board will note that the Kildare County Development Plan 2023 – 2029 was adopted on the 9th of December 2022 and came into effect on the 28th of January 2023 and is the current statutory plan for County Kildare, including Celbridge. However, the KCDP 2023-2029 does not include zoning for Celbridge and relies on the Celbridge Local Area Plan 2017-2023. Having regard to the fact that the Kildare County Development Plan 2023-2029 does not provide zoning for Celbridge town and that fact that the Celbridge Local Area Plan 2017-2023 has expired, the subject site is therefore not located on zoned lands.

10.2.5. Under the Planning and Development (Housing) and Residential Tenancies Act 2016, Strategic Housing Development under Section 3(a) is defined as:

*Section 3 of the Planning and Development (Housing) and Residential Tenancies Act of 2016 set out the definition of SHD as,*

- (a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,*
- (b) the development of student accommodation units which, when combined, contain 200 or more bed spaces, on land the zoning of which facilitates the*

*provision of student accommodation or a mixture of student accommodation and other uses thereon,*

*(c) development that includes developments of the type referred to in paragraph (a) and of the type referred to in paragraph (b), or containing a mix of houses and student accommodation or*

*(d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph (a), (b), or (c).*

10.2.6. The wording of the SHD legislation is prescriptive in that it must be on land that is specifically zoned for residential use. It is considered that no statutory zoning currently applies to the subject site. The KCDP, whilst providing for housing targets and the inclusion of Celbridge in the Core Strategy is explicitly clear under Objective CS 09 that the Council will review and prepare LAPs for the mandatory settlements including Celbridge. This objective and statutory requirements has not been fulfilled. It may have been the intent of the Council that the land use zoning under the LAP remained in place until such time as the LAP was reviewed, however there is clearly ambiguity regarding the zoning status of the lands.

10.2.7. In this context, I consider that the proposed development is not consistent with the legislative preconditions for an SHD application, in so far as it is not on lands that are zoned for residential use or for a mixture of residential and other uses or other uses. This is a substantive procedural issues. It is considered that no statutory zoning currently applies to the subject site. Should the Board be minded to grant permission I would recommend that a limited agent Oral Hearing be held to ventilate this matter. However, it should be noted that I have other substantive concerns regarding the proposed development as set out below.

#### *Core Strategy Compliance - Kildare County Development Plan 2023-2029*

10.2.8. The subject site is a greenfield site located on the northeastern periphery of Celbridge within the 60kmph speed zone. The site and the lands to the immediate southeast and north are in agricultural use, to the south/southwest is residential and to the northeast is the Rye River Brewing Company beyond which there is a cluster of detached houses and semi-detached cottages.

10.2.9. Celbridge is located within the Dublin Metropolitan Area Strategic Plan (MASP) area. Chapter 2 of the KCDP establishes that the growth strategy for the region is to deliver sustainable growth for the Metropolitan Area. I draw the Boards attention to the Ministerial Guidelines ‘Sustainable and Compact Settlements Guidelines for Planning Authorities’ issued by the Department of Housing, Local Government and Heritage in January 2024 adopted subsequent to the KCDP 2023-209, Section 3.3.1 *Cities and Metropolitan (MASP) Areas* establishes as a key priority the delivery of sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.

10.2.10. Chapter 2 of the Kildare County Development Plan relates to Core Strategy and Settlement Strategy. Chapter 2 establishes that the Core Strategy is a critical component of the Kildare County Development Plan 2023-2029 with the ‘purpose of articulating a medium-to-longer term quantitatively based strategy for the spatial development of the area of the planning authority.’. The primary purpose of the Core Strategy is to provide an ‘evidence-based rationale for the quantum of land proposed to be zoned specifically for housing, population and employment or mixed-use to accommodate and align with projected demand.’

10.2.11. Celbridge is identified as a Self-Sustaining Town in the settlement hierarchy and typology of the County (table 2.7). Section 2.14.4 *Self-Sustaining Towns* sets out that ‘the self-sustaining towns of Celbridge, Kilcock, Monasterevin and Clane which have a high level of population growth, and a weak employment base have the potential to improve their employment offering through biotechnology, knowledge based digital enterprises, logistics, tourism and food and beverage products in order to strengthen their overall economic offering’.

10.2.12. The Board will note that a key priority of the NPF and RSES is compact growth. The RSES further requires the preparation of core strategies to have due regard to the settlement typology of towns in the Region and that towns should grow at a sustainable level appropriate to their position in the hierarchy. Higher densities should be applied to higher order settlements such as Key Towns, with a graded reduction in line with the hierarchy. As regards Kildare’s population growth trends

the KCDP states that 'Kildare has a geographically varied population density. In 2016, it had a density figure of 131.3 persons per square km. However, approximately 72% of the county's population live on 5% of the county's total land area, with the northeast of the county having by far the highest population densities. For instance, the Leixlip/Celbridge Municipal District (MD) has a density figure of 702.9 persons per square kilometre, more than four times as densely populated than all other MDs.' The KCDP establishes that the future growth of Celbridge is intended to achieve 'critical mass'.

10.2.13. Regarding reference made by third parties to exceeding housing targets a set out in the Variation no. 1 of the KCDP 2017-2023. I note the Material Contravention Statement submitted by the applicant including housing unit allocation for Celbridge as set out in Table 3.3 of the CDP 2017-2023 (as amended under Variation No. 1 of the CDP). However, in the first instance the KCDP 2017-2023 has been superseded by the KCDP 2023-2029. Therefore the figures referenced are no longer relevant. The relevant figures are those set out in the KCDP 2023-2029.

10.2.14. As regards the KCDP 2023-2029, I draw the Boards attention to Appendix 1 – Housing Need and Demand Assessment and Housing Strategy of the KCDP 2023-2029, section 3.2.2 *Household Demand and Population Projections* establishes a housing demand for County Kildare of 18,134 between 2020 and 2031. The resulting proportional uplift to the 50:50 City Scenario is applied for the 50:50 City forecasts each year, resulting in 9,038 households for County Kildare for the plan period. Section 7.2.1 sets out that it is an objective of the Council to co-operate with the Eastern and Midland Regional Assembly in planning for new homes and meeting housing needs for the Dublin Metropolitan Area (which includes Maynooth, Leixlip, Celbridge, and Kilcock) through the implementation of the Dublin Metropolitan Area Strategic Plan.

10.2.15. Therefore, in accordance with proper planning and sustainable development, the provision of compact growth is provided through the sequential approach to development which is based on settlements expanding outwards from the centre through the development of physically adjoining lands in a coherent manner. This approach allows for new development of physically adjoining lands to integrate

successfully with the existing settlement. Section 3.6 *Housing Supply* of the KCDP sets out that the Core Strategy outlines a housing supply target of approximately 9,144 housing units for the county to the end of 2028, being the end of the Plan period. Chapter 2 sets out growth targets for towns, villages, settlements and rural areas during the Plan period. Growth is directed based on the status of the town or settlement within the settlement hierarchy and the capacity of physical and social infrastructure and the environment to accommodate growth.

10.2.16. The KCDP 2023-2029 establishes that as per the NPF, RPO 3.2 requires local authorities in preparing their core strategies to set out measures to achieve compact urban development targets of at least 30% of all new homes within or contiguous to the built-up urban areas. Objective CS O4 of the KCDP 2023-2029 sets out that it is an objective of the Council to 'ensure that sufficient zoned and adequately serviced lands are available to meet the planned population and housing growth of settlements throughout the county in line with the Core Strategy and the Settlement Hierarchy. Consistent with the NPF and RSES Objective CS 05 seeks to 'Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations...' This objective is further reinforced by section 3.3.1 of the Compact Settlement Guidelines as set out above.

10.2.17. In addition, Core Strategy and Settlement Strategy objective CS O1 sets out that it is an objective of the Council to ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the 'Housing Supply Target Methodology for Development Planning'.

10.2.18. Table 2.8 Core Strategy Table of Chapter 2 Core Strategy of the KCDP 2023-2029 sets out the following:

Settlement Type <sup>8</sup>	Settlement Name	Census 2016 Population	Settlements percentage per total County population	2021 Population Estimate (based on % growth from 2011-2016) <sup>9</sup>	Housing & Population Target %	Population Target 2023 to 2028 (end of Q4) (persons)	Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs	Residential Zoned Land Requirement (ha)	Target Residential Density (UPH)
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Self-Sustaining Towns	Celbridge	20,288	9.10%	21463	10.00%	2515	914	30	35-40
	Kilcock	6,093	2.70%	6446	4.00%	1006	366	12	35-40
	Monasterevin	4,246	1.90%	4492	2.60%	654	238	8	35-40
	Clane	7,280	3.27%	7702	2.40%	604	219	7	35-40

10.2.19. Table 2.8 indicates a Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs of 914 units for Celbridge. Within the Core Strategy regard has been had to extant planning permissions and the zoned land provisions at the time of preparation which included that subject site as part of the Celbridge LAP and at the time of the adoption of KCDP in 2023 an allocation of 914 units was afforded to Celbridge. A cursory planning history search revealed that the proposed 344 units combined with recent planning permissions granted since 2023 do not exceed the 914 unit target as set out in the Core Strategy. However, it is significance in this instance that Table 2.8 also established a residential zoned land requirement of c. 30ha. for the town of Celbridge to accommodate this housing target of 914 units. This is significantly less than that 121.2ha. zoned as part of the expired Celbridge LAP 2017-2023 as set out in Table 4.1 *Estimated Residential Capacity*, 29.5ha. of which relates to KDA2 alone. It would appear that the expired Celbridge LAP 2017-2023 provides for a significant amount of excess zoning at c. 90ha over and above the requirement identified in the Core Strategy for the County Development Plan 2023-2029.

10.2.20. It is clear from the Core Strategy of the KCDP 2023-2029 that there are significant areas of undeveloped land banks that were zoned as part of the Celbridge LAP 2017-2023 that have not yet been developed. Furthermore as noted above, it would appear that the Celbridge LAP 2017-2023 includes a significant amount of surplus zoned land. The KCDP supports consolidation through infill development and the redevelopment of areas that are in need of renewal and the sustainable extension

of established urban areas. Objectives CS O5 and HO O8 seek to 'support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.'

10.2.21. It is clear that the Settlement Strategy and the Core Strategy of the KCDP support the hierarchy of attractive, compact and consolidated settlements. Having regard to the greenfield nature of the site located on the periphery of the built up area of Celbridge and the proposed reduction in residential zoned land requirement identified in Table 2.8 *Core Strategy Table*, I am not satisfied that the proposed development would be consistent with the sustainable and compact growth of Celbridge.

10.2.22. In the absence of the adoption of a LAP for Celbridge in line with the core strategy figures identified in the Kildare County Development Plan 2023-2029, I am conscious that any expansion of development on a greenfield site may prejudice the settlement strategy, the achievement of compact growth and the appropriate sequential approach figures as identified in the core strategy of the KCDP and in this instance the applicant is seeking a 7-year planning permission which is likely to cover the duration of two Country Development Plans and would therefore be contrary to objective CS O1 and CS 04.

10.2.23. The extent of lands required for residential development including greenfield in Celbridge has been quantified in the KCDP at 30ha. which is significantly lower than the lands identified in the expired Celbridge LAP 2017-2023. In my opinion, planning permission should be refused having regard to the objectives within the KCDP 2023-2029 as regards compact growth, and the prioritising of brownfield and infill sites (CS 05). In addition, I consider the absence of a Settlement Capacity Audit for Celbridge to inform the zoning in line with the Core Strategy of the CDP (Objective CS O7) and in accordance with Section 4.5.2 Settlement Strategy of the Development Plans – Guideline for Planning Authorities which states that a '*comprehensive capacity audit of the land and sites with potential for development*

*at a settlement level, is a prerequisite to inform the drafting of the settlement strategy. The planning authority should analyse the capacity of each settlement to accommodate new development in terms of suitable lands and infrastructure within the plan period' would be contrary to the prosed planning and sustainable development on the area.*

10.2.24. Having regard to the above, I consider that the proposed development will have adverse consequences for the proper planning and sustainable development of the area. The Board cannot be satisfied that the development of 344 no. units on a greenfield site of 13.4ha. (which would account for 44.6% of the 30ha. designation as per the Core Strategy) would not prejudice the future settlement strategy for Celbridge as identified in the core strategy of the Kildare County Development Plan 2023-2029 and would not be contrary to objective CS O1, CS O4 and CS O5 which clearly articulate compliance with the Core Strategy and Settlement Hierarchy of the KCDP and the principles of compact growth including the delivery of population growth on 'existing underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements'. In my opinion, planning permission should be refused for this reason.

#### *Land Take for Access Road*

10.2.25. The CE report sets out that the extent of land take for access road within lands zoned for *Community and Education* is excessive and would set an undesirable precedent and recommend a condition that the access road be relocated outside of the *Community and Education* zoned lands.

10.2.26. In the first instance as set out above the lands are currently not subject any land use zoning. The Celbridge Local Area Plan has expired and the Kildare County Development Plan 2023-2029 is the default operational plan for the area. The lands are not zoned under the KCDP. In any case, I refer the Board to table 13.4 of the expired Celbridge LAP where an 'access road' is not a defined land use and in my opinion is an ancillary piece of infrastructure required to facilitate the development

of the lands, in this case both the proposed residential development and the proposed school facilities both of which fall within 'Permitted in Principle' uses within their respective land use zonings as set out in the zoning matrix of the expired LAP.

10.2.27. I draw the Boards attention to the report accompanying the application form the DoE who have raised no concerns and are satisfied with the land available for the proposed school sites. Therefore the access road does not compromise the development of the lands. I am satisfied that the proposed land take for the access road within lands zoned for *Community and Education* is acceptable, is required to facilitate the development of the lands and therefore ancillary to the proposed primary use and does not constitute a material contravention.

#### 10.2.28. Conclusion

The issue of expiration of the Celbridge Local Area Plan 2017-2023 raises a fundamental issue concerning the zoning the site. It is considered that no statutory zoning currently applies to the subject site. In this context, the proposed development is not consistent with the legislative preconditions for an SHD application, insofar as it is not on lands that are zoned for residential use or for a mixture of residential and other uses or other uses.

Furthermore, having regard to the Core Strategy provisions of the Kildare County Development Plan 2023-2029, I consider that the proposed development will have adverse consequences for the proper planning and sustainable development of the area. The site is a greenfield site on the periphery of the established built-up area of the town and it is clear that the Settlement Strategy and the Core Strategy of the KCDP support the hierarchy of attractive, compact and consolidated settlements. Having regard to the greenfield location and the extent of lands identified in the Core Strategy table 2.8 of the KCDP 2023-2029 which has been quantified at 30ha. and which is significantly lower than the lands identified in the expired Celbridge LAP 2017-2023. In the absence of a Settlement Capacity Audit for Celbridge, the Board cannot be satisfied that the development would not prejudice the future settlement strategy for Celbridge, the achievement of compact growth. I consider that development would be contrary to objective CS O1, CS O4 and CS O5 of the Kildare County Development Plan 2023-2029. In my opinion, planning permission

should be refused for this reason

There is no recourse under SHD legislation to seek further information. Having regard to the relevant provisions of the Kildare County Development Plan 2023-2029, which notes that a new Local Area Plan will be made for Celbridge and to the associated Core Strategy Table 2.8 which identifies a surplus of previously zoned land in Celbridge, these are not matters that can be addressed by way condition, in my opinion. Therefore, if the Board are minded to grant planning permission these matter may be addressed by way of a “limited agenda” Oral Hearing whereby the applicant and the local authority are requested to address the issue of the zoning status of the lands, prematurity and the appropriateness of the development having regard to the proper planning and sustainable development of the area in particular, alignment with the core strategy, the principles of sequential development and compact growth. If a limited agenda oral hearing takes place, it will focus only on the issues contained within the limited agenda. I would direct the Board to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

### **10.3. Quantum of Development - Residential Density, Building Height, Housing Mix & Local Capacity to Accommodate Development**

#### *Density*

10.3.1. The proposed development of 344 no. residential units equates to a net density of 35.5 no. units per hectare. This is based on the net site area of 9.7ha. The net site area excludes the following:

- Riparian corridor;
- The new access road (Local Distributor Road);
- The flood area (Zone A and B) located within Site A;
- Lands zoned E Community and Education (noting no residential units can be located on these lands).

10.3.2. Table 3.1 of Chapter 3 of the KCDP 2023-2029 outlines the density levels for different settlement types as per Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) at 30-50 units per ha.

The proposed density is therefore within this range. I further note that the Material Contravention Statement refers to the estimated density outlined for KDA2 set out in Table 4.1 and Section 12.2.2 of the Celbridge LAP which was identified at 30uph. As the Celbridge LAP has expired the applicable plan for the area is now the Kildare County Development Plan 2023-2029. I refer the Board to Table 2.8 Core Strategy Table of Chapter 2 Core Strategy of the KCDP 2023-2029 as set out in section 10.2 above which sets out density requirement for Celbridge of 35-40 uph.

10.3.3. The Board will note that while the KCDP refers to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and Best Practice Urban Design Manual (DoECLG 2009) these have been superseded by the Sustainable Residential Development and Compact Settlements *Guidelines for Planning Authorities* (2024). Celbridge is located in the Metropolitan Area Spatial Plan (MASP), an integrated land use and transportation strategy for the Dublin Metropolitan Area and identified in Chapter 2 – ‘Core Strategy & Settlement Strategy’ as a ‘Self-Sustaining Growth Town’. Section 3.3 of the guidelines relates to Settlements, Area Types and Density Ranges, 3.3.1 relates to Cities and Metropolitan (MASP) Areas, Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs sets out:

*City - Suburban/Urban Extension - Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph*

10.3.4. The proposed density of 35.5 units per hectare is therefore below the density as set out in the guidelines. Density calculations are further refined in Appendix B: Measuring Residential Density. Appendix B states that ‘net site density measure is a more refined estimate than a gross site density measure and includes only those areas that will be developed for housing and directly associated uses as detailed in

Table 1'. Table 1 sets out that following:

Net Site Area Includes	Net Site Area Excludes
<ul style="list-style-type: none"> <li>Local Streets as defined by Section 3.2.1 DMURS.</li> <li>Private and semi-private open space.</li> <li>Car parking, bicycle parking and other storage areas.</li> <li>Local parks such as neighbourhood and pocket parks or squares and plaza's</li> <li>All areas of incidental open space and landscaping.</li> </ul>	<ul style="list-style-type: none"> <li>Major road/streets such as Arterial Streets and Link Streets as defined by Section 3.2.1 DMURS.</li> <li>Lands used for commercial development (inc. retail, leisure and entertainment).</li> <li>Lands for primary schools, churches and other community services and facilities.</li> <li>Larger, Regional or District Parks, Wayleaves or rights of way.</li> </ul> <p>Other areas of land that cannot be developed due to environmental sensitivities, topographical constraints (i.e. steepness) and/or are subject to flooding.</p>

10.3.5. Furthermore, Objective 3.1 of the guidelines set out that while it is a policy and objective that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, Objective 3.1 sets out that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

Step 1: Consideration of Proximity and Accessibility to Services and Public Transport (I refer the Board to section 10.6 below), of particular relevance in this instance, in my opinion is Step 2: Considerations of Character, Amenity and the Natural Environment. With respect to Step 2 included in the consideration at a local level is context *inter alia*; local character, historic environments, landscape, infrastructure and amenity impact on character and amenity. Of note the net area includes the archaeological area, which has been kept free from development to ensure it can be preserved *in situ*. I am satisfied that this area due to its environmental and cultural sensitivity can be excluded based on table 1 above with a resulting increase in density. Therefore, on balance and having regard to the constraints of the site as listed in par. 10.3.1 above and having regard to the prevailing character of the area, the provisions of section 3.4 and Appendix B of the guidelines, I am satisfied that the proposed density is acceptable in this case.

10.3.6. In any case the proposed density at 35.3uph is in accordance with Table 2.8 *Core Strategy Table* of Chapter 2 Core Strategy of the KCDP 2023-2029. I note the CE report raised no concerns as regards density.

*Height*

10.3.7. Section 14.8 of the KCDP 2023-2029 relates to Urban Design and Building Heights and refers to the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) and the relationship between density and height. It is set out that the Plan has adopted a contextual approach to building heights which integrates the specific provisions of the guidelines into the Plan whilst also directing the development of taller buildings into the most appropriate development locations within the county. In any case of relevance to the subject site section 14.8, table 14.1 *Application of the Guidelines on Urban Development and Building Heights to a County Kildare Context* establishes that:

*'Suburban/edge locations - Both infill and greenfield development within the suburban edges of towns should include an effective mix of 2, 3 and 4 storey buildings which integrates well with the surrounding pattern of development'.*

10.3.8. The proposed development provides for building heights of 2-3 storeys only and is therefore in accordance with table 14.1 of the KCDP 20233-2029.

#### *Housing Mix*

10.3.9. The proposed development comprises 344 no. residential units, comprising 130 no. houses, 214 no. duplex / apartment units. The overall unit mix across the scheme comprises 16% 1 bedroom units, 9% 2 bedroom units, 61% 3 bedroom units and 14% 4 bedroom units.

10.3.10. In relation to housing mix the KCDP 2023-2029 requires in accordance with Objective HO O15 a 'Statement of Housing Mix' for 10 or more units in order to ensure an appropriate mix of house types and sizes within individual residential development schemes and that they are adaptable, designed to meet the needs of an aging population and cater for people with disabilities. Accordingly, this statement is required to set out how the proposed housing mix, including type, size and tenure has been determined, having regard to local supply and demand.

10.3.11. Part b) of HO O15 refers to specify target housing mixes, as appropriate, for certain sites and settlements as part of the Local Area Plan process. In the case of the subject site the LAP has expired and there is no 'target housing mix'. Section 7 of the Statement of Consistency and Planning Report accompany the application

includes a Statement of Housing Mix. It is argued that the proposed development has support from national and local planning policy and will provide a sustainable mix of unit types across the Phase 1 lands. The proposed development provides for 214 no, duplex/apartment units, comprising 54 no. 1 Beds (25% of all apartment/duplex units), 30 no. 2 Beds 4 Persons (14%) and 130 no. 3 beds (61%) which is compliant with SPPR 1 of the Apartment Guidelines 2023 which stipulates that 'housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms...'

10.3.12. The Statement of Housing Mix sets out that the overall development provides a wide range of unit types in a sustainable mix which will ensure a wide variety of tenures for a cross section of society. It is set out that CSO - New Dwelling Completion statistics (2021) establish that apartments make up a minority of built development for Kildare at just 13% of the total number of units built in 2021. The development sits in a wider area that predominantly consists of houses. Therefore, the proportion of high quality apartment / duplex units will provide a form of residential accommodation which is lacking in the area. I would agree.

10.3.13. The Statement notes the age profile of Celbridge includes a high percentage of children, young people and people in work age cohorts and that the housing stock of Celbridge (in 2016 -LAP 2016-2023 demographic profile) had an average occupancy rate of two to four persons predominantly. This is consistent with the general findings of the HNDA HS Appendix 1 – Housing Need and Demand Assessment and Housing Strategy of the KCDP 2023-2029.

10.3.14. The Design Statement sets out that the development reflects and integrates with the established pattern of development in the area. I agree and I consider the proposed mix of housing types that range from two to three storeys in height offering a variety of dwelling types of 1,2,3 and 4 bed homes will provide a variety of homes to accommodate all cohorts of the community, in a vibrant and sustainable community responding to the demographics of the growing town of Celbridge. I am satisfied that the proposed housing mix is acceptable and in accordance with

Objective HO O15 of the KCDP 2023-2029.

10.3.15. The proposed development provides for 20% Part V housing on site.

*Local Capacity to Accommodate Development*

10.3.16. The third parties and Elected Members raise significant concerns about the capacity of local services to accommodate the increased demand generated by additional housing.

10.3.17. A Social and Community Infrastructure Audit / Assessment (hereinafter referred to as an SCIAA) accompanies this application. The catchment area considers existing social and community infrastructure primarily located within a 15 minute walking distance to the application site. A baseline survey was undertaken on the existing facilities in close proximity of the proposed development site. The relevant facilities within the surrounding area have been divided into separate sub-categories; Healthcare Facilities, Childcare, Education, Sports & Recreation and Other Community and Cultural Facilities.

10.3.18. Healthcare Facilities: Of the available provisions in the area, there are 7 no. health centres / GP surgeries, 3 no. of which are within the catchment area. There are 3 no. dental practices and 4 no. pharmacies within the catchment area. There are 2 no. nursing homes located within the wider Celbridge area.

10.3.19. Childcare & Education: 19 no. childcare facilities in total were identified, comprising 9 no. facilities within the catchment area, and a further 10 no. facilities in the wider Celbridge area. Based on a capacity survey undertaken as part of the SCIAA, these facilities have capacity to cater for a minimum occupancy of 793 no. children. The facilities who responded to the study indicated that 36 no. childcare spaces are available at present in the catchment area, with an additional 15 no. childcare spaces available in the wider area (51 no. childcare spaces available in total). In addition the prosed development provides a childcare facility with a capacity of 74-92 children (depending on age profile). As set out in the CE report a total of 46 no. spaces are required as per the LAP, however as per the Childcare Guidelines a total of 92 spaces required. The facility can meet the minimum requirement and is therefore acceptable to meet the requirement of the proposed development.

10.3.20. Particular concerns is raised about the capacity of local schools. The SCIAA sets out that there are 6 no. primary schools and 3 no. secondary schools in Celbridge. The SCIAA (based upon the methodology employed by the Department of Education for calculating school demand) states that the proposed development will create extra demand for c. 84 primary school places and c. 60 post-primary school places. Based upon this the proposed development will increase demand by c. 3% in both primary and post-primary schools, which the SCIAA states and I would agree is relatively minor in the overall context and is based on a conservative catchment scenario assumed for the subject site.

10.3.21. The Celbridge LAP albeit expired identifies the north western parcel of the wider KDA2 (*Key Development Area 2– Section 12.2.2 KDA 2 – BALLYOULSTER of the LAP*) lands for primary and post primary schools. The delivery of the lands reserved for the schools will be delivered separately by the Department of Education and is incorporated into the phased approach for the overall lands. However, the proposed access road connecting the Dublin Road to the Shinkeen Road will serve the new residential development (including the currently proposed Phase 1 and future phases), the childcare facility and the lands reserved for the Department of Education / 3 no. schools. A letter of support from the Department is submitted with the application. I note the letter from the DoE dated 10<sup>th</sup> June 2022 acknowledges that there is an established need for the development of the three schools proposed to be developed on these lands and the project is part of their current capital programme. Site inspection on 27<sup>th</sup> March 2025 determined no works have commenced on any school buildings on the site. While I accept the third party concerns as regards school capacity, the delivery of the schools is a matter for the DoE and not the applicant. In any case having regard to this estimated level of demand and the surrounding school capacity within close proximity of the subject site, it is considered that the existing and planned post-primary education infrastructure can accommodate the predicted increase in demand.

10.3.22. Sports & Recreation and Other Community Uses: The SCIAA sets out that the neighbourhood centre of St Wolston's Shopping Centre is in close proximity to the site and includes a Super Valu, a fitness club, a medical centre and a pharmacy. The subject site is also within walking distance of the town centre with a large range

of restaurants, cafes and other services/facilities such as churches, community centres, medical services and a library. There are a number of sports and recreational facilities available in proximity to the site, including Celbridge Abbey Gardens, Celbridge GAA Club and Celbridge Football Club. A service station also adjoins the neighbourhood centre. I am therefore satisfied that the site is well served and accessible to local services and amenities. In addition, I note the proposed development will deliver public open space (approx. 24,726 sq.m / 18% of the gross site area), including 3 no. local parks, with play areas accessible to the general public.

#### **10.3.23. Conclusion**

I note the policies and objectives within Housing For All and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for residential development such as that proposed on sites within existing urban areas. I consider this to be one such site. Having regard to the site location relative to Celbridge town centre and St Wolston's Shopping Centre and public transport (I refer the Board to section 10.6 of this report). I am satisfied that the site benefits from proximity and accessibility to a range of community facilities including school (existing and proposed) and childcare facilities required to support the development, sustainable neighbourhoods and communities. I am further satisfied that the density, height and unit mix proposed are acceptable and consistent with Compact Settlement Guidelines and the KCDP 2023-2029 respectively and given the suburban nature of the site that the existing and proposed services in the area will cater for demand generated by the proposed development.

### **10.4. Design Strategy & Placemaking**

#### ***Site Context***

10.4.1. The application site (with a gross site area of 13.4ha) is located to the south east of Celbridge town centre and is part of 'Key Development Area (KDA2) – Ballyoulster' within the expired Celbridge Local Area Plan 2017-2023. The LAP envisaged that the wider KDA 2 lands could be delivered over 3 no. residential phases with associated physical and social infrastructure. The subject site forms the Phase 1 lands of the overall landholding (c. 40 ha). It includes the Shinkeen Stream which

runs through the site from the north east to the south and the Hazelhatch watercourse along the western boundary. Both watercourses form part of the Liffey Catchment.

10.4.2. The issue of the Design Concept for the site as established by the KDA2 - Ballyoulster Figure 12.1 of the LAP is addressed in the applicants Material Contravention Statement. In this regard, it is argued by the applicant and I would agree that KDA2 Figure 12.1 is a indicative design concept for the site only. In any case, I refer the Board again to the fact that the LAP has expired and in this context criteria as set for KDA2-Ballyoulster have no statutory basis. In the absence of the LAP the Kildare Conty Development Plan is the operative Plan for the area.

#### *Design, Form and Layout*

10.4.3. Section 15.3 *Design Statements* of the KCDP sets out that the Plan advocates a collaborative and multi-disciplinary approach to achieving high quality urban design and placemaking outcomes. As such, it is considered that design statements are a vital tool which can assist all parties involved in the development management process in assessing the suitability of proposed design solutions for specific sites. A detailed architectural design statement is submitted with the application which sets out clearly the overall architectural rationale and approach.

10.4.4. The Celbridge LAP has expired, however the Board will note that the proposed residential units and public open space were located solely on lands zoned 'C: New Residential' as per the Celbridge Local Area Plan Land Use Zoning Objectives Map. Both residential and the local park/playgrounds uses are permitted land uses within the 'C – New Residential' land use zone. The proposed childcare facility is within Site A, on lands zoned 'E: Community and Educational'. Section 13.4 of the LAP confirms that a 'creche/playschool' use is a permitted in principle use within the 'E' zoning objective. The total proportion of the proposed application site which is subject to the 'E' Community and Educational land use zoning is 7% (0.92ha of 12.9ha of land in the applicant's control), and in addition to the childcare facility, it also includes part of the proposed access road. The proposed access road connecting the Dublin Road to the Shinkeen Road, which will provide a local distributor road and is referred to as 'The Boulevard', is located partly on lands

zoned 'E: Community and Educational' (north of Site A), with the remainder on lands zoned 'C: New Residential'.

10.4.5. In brief, the proposed development incorporates a mix of housing and duplex/apartments ranging from two to three storeys and landmark / feature buildings. The Shinkeen Stream is incorporated into the proposed landscape and public realm and includes a continuous pedestrian and cycle link close to the bank, whilst ensuring it protects the riparian corridor. The residential areas are divided into Character Areas - Site A, Site B and Site C and are structured around a series of open spaces which provide for both active and passive recreation. The applicant sets out that this proposed Phase 1 development adheres to all the key objectives for the lands as set out in the Celbridge Local Area Plan 2017-2023 and how it relates to the potential future development of the overall KDA 2 lands.

#### *National Policy*

10.4.6. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. Policy and Objective 4.2 states that 'it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications.' An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in Table 1.

#### *Local Policy*

10.4.7. Policy UD P1 of the KCDP sets out that it is the policy of the Council to 'apply the principles of people-centred urban design and healthy placemaking as an effective growth management tool to ensure the realisation of more sustainable, inclusive, and well-designed settlements resilient to the effects of climate change and adapted to meet the changing needs of growing populations including aging and disabled persons.' Objectives UD 01 and UD 03 seek to promote increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity, accessible to a range of local services and amenities and the '10-minute settlement' concept.

10.4.8. Section 15.3 of Chapter 15 of the KCDP 2023-2029 requires that a design statement is required for residential development comprising of 10 or more units and that they should outline how the development proposal complies with the Urban Design Standards Checklist along with other relevant policy objectives. Section 15.4 *Residential Development* KCDP 2023-2029 states that 'well-designed and integrated housing developments can make a significant contribution to the quality of life and wellbeing of residents and therefore improve the overall long- term sustainability of a settlement as a whole.' Section 14.6 *Urban Design Principles: A Best Practice Approach to Development* of the KCDP 2023-2029 seeks to provide for the delivery of high-quality design within Kildare's settlements by providing best practice guidance to assist key stakeholders in the integration of urban design principles from the conceptual stage of every development proposal. Table 14.2 provides an urban design standards 'checklist' which has been informed by the Urban Design Manual (2009), The RIAI Town and Village Toolkit (2019) and other design-based research. An assessment of the proposed development against the stated 'checklist' is outlined in Table 2.

#### *Design and Contribution to Placemaking*

10.4.9. Having regard to the above, I have reviewed the design, form, layout and placemaking aspects of the proposed development with respect to the KCDP 2023-2029 and the Compact Settlement Guidelines 2024. Table 1 below relates to 'key indicators' as set out in Compact Settlement Guidelines and Table 2 relates to the KCDP 'Urban Design Standards Checklist'. While some aspects overlap the Board will note that both approaches also include other criteria for consideration. It is the combination of these factors that address the appropriateness or otherwise of the design, layout and placemaking success of the proposed development in the context of these standards and guidelines.

#### 10.4.10. Table 1 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	(a) The development includes permeability around and through the scheme. The proposed site layout has been designed to maximise permeability and connectivity to, through and from the site by foot and bicycle. Dedicated cycle
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and pedestrian facilities are proposed at the vehicular junctions on Dublin Road and Shinkeen Road. Permeable links are also proposed to the existing residential settlement to the south. The proposals also allow for connections to future phases. I refer the Board to section 10.6 with respect to pedestrian and cycle connections along the Dublin Road frontage.

(b) The main site access / egress will be via 2 no. new junctions including one on the Shinkeen Road and another on the Dublin Road. Both junctions will take the form of Ghost Island priority-controlled junctions. A new toucan crossing is proposed to the north of the Shinkeen Road junction to facilitate pedestrians and cyclist connectivity with existing facilities. I refer the Board to section 12.6 below.

Provision is made for a local distributor road between Shinkeen Road and Dublin Road in accordance with the LAP. Provision has been made for 2 no. access locations to the reserved school site, as well as links to future phases of residential development on the KDA 2 lands. In addition two no. pedestrian access point are proposed to the residential development to the south of the site.

The proposed development is well served by public transport and services which have adequate frequency and overall capacity as set out in the Traffic and Transport Assessment. The nearest existing bus stops are located on the Dublin Road (c. 300-400m from the proposed access to Dublin Road) and the Shinkeen Road (c. 140m from the proposed access). Additional bus stops are within walking distance of the subject site on Primrose Hill and within the town centre. The Hazelhatch and Celbridge Train Station is located approximately 1.9km south of the subject site and provides frequent train services to Dublin Heuston Station as well as regional routes serving Cork, Galway, Limerick and Waterford. The newly implemented Bus Connect 'Local' Routes L58 and L59 (which are easily accessible from the subject site location) provide bus access to this station.

(c) The principal design guidance of DMURS has been considered in the design of the proposed development. A DMURS Consistency Statement accompanied this application, the proposed development seeks to prioritise pedestrian and cyclists throughout and around the site in accordance with the policies set out in

	<p>DMURS.</p> <p>(d) The quantum of car parking is deemed unacceptable by the PA. I refer the Board to section 10.6 of this report.</p>
(ii) Mix and Distribution of Uses	<p>(a) The development provides for a mix of unit types in addition to a creche facility. In the context of the amenities available in the wider area, I am satisfied that the mix of uses is acceptable. I refer the Board to section 10.3 above</p> <p>(b) City and town centre policy is not applicable.</p> <p>(c) As per section commencing 10.3 above adequate childcare provision has been addressed in accordance with Sections 2.4, 3.3.1 and Appendix 2 of the 'Childcare Facilities Guidelines for Planning Authorities' (2001).</p> <p>(d) As outlined in section 10.3 of this report, the proposed quantum of development promotes intensification.</p> <p>(e) As outlined in section 10.6 and section 12.0 of this report, the proposed development aligns with public transport services.</p> <p>(f) As outlined in section 10.3 of this report, I am not satisfied that the proposed mix of units is in accordance with the Development Plan.</p>
(iii) Green and Blue Infrastructure	<p>(a &amp; b) The Sustainable Residential Development and Compact Settlements <i>Guidelines for Planning Authorities</i> promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel) and to conserve and restore nature and biodiversity. The proposed development includes significant public open space with one local park within each character area. Each public space is integrated with existing hedgerows and mature trees, in addition to proposed footpaths, cycle ways, green links, landscaping and a variety of play spaces.</p> <p>Regarding concerns raised about the impact of the proposed development on local biodiversity, I refer the Board to section 11.0 and 12.0 of this report.</p> <p>(c &amp; d) The proposal SuDS features and components incorporated into the development.</p>

	<p>I am satisfied that the Green Infrastructure proposed is consistent with Policy BI P1 of the KCDP to 'Integrate in the development management process the protection and enhancement of biodiversity and landscape features by applying the mitigation hierarchy to potential adverse impacts on important ecological features (whether designated or not), i.e. avoiding impacts where possible, minimising adverse impacts, and if significant effects are unavoidable by including mitigation and/or compensation measures, as appropriate. Opportunities for biodiversity net gain are encouraged'.</p>
(iv) Public Open Space	<p>(a) Consistent with policy and objective 5.1 of the Sustainable Settlements Guidelines, Section 15.6.6 of the Development Plan sets out a requirement for 15% of sites to be provided as public open space on greenfield sites. The scheme provides 24,726 sq.m (18% gross of site area / 25% of net site area) of public open space including riparian. Therefore, the quantum of public open space is acceptable and in accordance with the Development Plan.</p> <p>(b) The 2.56 ha (25,586 sq.m) includes a necklace of local parks, with one local park within each character area. Each public space is integrated with existing hedgerows and mature trees, in addition to proposed footpaths, cycle ways, green links, landscaping and a variety of play spaces. This includes:</p> <ul style="list-style-type: none"> <li>• Site A Local Park and Playground: The local park is 10,652 sq.m includes a fitness trail, community gardens, extension of hedgerows woodland and natural landscaping, picnic area. A separate playground area is also proposed (c. 200 sq.m).</li> <li>• Site B Local Park: This public open space is c. 10,715 sq.m and has been designed to ensure it integrates and protect in situ the identified archaeology features. The proposed meadow with wild flowers and the raised cycle route will ensure this area is protected.</li> <li>• Site C Local Park and Playground: This local park is c. 4,219 sq.m includes a recreational corridor, large play areas, gardens, picnic areas, woodland and natural landscaping features. A separate playground area is also proposed (c. 500 sq.m).</li> </ul>

The proposed landscaping also incorporates the Shinkeen Stream as a landscape feature, with a continuous pedestrian and cycle link along its bank, whilst retaining the 10m riparian strip, and structured around the variety of open spaces that provide for both active and passive recreation. The proposed access road has been designed as a 'Green Boulevard', which will be a key landscape feature. The landscaping also includes provision of Community Allotments on Local Park (Site A), the CE report sets out that KCC will not be in a position to take thesees in change and the third parties have raised concerns as regard the maintenance of same. In my opinion, the proposed allotments are a welcome addition to the landscaping of the site, these are sited adjacent to the maintenance compound on site. I am satisfied that measures to address the maintenance and management of the allotments can be addressed by way of condition, in the event the Board is minded to grant planning permission. Furthermore, regarding the Elected members concerns about an area for the community to congregate, I am satisfied that public open space including the proposed allotments will provide such spaces.

Provision is also made for 2,151 sq.m of communal open space in total, exceeding the Apartment Guidelines 2020 requirements of 1,650 sq.m. Each Character Area A,B and C provides an over provision of Communal Amenity for residents in the form of gardens and courtyards. Each site is provided with 2no. communal gardens which are located adjacent to the terraces of Duplex Apartments for convenience. The communal open space is broken down as follows within each character area:

- Site A: 1,075 sq.m
- Site B: 486 sq.m
- Site C: 590 sq.m

(c) Overall, the public spaces as proposed are well distributed across the site. I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design.

	<p>I am satisfied that the landscaping is acceptable and consistent with the broad theme of the NBPA 2023-2030.</p> <p>The Sustainable Residential Development and Compact Settlements <i>Guidelines for Planning</i> Authorities promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel, cultural uses and community gardens and allotments, as appropriate to the context) and to conserve and restore nature and biodiversity. In my opinion, the landscaping scheme proposed will provide a variety of multi-functional open spaces for the new residential development which are easily accessible from all dwellings and have been design and organised to encourage active and passive uses of the spaces and provide successful useable spaces within the constraints of the site. All spaces are designed to be fully accessible regardless of mobility and provide accessible pathways across a site with a constraining topography. I am satisfied that the proposed development is in accordance with the Guidelines.</p> <p>I note the third parties argue that open space should be delivered early in the scheme. In this regard, I note the proposed phasing scheme provides for the provision of open space as part of each of the three development phases. I consider this a reasonable approach to the sequential development of the site.</p>
(v) Responsive Built Form	<p>(a &amp; b) The Architectural Design Statement submitted with the application sets out clearly the overall architectural rationale and approach. The proposed development should be viewed in the context of the receiving environment. In this regard the proposals reflect the established pattern of development in the area and integrate with the lands reserved for the primary and post primary schools. A mix of housing types are proposed in buildings that range from two to three storeys in height. Landmark / feature buildings are provided for legibility and to reinforce the proposed hierarchy of streets and spaces.</p> <p>(c) Regarding the impact on the overall urban structure. I am satisfied that the development proposals will strengthen and consolidate the urban structure and is reflective of the receiving environment (two-storey semi-detached /detached</p>

family homes) and will strengthen linkages to the existing residential development to the south and provides for further connection to the adjacent lands to the east.

(d) Regarding the provision of well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontage. A semi-formal streetscape is proposed along primary access routes through the site and at the proposed entrance locations in the form of formal footpaths and a landscape buffer between the footpath and proposed residential units. This is a successful design approach, in my opinion, as it defines the street edge with regard also to residential amenities.

Open spaces, pocket gardens and smaller communal resting spaces are all overlooked with active frontages of living rooms and kitchens from residential dwellings. The phased development of the lands will ensure 3-4 distinct character areas providing legibility and variety of form, architectural language and typologies for the sustainable community.

In relation to the proposed buildings, I note that they would feature elevations for passive surveillance purpose.

(d) The applicants contend that all elevations provide clear built forms and massing which respond to their specific context, addressing corners, entrances and will provide a rhythm to the streetscape and park settings, I would agree. Nodal or feature buildings are provided at the entrances to the site and at the key junctions of both the Dublin Road and the Shinkeen Road and entrance to the greenlink or Linear park along the Shinkeen Stream. To the Dublin Road junction the apartment building turns and faces the entrance with a solid brick form and the glazed balconies of the apartments are set within the corner and overlook the junction and the Donaghcumper Demense to the north.

All elevations are active and all terraces along the linear park or corridor are dual access: that is accessed to provide to the ground floor unit on the park side and to the upper floor unit from the street side. Porches to the duplex terraces are in brick and are set forward to provide a sense of identity to the dwelling and creates a modulation of form within the façade.

	<p>The creche is located at the entrance to the site from the Shinkeen Road. This will be a colourful building with a mix of brick and render which addresses the new Link Road or Boulevard providing a strong sense of identity and legibility to the scheme.</p> <p>I note the concerns raised in the CE report as regards the proposed layout, I have addressed these concerns in table 2 below as well as the design approach with respect to archaeology on site and integration of existing landscape features. I refer the Board to table 2 below.</p> <p>(f) A controlled palette of materials is proposed across the development of brick, render, aluminium windows and doors, railings and tiled roofs applied to domestic pitched roof forms which are efficient in terms of buildability and also for residents to maintain and extend in the long term. I am satisfied that materials and finishes combined with the various built forms proposed are acceptable and would be significantly robust.</p>
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10.4.11. Table 2 – Assessment of KCDP – Urban Design Standards Checklist

<b>Aspect of Urban Design</b>	<b>Urban Design Principle</b>	<b>Urban Design Response</b>
<b>Places for People Enriching the Existing</b>	Character	<p>Having regard to the suburban location and the nature of constructed development on the adjacent lands, in particular, the residential development, the built form, massing and height of the development is consistent with the surrounding context.</p> <p>The design concept creates a coherent site strategy in response to the flood and archaeology site constraints, with consideration of urban design parameters of streetscape, enclosure and passive surveillance. The scheme provides a necklace of public open spaces or a series of local parks integrating with the Shinkeen Stream and its 10m riparian corridor. (I refer the Board</p>

to section 10.7 and 12.0 of this report)

The connected public spaces will create a unique landscape setting and amenity offer within each character area (A,B & C), providing the residents with a mix of passive and active uses, a distinct sense of place and a designated local park to integrate and enjoy with the wider community and 'sense of place'.

I note also that the design strategy does have regard to the integration of the proposed development and the adjoining lands within the KDA not within the ownership of the applicant.

Notwithstanding the above, I agree with the CE report that the setting and configuration of the Terraced Block 4 on Site B is inappropriate, the standalone location negatively impacts on the quality and legibility of the scheme in my opinion, and significantly reduces the quality and usability of the adjacent open space. In the event the Board is minded to grant planning permission, I consider Block 4 Site B should be omitted from the scheme at a loss of 12 no. 3 bedroom units. This would result in a revised density of 34.2 uph. I am satisfied that this reduction in density is minor and not material having particular regard to the site context and the constraints noted in section 10.3 above.

Regarding the concerns in the CE report about the location of apartment buildings within the development away from the main access road, resulting in poor design choice and lack of frontage onto main internal access road. I do not agree with the CE report in this respect. All but three duplex/apartment blocks are located in the vicinity of the main spine route buffered from the spine road by green wedges which serve to soften the impact of the development and counter balance the streetscape provided by housing units to the east of the scheme addressing the spine road. Furthermore, with the exception of Block 4 in Site B, I consider the siting of the duplex/apartment blocks acceptable and serve to

		bookend various residential blocks within the scheme whilst also providing for a balance dispersal of unit types across the wider scheme. Similarly, the concentration of a number of duplex/apartment units at the respective entrances to the development is an acceptable approach in my opinion to announce the scheme, in any case the units at three storeys in height are not incongruous or overly dominant at this location.
<b>Working with the Landscape</b>	Continuity and Enclosure	The Sustainable Residential Development and Compact Settlements <i>Guidelines for Planning Authorities</i> promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel) and to conserve and restore nature and biodiversity. The design incorporates the Shinkeen stream as a landscape feature that includes a continuous pedestrian and cycle link along its bank, with the retention of existing mature trees and hedgerows. The scheme includes 'Local Parks' connected to the Shinkeen Stream public realm; this green link integrates the overall landscape strategy to this linear riparian corridor within the heart of the site. The Arboricultural Assessment confirms that hedgerow removal has been kept to a minimum and mainly consist of short sections to facilitate the proposed development.
	Attractiveness	Throughout the scheme, blocks orientate, overlook, and are accessed from the street and green links which weave through the site. The buildings provide enclosure to a sequence of local parks and public spaces, deliver active frontages, terraces and doorways which animate the streets and pathways, provide important passive surveillance to the public realm and create a strong urban streetscape to the Link Road and this new residential development.
	Variety	In terms of public realm the terrace block fronting the Dublin Road

	<p>creates an active frontage, where dwellings are accessed directly from the public realm. Its building line is pushed forward passed those of the adjoining factory buildings addressing the street to create a new urban response to the Dublin Road and reinforce the hierarchy of this street and neighbourhood within Celbridge town.</p> <p><b>Quality of the Public Realm</b></p> <p>This block rises and turns to open onto this key junction providing legibility of a gateway into the site and passive surveillance to the public realm.</p> <p>I am satisfied that the quality of the public realm is acceptable. The public spaces as proposed are well distributed across the site. I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design.</p> <p>I further note that the applicant's Daylight, Sunlight &amp; Overshadowing Report illustrates and calculates that the proposed public open space would receive sufficient sunlight levels based on the minimum targets set in the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice'</p> <p>This application is supported by an Arboricultural Assessment and Landscape Strategy. It is proposed to retain existing hedgerows and trees where possible, in addition to new planting. Furthermore, the landscaping proposals take into account the riparian strip and ensuring a biodiversity protection zone of 10 metres from the watercourse.</p> <p>In addition, the proposed lighting has been co-ordinated with the project ecologist and landscape architect to ensure it is integrated with biodiversity and the location of planting to ensure no adverse impacts.</p> <p>I note the report from the Parks Dept. of KCC includes planning conditions relating to additional landscape details including cross</p>
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		<p>section drawing. In the event the Board is minded to grant planning permission I consider it appropriate to include condition that the applicant address the requirements of the Parks Dept.</p> <p>I refer the Board to the Landscape Statement accompanying this application.</p>
<b>Making Connections</b>	Ease of Movement	<p>The applicant states that layout represents a landscape-led 'ground up' organisation of the new neighbourhood which is structured by a clear network of street designed with reference to DMURS. It is set out that the strategy aligns with the KDA parameters to provide a clear hierarchy of streets; Link Roads transverse the site and integrate with the wider Celbridge road network, local access roads to serve and access the residential developments and secondary streets with some Homezones which will create quieter residential environments. Vehicular access is connected and continuous across the lands and key junctions have been considered within the layout to provide a clear sense of legibility and orientation. The school lands are served by two junctions from the Link Road and set-down will be self-contained within the site. I am satisfied that the proposed layout has regards to DMURS.</p> <p>In addition, I am satisfied that consideration has been given to offer a variety of passive and active amenities spaces which better supports a more dynamic and sustainable community requirement and provide a strong permeable network of public realm encouraging walking and cycling over the car.</p> <p>I note the concerns raised by the third parties as regards pedestrian connection, in particular, adjacent to no. 18 Willow Crescent and the associated impact on established residential amenity. Having regard to the building line alignment at this location, I would share these concerns. I consider this pedestrian connection would be more appropriately located further to the</p>

		<p>west of no. 18 Willow Crescent and an appropriate landscape buffer and pathway linkage/connection to the connecting footpath network provided. I am satisfied that this matter can be addressed by way of condition, in the event the Board is minded to grant planning permission. The relocation of the pedestrian connection further west will also remove any potential conflict with the existing fire hydrant at this location.</p> <p>Regarding references made by third parties that this estate has not been taken in charge and that the access is on private property. I note the connection points proposed link with the existing public footpaths/ green spaces within the estate and do not traverse private gardens.</p>
	Legibility	<p>As noted in Table 1 above, duplex/apartments buildings are provided to the entrance of prominent routes and at key junctions on both the Dublin Road and the Shinkeen Road. The creche is located at the entrance to the site from the Shinkeen Road and will provide a sense of identity and legibility to the scheme at this location. I am satisfied that the scheme will enhance the sense of place through the architecture, including variety of built forms and landscaping and that the development will create a legible and coherent urban structure which responds in a positive way to the established pattern and form of development.</p>
<b>Mix of Uses</b>	Diversity	<p>The development provides for a mix of unit types in addition to a creche facility. In the context of the amenities available in the wider area, I am satisfied that the mix of uses is acceptable. I refer the Board to section 10.3 above.</p>
<b>Designing for Change</b>	Adaptability	<p>The Design Statement states that residential and non-residential building typologies will be future-proofed to offer high levels of flexibility to allow responsive change of use. The apartment living areas in particular are open plan and can accommodate a variety</p>

<b>Sustainable Design</b>		of internal layouts, making the spaces adaptable into the future. All dwellings have been designed to be compliant with Part M.
	Environmental Sustainability	<p>Consistent with the above of the KCDP 2023-2029 objectives IN O20 -IN O26, the proposed development includes a number of SUDs features including, tree pits, bio-retention areas and swales. Surface water runoff from the development will be attenuated to greenfield runoff rates (Qbar) in accordance with the Greater Dublin Strategic Drainage Study (GDSDS).</p> <p>Furthermore, an Energy Statement Report accompanied the application. The dwellings will be required to minimise overall energy use and to incorporate an adequate proportion of renewable energy in accordance with Building Regulations Part L 2021, Conservation of Energy &amp; Fuel (“Part L 2021 Dwellings”). The Childcare Facility and Community Facility will be designed to meet the requirements of Building Regulations Part L 2021, Buildings Other than Dwellings (hereinafter referred to as “Part L 2021 BOTD”).</p>
	Climate Adaptation and Mitigation	<p>A cost benefit analysis of building fabric standards and the technology solutions will be carried out to determine the correct balance between an efficient building envelope and the most appropriate combination of technology and renewable energy systems. The proposed approach to achieving Part L Compliance will be based on a combination of the solutions, I refer the Board to section 5 of the Energy Statement submitted. The Energy Statement has regard to TGD Part L Nearly Zero Energy Buildings (NZEB) for the proposed development. In addition the application was accompanied by a Building Lifecycle Report.</p> <p>As addressed elsewhere in this report, the application includes an AA Screening Report and an EIAR. I refer the Board to sections 11.0 and 12.0 of this report.</p>

<b>Technical Issues</b>	<p><u>Parking:</u> The proposal includes 585 no. car parking spaces, comprising 474 no. spaces for future residents, 102 no. spaces for visitors and 9 no. spaces for the childcare facilities. An additional 4 no. loading bay parking spaces are also provided.</p> <p>In relation to the duplex / apartment units, provision is made for 214 no. car parking spaces for residents and 65 no. visitor parking spaces. This equates to an overall ratio of 1.4 spaces per dwelling.</p> <p>A car parking management regime will be implemented to control access to the duplex / apartment car parking spaces. Provision is made for EV charging with 10% of apartments / duplexes and houses without on-curtilage parking spaces as per national policy. This equates to a total of 36 no. EV car parking spaces.</p> <p>In addition a total of 452 no. bicycle parking spaces are provided for the apartment / duplex units, including 214 no. visitor spaces.</p> <p>I refer the Board to section 10.6 of this report.</p> <p><u>Built &amp; Cultural Heritage:</u> Chapter 4 of the EIAR submitted with the application assesses archaeology, architecture and cultural heritage. This confirms there are no archaeological sites located within the development area; however, there are three recorded monuments within 300m. The nearest of these sites consists of a ring-ditch (KD011-074), located c. 85m to the east-southeast. The archaeological zone of potential for the historic town of Celbridge (KD011-012001) is located c. 417m to the west. There are two protected structures located within 300m of the development area. The closest is a medieval church (RPS B11-02) located c. 185m west-northwest of the site. This is also a recorded monument (RMP KD011-013). The scheme has had regard to the archaeological heritage and Site B 'Local Park' has been designed to ensure it integrates and protect in situ the identified</p>
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	<p>archaeology features. The proposed meadow with wild flowers and the raised cycle route will ensure this area is protected. I further note that the KDCP Map Ref. V1-11.2 Protected Area Castletown -Donaghcumper does not include any 'views to be preserved' within or from the site. I refer the Board to section 12.0 of this report.</p> <p><u>Flood Risk:</u> A Site Specific Flood Risk Assessment accompanies the application. The assessment confirms that the development has been designed to include the 1% AEP storm event and a 20% allowance for climate change. I refer the Board to section 10.7 and 12.0 of this report.</p> <p><u>Refuse:</u> Adequate provision is made for the storage and collection of waste. The application includes an Operational Waste Management Plan.</p>
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### Conclusion

10.4.12. The KCDP 2023-2029 seeks to promote the concept of a 10-minute settlement focused on inclusive, diverse and integrated neighbourhoods served by a range of homes, amenities, services, jobs and active and public transport alternatives and requires that proposals for new development demonstrate how placemaking is at the heart of the development and how the development will contribute to the local neighbourhood. This approach is generally consistent with the principles of the Compact Settlement Guidelines.

I have reviewed the proposed development against the criteria set out in the Compact Settlement Guidelines 2024 and the KCDP 2023-2029. On balance, I am satisfied that the design and layout of the development is acceptable and represents a well-designed housing development that integrates with its surroundings while incorporating green infrastructure features and maximising the potential for present and future connectivity. The scheme provides for opportunities for social interaction

and the architectural design reflects an attractive mixed tenure scheme that will positively contribute to the creation of a sense of place and identity for the area.

I have set out in Table 2 out above my concerns as regards the Terraced Block 4 on Site B and the pedestrian connection via Willow Terrace, I am satisfied that these matters can be addressed by way of condition in the event the Board is minded to grant planning permission.

On balance, I am satisfied that the proposed development reflects consistency with the KCDP 2023-2029 and Chapter 4 of the Compact Settlement Guidelines with respect to design, layout and placemaking standards.

## 10.5. **Residential Standards/Amenity**

### *Standard of Accommodation/Internal Standards*

10.5.1. The application is accompanied by a Housing Quality Assessment and Schedule of Accommodation document. The Housing Quality Assessment (HQA) document outlines compliance of the proposed apartments with the relevant quantitative standards required under the Apartment Guidelines 2020 (as applicable at the time of making this application). The drawings have also been prepared with regard to the requirements of Section 6 of the Apartment Guidelines, summary of the key points from this is set out below detailing how the scheme complies with the Specific Planning Policy Requirements set out in the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities:

- SPPR 3 refers to minimum apartment sizes. The range proposed within the scheme will be 130 no. 3beds at a minimum of 108.7sqm, 30 no. 2beds at a minimum of 80sqm and 54 no. 1 beds at a minimum of 54sqm all of which meet or exceed the minimum size standards. The Guidelines also set out standards for the minimum widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartment. The proposed units exceed the standards by a minimum of 10%. According to the HQA, the development complies with all the relevant standards. I note the floor area standards are consistent with the Apartment Guidelines 2023.

- SPPR 4 of the Apartment Guidelines 2023 establishes 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 applicant states that 100% of both the apartment and duplex units are dual aspect and all houses.
- SPPR 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. The development proposes a ceiling height of 2.7 metres at ground floor level.
- SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. All apartments' blocks will comprise no more than 12 units per core in accordance with SPPR 6 of Apartment Guidelines
- Par. commencing 3.30 relates to Internal Storage. The scheme provides the required standard of internal storage for each unit, parking of bicycles and bin storage. I refer the Board to section commencing 10.6 relating to car parking provision.
- Standards are also set out for private amenity space. All of the proposed apartments have a balcony that complies with the required size.
- The development is considered to have good internal circulation and has been designed to be safe and secure with good passive surveillance of public spaces. Adequate waste management facilities and additional community infrastructure in terms of the crèche is provided.
- Communal open space is acceptable, I refer the Board to Table 1 above.
- A Life Cycle Report is submitted in accordance with section 6.12 of the guidelines.

10.5.2. I consider the development is consistent with the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and will provide an appropriate standard of amenity for future residents.

10.5.3. The development also includes a number of housing units. All of the houses comply with the qualitative and quantitative standards set out in the Delivering Homes, Sustaining Communities and the accompanying Best Practice Guidelines – Quality

Housing for Sustainable Communities and the KCDP 2023-2029.

#### *Daylight, Sunlight and Overshadowing*

10.5.4. Section 5.3.7 of the Compact Settlement Guidelines 2024 states the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high-quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The Guidelines state that regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2023 also state that planning authorities should have regard to these BRE or BS standards.

10.5.5. 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 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.

10.5.6. The applicant submitted a Daylight, Sunlight and Overshadowing Report assessment makes reference to the prescribed methodologies of the BRE guide and applied the specific daylight / sunlight quantitative performance standards contained therein. The BRE guidance refers to the BRE document 'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice' (2022) (herein

referred to as the “BRE Guide”) by P J Littlefair, which is based on the previous British daylighting standard (BS EN 17037). It is recognised that this updated BRE Guidance were published on the 9th June 2022 and update the previous issue of BRE 209 (2011) to reflect that BS 8206-2:2008: Lighting for Buildings - Part 2: Code of practice for daylighting was recently replaced with EN 17037:2018 Daylight in Buildings.

10.5.7. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

#### *Internal Daylight and Sunlight*

10.5.8. 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 BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

10.5.9. The ADF has been calculated for all habitable rooms of these houses which all meet or exceed the minimum recommendation as per the BRE Guidelines. The report sets out that calculated ADF results are as follows:

- 100% of Bedrooms achieve the BRE recommended ADF of  $\geq 1.00\%$
- 100% of Living Rooms achieve the BRE recommended ADF of  $\geq 1.50\%$
- 100% of the Kitchen/Living/Dining achieve the BRE recommended ADF of  $\geq 2.00\%$

10.5.10. In addition, 98.1% of the total number of spaces assessed achieve the annual required illuminance according to EN 17037 (Bedrooms and Kitchen/Living spaces assessed using the EN17037 metric).

10.5.11. Regarding sunlight to proposed and surrounding living spaces for this assessment the medium level of three hours as stated in BRE 209 20022 was targeted. At least one habitable room in each dwelling achieve this target. It was determined that the openings of the proposed building living spaces that face within  $90^\circ$  of due south

receive at least 25% of annual probable sunlight hours after the inclusion of the proposed development, in line with BRE guidance. The openings of the proposed building living spaces that face within 90° of due south achieve at least 5% of probable sunlight hours during winter months after the inclusion of the proposed development, in line with BRE guidance.

10.5.12. I further note all proposed communal amenity areas will meet the BRE guidelines by achieving 2 hours of sun on ground to over 50% of the assessed area on 21st March, thereby comfortably meeting the BRE target criteria.

#### *Overshadowing Effects*

10.5.13. Appendix A of the Daylight, Sunlight and Overshadowing Report establishes that any instances of overshadowing are limited to short time periods at the beginning and the end of the day, mainly during winter months. On March 21<sup>st</sup>, June 21<sup>st</sup> and December 21<sup>st</sup> any minor overshadowing is limited to short time periods at the beginning and the end of the day, mainly during winter months. I note the third parties contend that several properties will be overshadowed by the development. While the third parties may have concerns in this regard these residential properties are located to the south of the site therefore overshadowing as a result of the development is not likely.

10.5.14. On balance, there is the high level of compliance in relation to daylight, sunlight, and overshadowing impact upon neighbouring receptors, and any minor impact to light amenity must be balanced against the development of the site and the need to increase density and the provision of housing in line with national policy.

#### *Separation Distances, Overlooking and Overbearing Impact*

10.5.15. Section 15.2.2. Overlooking/ *Separation Distances* of the Development Plan sets out that traditionally a minimum distance of 22m is required between directly opposing first floor windows but that this figure may be reduced, subject to the protection of adjoining residential amenities and privacy, the quality of design and adherence. I draw the Boards attention to SPPR1 of the Compact Settlement Guidelines which stipulates "*It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect*

*of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application, a minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level shall be maintained”.*

10.5.16. The applicant sets out that the design, scale and height of the proposed development is sympathetic to the neighbouring properties in proximity to the site boundaries. The closest residential properties are located to the south of Site A within Primrose Gate. For the most part separation distances exceed 22m and where opposing windows are proposed first floor level and the separation distances are below 22m, obscure glazing windows are proposed to bathrooms / ensuite windows to ensure there is no perceived overlooking (House Type D3 and D4). The layout and building forms, combined with the landscape proposals and distance to the neighbouring properties, ensure there is no unacceptable impact in relation to overlooking. The Daylight, Sunlight and Overshadowing Assessment demonstrates that none of the surrounding properties assessed will experience a noticeable reduction in their vertical sky component as a result of the proposed development,

10.5.17. The CE report raised no concerns in this regard, I agree and consider the proposed scheme is acceptable in terms of impact on residential amenity subject to the relocation of the pedestrian connection via Willow Terrace as set out in section 10.4 above.

10.5.18. Having regard to the separation distances between the development and the immediately adjoining development, the maximum height of the development at 3 storeys, building alignment and proposed boundary treatment and landscaping, I do not consider the development will result in any significant negative overlooking or overbearing impact and are acceptable in accordance with SPPR 1 of the Compact Settlement Guidelines and section 15.2.2 of the Development Plan.

#### *Proposed Houses*

10.5.19. The proposed houses and duplex units/apartments are orientated to minimise overlooking and maximise privacy while creating rear gardens that receive ample

sun throughout the day. All houses have their front living room screened from the road by a combination of planting, parking and recessed entrances. I am satisfied that the design and layout of the scheme provides for adequate residential amenities for proposed houses.

#### *Noise and Disturbances*

10.5.20. The third parties set out that there has been no agreement with the Residents Association of Willow Crescent and have raised concerns that pedestrian access points at Willow Crescent would result in safety issues (sense of security), anti-social behaviour, maintenance concerns, noise and safety of young children. It is argued that the estate perimeter should remain intact. As per the provisions of Table 1 above the Compact Settlement Guidelines 2024 include as a key indicator in quality placemaking - Sustainable and Efficient Movement Mix. The Guidelines seek to ensure that the new developments should, as appropriate, include a street network (including links through open spaces) that creates a permeable and legible urban environment, optimises movement for sustainable modes (walking, cycling and public transport) and is easy to navigate and that new developments should connect to the wider urban street and transport networks and improve connections between communities. I am satisfied that the inclusion of pedestrian access points are in accordance with the provisions of the Compact Settlement Guidelines and enhance and provide access to the amenities of the proposed site including access to the proposed school sites and subject to the relocation of the pedestrian connection via Willow Terrace (as set out in section 10.4 above). The proposed pedestrian access points via the southern site boundary are acceptable in my opinion. The access points link two large open spaces and will be overlooked by adjoining homes reducing the potential of antisocial behaviour and safety concerns. Any noise will be consistent with the primary use of both areas as open spaces and would not result in a detrimental impact on residential amenity in my opinion. I further note that the construction and maintenance of the access points will be subject to the terms of this planning application, in the event the Board is minded to grant planning permission.

10.5.21. Regarding concerns raised that Willow Crescent will be used as an informal drop-

off point. There is no reason for this to occur having regard to the adequate parking (I refer the Board to section 10.7) and creche drop-off proposed and the pedestrian and cycle permeability links to be developed as part of this proposal. I have no concerns in this regard. Similarly, as regards concerns raised about increased footfall or traffic via Willow Crescent, there is unlikely to be any increase in traffic as no vehicular access is proposed between the site and Willow Crescent.

10.5.22. Concerns were also raised that proposed lighting designs must balance safety and security with consideration for adjacent residents. A Public Lighting Calculation Report accompanied this application. Section 3.1 relates to *Specific Mitigation Measures* and section 5 concludes that the proposed lighting layouts for the development have been prepared to meet the requirements for the provision of lighting to public roads and footpaths while also implementing measures to minimise light spill and light pollution that could negatively impact on wildlife habitats within and adjacent to the proposed development. I am satisfied that subject to the provision of the key mitigation measures as outlined, the proposed development is acceptable.

#### *Construction Impacts*

10.5.23. A number of third parties raised concerns about construction impacts of the development in particular the proposed 7 year construction time frame and associated traffic, dust and noise. A Preliminary Construction and Management Plan (PCMP) accompanied the planning application and this sets out mitigation measures for site including noise, dust control which will reduce dust and wind born particles. The mitigation measures will be further expanded and detailed by the appointed contractor in the final CEMP and further details to be agreed with KCC. With respect to the proposed 7 year time frame, while the applicant has sought a 7 year permission, I refer the Board to drawing no. 20007-OMP-ZZ-PH-DR-A-1009 'Proposed Construction Phasing Plan' and the Design Statement which provide details of the proposed phasing of development. In summary, the proposed construction of the development has been split into three number distinct phases over a 5-year construction programme. I further note that the proposed phasing of development accords with the phases of development for the KDA 2 lands set out

in Section 13.5.1 of the expired Celbridge LAP. Having regard to the wider issues raised in section 10.2 above and noting that a 5 year construction timeframe has been identified by the applicant. In the event that the Board is minded to grant planning permission, I consider a condition stipulating a 5 year permission is appropriate in this instance.

### Conclusion

10.5.24. The Compact Settlement Guidelines state that necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. It is acknowledged in the Guidelines that in drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.

As outlined in the foregoing, I have considered the location, nature, scale, design, and layout of the proposed development and I have reviewed the applicant's Housing Quality Assessment and the associated plans and particulars, and I am satisfied that the information provided regarding floor areas, dimensions, and aspect etc. is reflective of the scheme.

I am also satisfied that the proposed development would provide an acceptable level of residential amenity for the prospective occupants, supported by an appropriate level of communal services and facilities and will not have a significant detrimental impact on the adjoining properties by reason of overlooking, overbearing impact, noise or construction impacts.

## **10.6. Traffic and Transportation**

10.6.1. The third parties argue that the development will exacerbate traffic congestion. In addition concern is raised about the proposed signalised junction on Shinkeen Road which is less than 150 meters from the existing lights on the Dublin Road.

### *Access & Proposed Roads infrastructure*

- 10.6.2. The main site access / egress will be via 2 no. new junctions including one on the Shinkeen Road and another on the R403 Dublin Road. Both junctions will take the form of Ghost Island priority-controlled junctions. The proposed new junctions include the provision of right turn lanes to ensure vehicles waiting to access the subject site do not delay traffic continuing straight. I am satisfied that this approach is acceptable and I note the CE report raised no concerns in this regard.
- 10.6.3. I draw the Boards attention to the report from the Transportation Section of KCC, which sets out that the existing signalised junction at the Shinkeen/Dublin Road be upgraded with Toucan Crossing and MOVA to deal with additional traffic movements. These works are located outside of the application site on lands not within the control of the applicant and therefore I am not satisfied that this can be addressed by way of condition. In any case I note the development includes dedicated TOUCAN crossings on all arms of the proposed signal controlled junction on the Shinkeen Road. At the extents of the red line boundary, the proposed cycle tracks will tie-into the existing cycle lane arrangement to the north and south on Shinkeen Road. Regarding the third party concerns about the proximity of an additional signalised junction to the existing Dublin Road junction, having regard to the number units proposed and in particular, the future proposal for schools at this location, I am satisfied that the additional junction is acceptable in this instance, I note the CE report raised no concerns in this respect and will also serve to reduce traffic speed at this location.
- 10.6.4. The subject proposals include for the provision of a new 6.5m wide “Local Distributor Road” between the aforementioned site access junctions located on Shinkeen Road and Dublin Road. In addition, provision has been made for 2 no. access locations to the aforementioned school sites to the north as well as links to future phases of the KDA2 lands to the east and south. Dedicated pedestrian footways are proposed along both sides of the corridor with a ‘2-way cycle track proposed on the northern / western side. The internal roads layout is consistent with the principles as set out in DMURS.
- 10.6.5. The north-south link provides a safe and attractive cycle / pedestrian route between

the Dublin Road site access and the existing cycle / pedestrian infrastructure on Shinkeen Road. This will significantly enhance the local cycle / pedestrian network creating a shorter safer cycle / pedestrian route between the Dublin Road corridor (for residents residing here) and Hazelhatch & Celbridge Train Station.

10.6.6. Map 8.1 of the expired Celbridge LAP requires for road and footpath improvements along the Dublin Road frontage. Proposals to provide the reservation but not to deliver the infrastructure are considered unacceptable by KCC. The CE report sets out that these improvements are required to be delivered as part of the phasing outlined in section 13.5.1 of the LAP. I would agree and notwithstanding the status of the LAP, I do not consider the applicants proposal to set back that building line along the Dublin Road corridor to ensure appropriate cycle and pedestrian facilities can be introduced in the future by the Planning Authority is acceptable. While I note that applicants' arguments that the most direct and convenient route (for ca. 80% of future residents) to Celbridge Town Centre is via the Shinkeen Road corridor this does not negate requirement to address appropriate linkages and connectivity to and from the site. This approach is in line with in line with the Compact Settlement Guidelines as referenced in the foregoing section. In the event that the Board is minded to grant planning permission, I consider an appropriate condition be attached requiring the applicant implement cycle and pedestrian facilities along the Dublin Road fronting the site.

#### *Traffic Generation*

10.6.7. Having regard to the concerns raised about traffic connection, I note the TTA submitted includes an analysis of trip generation and distribution. I refer to Table 6.2 (AM Peak Hour) and Table 6.3 (PM Peak Hour) of the TTA which categorises the predicted impacts for the 2039 future design year at the two no. proposed vehicular access/egress points and nine junctions in the vicinity of the site. In brief Table 6.2 reveals that, during the AM peak hour, the impact significance of the subject proposals are categorised as Imperceptible to Not Significant at all key off-site junctions. At the future site access locations, the impacts are classified as Slight to Moderate. Similarly, during the PM peak hour, the impact significance of the subject proposals are categorised as Imperceptible to Not Significant at all key off-

site junctions. At the future site access locations, the impacts are again classified as Slight to Moderate.

10.6.8. A junction impact assessment was undertaken and has demonstrated that the impact of the proposed Phase 1 development will have a sub-threshold impact at all key off-site junctions. Accordingly, the proposed 2 no. site access junctions have been subject to more detailed assessment. The evaluation of the operational performance of both site access junctions following the implementation of the proposed Phase 1 residential scheme established that both junctions are predicted to operate with significant reserve capacity in all design year scenarios.

10.6.9. In addition to the above, the sensitivity assessment scenarios assumes that no future new road infrastructure (MTO3.9) will be in place by the 2039 Future Design Year and therefore represents a worst case assessment where all traffic from development on the entire KDA2 lands will continue to access / enter via the proposed site access junctions on the Dublin Road corridor and Shinkeen Road corridor. The results of the sensitivity analyses reveal that the impact of the introduction of the future school's traffic is most significant at the Shinkeen Road in the AM peak hour which is to be expected. Nevertheless, this junction is still predicted to operate with significant reserve capacity with the introduction of the school's traffic. The introduction of the potential future development on the wider KDA2 lands reveals that both junctions are predicted to continue to operate within capacity albeit the Shinkeen Road is predicted to be approaching capacity over a period of approx. 30minutes in the AM Peak hour. Whilst I accept that development will result in increased traffic at this location, the impact of the residential traffic alone will not result in significant traffic impacts and combined with future school traffic remain within capacity. Furthermore, the implementation of roads objective to the east of the KDA2 (MTO3.9) as part of future phases of the KDA2 would offer alternative route options other than the proposed site access junctions and alleviate capacity issues on Shinkeen Road.

#### *Public Transport*

10.6.10. The proposed development is well served by public transport and services which have adequate frequency and overall capacity as set out in the Traffic and Transport

Assessment (section 2.3). The existing capacity on the local public transport network has been determined based on (i) frequency of services (i.e. timetabled services) and (ii) type / size of vehicle.

10.6.11. The nearest existing bus stops are located on the Dublin Road (c. 300-400m from the proposed access to Dublin Road) and the Shinkeen Road (c. 140m from the proposed access). Additional bus stops are within walking distance of the subject site on Primrose Hill and within the town centre. The site has access to good frequency public transport. In summary the TTA sets out that the lands benefit from access to BusConnects network, with c. 20-minute frequency including Radial Route C4, Night-time Route C6, Go-Ahead Service routes including the 120, 120A and 120B routes within a c. 10-minute walking distance at present, providing access to Edenderry and Dublin City Centre.

10.6.12. Subsequent to the making of this application, BusConnects Phase 5a launched on 25 June 2023 saw the introduction of new W Orbital routes W4, W61 and W62. These three new routes run on average every 15-30 minutes on weekdays and every 30-60 minutes on Saturday and Sunday. There were no equivalent routes operating prior to the launch of this Phase. Phase 5a was combined with W6 and a unified W6 Orbital bus route was launched on Sunday, 24 November 2024. This enhanced service will merge the existing W61 and W62 routes, offering improved public transport links to key areas including Maynooth, Celbridge, Hazelhatch, Newcastle, Saggart and Tallaght. The W6 Orbital route is designed to connect North Kildare, West Dublin, and South Dublin, serving thousands of passengers daily. By linking key towns and urban centres, the W6 will provide a more efficient and reliable travel option for commuters, improving access to jobs, education, and other services across these regions. The W6 will also enhance access to other key transport options, including train services in Maynooth and Celbridge and the LUAS Red Line, providing seamless connections for commuters across Dublin and Kildare.

10.6.13. The Hazelhatch and Celbridge Train Station is located approximately 1.9km south of the subject site and provides frequent train services to Dublin Heuston Station as well as regional routes serving Cork, Galway, Limerick and Waterford. The Bus

Connect 'Local' Routes L58 and L59 provide bus access to this station. The train station is part of the Dart+ programme and the Dart + South West Project from Hazelhatch & Celbridge to the City Centre. The Dart + programme aims to modernise and improve existing rail services in the Greater Dublin Area, delivering frequent, modern, electrified services to Celbridge. DART+ South West Electrified Heavy Railway Order - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin was signed on 13/04/2024 (ABP 316229-23) and will further increase the accessibility of Celbridge with increased train capacity.

10.6.14. I further note that section 6.0 of the TTA establishes that the additional bus trips that the proposed development is predicted to generate amounts to only 1.6% and 2.3% of the total bus transport network capacity available during the morning (0600-1000) and evening (1600-2000) peak periods respectively. The additional rail trips that the proposed development is predicted to generate amounts to only 0.3% and 0.6% of the total rail transport network capacity (serving Hazelhatch & Celbridge) available during the morning (0600-1000) and evening (1600-2000) peak periods respectively. It is noted that this capacity analysis considers only existing bus / rail services and does not take cognisance of future bus network improvements being proposed as part of the Bus Connects proposals or DART+ proposals (as outlined later in this chapter) some / or all of which could be implemented by the subject development's adopted Opening Year of 2024. Therefore, having regard to the above I am satisfied that the site is well served by public transport and that the public transport is of sufficient capacity to cater for the proposed development.

10.6.15. A Mobility Management Plan has been submitted as part of the subject planning application. The strategy involves the marketing and communication of the benefits of alternative active and more sustainable travel, increasing awareness of the adverse impacts of travel and transport on the environment, health and communities (local and nationally), by identifying ways in which individuals can make a difference will be an important element of the MMP. The MMP focuses primarily on how residents, staff at the creche facility as well as visitors can be encouraged to use sustainable means of transport to and from the site.

#### Car Parking / Cycle Parking

10.6.16. Section 15.7.8 of the KCDP 2023-2029 relates to car parking, car parking standards are set out in Table 15.8. Table 15.8 sets a standard of 1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater for houses and 1.5 spaces per unit + 1 visitor space per 4 apartments for apartments. Parking standards are maximum standards. Section 15.7.8 states that residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision.

10.6.17. Based on for 344 no. residential units (130 no. houses including 50 no. 4 bedroom, units and 214 no. apartments) the total residential requirement is 530 spaces. Based on the number of proposed children, the creche requirement is 23 no. spaces excluding staff. A total of 585 (excluding loading bays) no. car parking spaces are proposed as part of the subject scheme comprising 479 no. resident (inclusive of 5 no. creche staff spaces) and 106 no. visitor car parking spaces (inclusive of 4 no. creche set down spaces). The layout provides car parking for in excess of the KCDP maximum requirements. The CE report notes a shortfall in car parking for the proposed creche and the inappropriate distribution of car parking within the scheme particularly within Site C around Lots A and D which are dominated by car parking resulting in poor public realm. With respect to the proposed creche given the oversupply of car parking proposed I am satisfied that this can be addressed by condition and the reallocation of spaces. Regarding the dominance of car parking within Site C, I agree with the CE report in this instance and while the omission of Terraced Block 4 on Site B as recommended above will reduce car parking on site by 25 no. spaces within the scheme, there is capacity to further reduce car parking in particular to the south of the toddler play zone (Site C) where the layout would be better served, in my opinion by additional green space. I am satisfied that a revised car parking layout and car parking schedule in accordance with the requirements of

the KCDP can be addressed by way of condition should the Board consider this appropriate in this instance.

10.6.18. The proposals include the provision of a total of 770 no. bicycle parking spaces / opportunities on-site comprising 272 no. short stay spaces and 498 no. long stay spaces / opportunities. The KCDP (table 15.4) sets out a requirement of 1 space per bedroom + 1 visitor space per 2 apartments. The Development Plan does not specify a rate of cycle parking for residential house units, nevertheless, the subject proposals include for 2 dedicated spaces within cycle stores per terrace house whilst semi-detached and detached houses with a side access to rear gardens can benefit from cycle parking opportunities on curtilage. In addition, short stay cycle parking has been provided for housing units, by way of Sheffield stands, throughout the subject site at a rate of approx. 1 / 3 houses. I do not consider the addition of bike sheds for cargo bikes necessary having regard to the nature and layout proposed scheme. I am satisfied that adequate bicycle parking has been provided on site.

### Conclusion

10.6.19. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place to facilitate access to the proposed site and to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

## **10.7. Site Services, Surface Water and Flooding**

### *Foul Water Drainage*

- 10.7.1. The topography of the site is largely flat, a new strategic foul pumping station for the site and for future development lands is proposed. A foul rising main and associated pumping station and rising main discharge (header) manhole is proposed to service the Phase 1 development and for the wider KDA 2 lands.
- 10.7.2. The proposed foul pumping station is to be located in the central area of the developed lands on the western side of the Shinkeen watercourse (in accordance

with the requirements of Irish Water Code of Practice for Wastewater Infrastructure) and constructed in accordance with Uisce Eireann Standard Details. It will accommodate 24 hours of emergency storage as agreed with Irish Water.

- 10.7.3. A rising main will pump forward flows to the proposed new gravity network on the Shinkeen Stream and discharge (header) manhole shall be located upstream of the new gravity network (constructed in accordance with Irish Water Standard Details). The proposed foul drainage network comprises of a series of 225/300mm diameter pipes, discharging to the pumping station described above. Each residential unit is serviced by individual 100mm diameter connections in accordance with Irish Waters Code of Practice for Wastewater.
- 10.7.4. I refer the Board to the report received from Uisce Eireann (formally Irish Water) which sets out there are significant wastewater network capacity constraints in the Celbridge area. A Confirmation of Feasibility from Irish Water has been received and is submitted with the application. Irish Water have confirmed a wastewater connection is feasible subject to upgrades. The Confirmation of Feasibility confirms that Irish Water's Capital Investment Plan includes for projects in the Celbridge and Lower Liffey Valley Catchment which will provide long term strategic solutions and ensure sufficient capacity for the proposed development. A review of Uisce Eireann's website on 23/04/2025 indicates that the Celbridge Sewer Network Improvement Project is 'in progress' and all sewer pipelaying works have been completed and following the required settlement period for temporary road surfacing, permanent road reinstatement works are planned to commence in February 2024. The Primrose Hill pumping station project was due to be complete in Q4 of 2023 while the gravity sewer upgrade is scheduled to be complete by 2025. No further timeline update is provided. Notwithstanding, I am satisfied that this work has commenced.
- 10.7.5. The proposed foul drainage network has been designed to cater for the proposed residential units and crèche. In the event the Board is minded to grant planning permission a suitable condition requiring the developer engage with Irish Water and Kildare County Council Water Services to maximise certainty on the timelines for any network hydraulic & condition network assessments, upgrades or storm

water separation proposals that may be still be required to be delivered and / or development phasing arrangements so as to align available network capacity with the additional flows generated by the proposed development I am satisfied that the development is acceptable from a wastewater treatment perspective.

10.7.6. The Board will note that a review of the Uisce Eireann Capacity website on 20/5/2025 indicated spare capacity available at the LLVSS WWTP Leixlip.

#### *Water Supply*

10.7.7. Celbridge is connected to the water supply scheme servicing North Kildare. The water supply scheme is serviced by the Ballygoran Reservoir, which can be supplied by both the Ballymore Eustace and Leixlip Water Treatment Plants.

10.7.8. In relation to water supply, the Confirmation of Feasibility from Irish Water confirms a water connection is feasible without an infrastructure upgrade by Irish Water. However, a local upgrade is required to facilitate the proposed connection at the development, upgrade works are required to increase the capacity the water network (approx. 400m of new 200mm watermain required to replace an existing 150mm watermain). The applicant will be required to fund these works and it is expected that these works will be delivered in the public domain and will require a crossing of the M4 motorway. Engagement with the relevant authority in respect of the crossing will be required. The applicant has raised no concerns in this regard. The upgrade works will be carried out by Irish Water under their exempted development powers. I am satisfied that this matter can be addressed by way of condition requiring the applicant liaise with UE and adhered to their requirements.

10.7.9. A review of the Uisce Eireann Capacity website on 20/5/2025 indicated that potential capacity is available in Celbridge subject to 'Level of service' (LoS) improvement to meet 2033 population targets.

#### *Surface Water*

10.7.10. Surface water discharged from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated SUDS features and overland nature based systems such as ponds, swales and detention basins. The proposed development includes a number of

SUDs features including, tree pits, bio-retention areas and swales. Surface water runoff from the development will be attenuated to greenfield runoff rates in accordance with the Greater Dublin Strategic Drainage Study (GDSDS).

10.7.11. Surface water runoff from the site's road network will be directed to the proposed pipe network via conventional road gullies where there are no adjacent open green areas. Where there are open green adjacent areas surface water shall overflow into open green areas via strategically placed dropped kerbs where there will be bio-swales installed to collect the surface water while surface water runoff from driveways will be captured by permeable paving. Both of these features will be fitted with an overflow to drain into the main pipe network.

10.7.12. Surface water runoff from roofs will be primarily routed to the proposed surface water pipe network via the porous aggregates beneath permeable paved driveways (providing an additional element of attenuation). However in some instances rain gardens will be provided at the backs of some properties to act as a form of attenuation and biodiversity.

10.7.13. The existing watercourses within the site provide a suitable surface water discharge point for the proposed development. Surface water discharged from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated SUDS features and overland nature based systems such as ponds, swales and detention basins. Surface water discharge will also pass via a full retention fuel / oil separator (sized in accordance with permitted discharge from the site) and shall be restricted to 2.2l/s/ha.

#### *Flooding*

10.7.14. Some of the observers raised concerns about potential for flooding. The Shinkeen Stream flows through the eastern half of the site, and the Hazelhatch Stream flows along the western site boundary adjacent to Shinkeen Road. Both watercourses pass through culverts as they flow through / adjacent to the site. A Site-Specific Flood Risk Assessment accompanied the planning application.

10.7.15. The SSFRA states that the OPW CFRAM flood maps were produced during the second stage of the National CFRAM Programme. These flood maps are more

detailed than the PFRA indicative flood maps. The site and surrounding area were part of the Eastern CFRAM Study and are included in the 'Celbridge Fluvial Flood Extents' maps. The report notes that the OPW 'Flood Maps' portal indicates that for this CFRAM flood map "Information in this area is under review following an objection, submission and / or further information received". The CFRAM flood map indicates that an area of land in the south eastern extent of the site is at risk of fluvial flooding from the Shinkeen Stream.

- 10.7.16. Kildare CC published new present day and Mid-Range Future Scenario (MRFS) flood extent and depth maps in January 2021 as part of the Hazelhatch Further Study. The purpose of this study was to improve the accuracy of the hydrological analysis and hydraulic model using the most up-to-date data and modelling methods. The detailed flood maps produced as part of the Hazelhatch Further Study, which include the site and surrounding area, supersede the CFRAM flood maps. The Hazelhatch Further Study flood map indicates that parts of the site are affected by fluvial flooding from the Shinkeen Stream. The area affected is larger than that shown on the superseded CFRAM flood map.
- 10.7.17. The SSFRA includes reference to past flood events as noted by the third parties. The report notes that the OPW Flood Relief Scheme Information website includes reference to the Shinkeen Stream (Hazelhatch) Flood Relief Scheme, which was completed in 2001 subsequent to the Shinkeen Stream, flood event which occurred on 5<sup>th</sup> November 2000. The OPW Flood Risk Management portal shows that the Shinkeen Stream at and upstream of the site is an Arterial Drainage Scheme Channel and that areas adjacent are "benefitting lands" which have benefited from flood alleviation works previously completed under the Arterial Drainage Act 1945. Based on the information available, the flood relief scheme comprises channel works (widening, dredging, maintenance etc.) rather than the installation of flood defence structures. It is noted that an OPW 'The Review of the Flood Risk Management Plans' report dated December 2021 as well as the floodinfo.ie portal make reference to ongoing consideration of flood relief works for Celbridge but no specific reference to the site and surrounding area.
- 10.7.18. Table 4.1 of the SSFRA sets out *Possible Flooding Mechanisms*

Source/Pathway		Significant?	Reason
Fluvial Flooding	Floodplain	Yes	OPW and Kildare CC flood mapping indicates that part of the site is at risk of fluvial flooding.
	Culvert Blockage	Possible	The Shinkeen Stream and Hazelhatch Stream are culverted within and in the vicinity of the application site.
Surface Water Flooding	Pluvial Flooding	No	OPW PFRA flood mapping indicates that the site is not predicted to be affected by pluvial flooding. Overland flow routes impacting the site are considered as part of an assessment of fluvial flooding.
	Urban Drainage	No	No evidence of urban drainage flooding or sewer incapacity was found in the background information review.
	Surface Water Discharge	Possible	Any development has the potential to increase the impermeable area at a site and thereby cause an increase in the rate and volume of surface water runoff from the site.
Coastal Flooding		No	N/A
Groundwater		Possible	OPW PFRA flood mapping indicates that the site is not predicted to be affected by groundwater flooding. However the site lies adjacent to lands noted in the Celbridge LAP is potentially being at risk of groundwater flooding.
Reservoirs / Canals / Impoundments		No	A screening assessment based on Ordnance Survey Ireland mapping indicates that there are no reservoirs, canals, or other artificial impoundments in close proximity to the site or that drain towards the site.

10.7.19. A detailed site-specific hydraulic model was built using a linked 1D-2D approach in Innovyz InfoWorks ICM. The model is based on the survey data for the Hazelhatch Further Study (provided by Kildare CC) and accompanying hydrological report. The modelling methodology adopted is consistent with the Hazelhatch Further Study model standards. It has been determined by site-specific hydraulic modelling that 1.5% of the site lies in Flood Zone A (1% AEP) and 9.2% is affected by Flood Zone B (0.1% AEP) due to out of bank flooding, primarily:

- From the Shinkeen Stream in the south east of the site (1% AEP and 0.1% AEP)
- From the Hazelhatch Stream in the south west of the site (0.1% AEP only)
- From the Shinkeen Stream at the downstream extent of the site (0.1% AEP only)

Flooding in the south west and south east of the site are the result of overland flow from out-of-bank flooding originating to the south of the site while flooding at the downstream extent of the site from the Shinkeen Stream is directly out-of-bank.

10.7.20. The SSFRA states that the proposed development results in no increase in flood level off-site, Table 4.4 of the SSFRA relates. Minor increases in localised flood levels (max. 10 mm) are retained with the site boundary and do not impact any built development. Therefore, the proposed development is considered to comply with the OPW Guidelines requirement to avoid any increase in flood risk elsewhere. Allowance for climate change causes a maximum increase in flood level of 0.14 m and flooding for the 1% AEP + CC and 0.1% AEP + CC events does not adversely impact any part of the proposed development. Similarly, regard has been had to increased flood risk to the development resulting from culvert blockage. It is noted that culvert blockage does not cause flooding of any part of the proposed development. Mitigation of the predicted effect of culvert blockage is provided through selection of an appropriate freeboard.

10.7.21. Mitigation of any change in impermeable area at the site and any residual risk of surface water flooding to the development will be achieved by means of an effective surface water drainage network and effective surface water management / maintenance. The potential for a significant pathway for groundwater flooding is unlikely given ground conditions, and all receptors are sited at an elevation that could not be affected by clearwater flooding. The effect of development has been determined by modelling a geometry scenario to reflect the proposed development (proposed ground levels and bridges / culverts).

10.7.22. In summary, while it has been determined through detailed site-specific hydraulic modelling that parts of the site are affected by flooding during the present day, climate change, and culvert blockage events. Development proposals have been developed in accordance with the Flood Zones at the site (i.e., 'highly vulnerable development' in Flood Zone C and 'less vulnerable development' in Flood Zone B) and have been shown to be resilient to flooding during climate change and culvert blockage events.

10.7.23. Mitigation of residual flood risk at the site is discussed in Section 5.2 of the SSFRA. Table 5.3 of the SSFRA provides a *Summary of Risks and Mitigation*.

Identified Flood Mechanism	Consequence	Summary & Mitigating Measures
Fluvial flooding	Risk to life and property	All proposed development is sited in 'appropriate' Flood Zones in line with the OPW Guidelines. FFLs at the site provide the required min. freeboard to adjacent flood levels.
Effect of Climate Change	Risk to life and property	FFLs ensure a standard of protection exceeding 0.1% AEP + CC flood levels.
Effect of Culvert Blockage	Risk to life and property	FFLs ensure a standard of protection exceeding 0.1% AEP + culvert blockage flood levels.
Effect of the Development	Increased risk to adjacent lands and developments	Site-specific hydraulic modelling has shown that the proposed development does not increase flood risk elsewhere and that flood levels are reduced at a number of locations both on- and off-site.
Pluvial / Surface Water flooding	Risk to property on site, risk to adjacent lands and property.	On-site surface water flooding shall be mitigated by a site drainage system to comply with local authority drainage standards. Off-site surface water effects shall be mitigated by provision of SuDS components and no increase in rate and volume of runoff of surface water from the site as a result of the development.
Groundwater Flooding	Risk to life and property	FFLs ensure that the development cannot be affected by elevated groundwater if it was emergent in topographic depressions. There are no basement structures proposed that would be potentially affected by below-ground groundwater flooding.

10.7.24. Based on the Flood Zone Map produced by site-specific hydraulic modelling, the proposed layouts ensure the following:

- Highly vulnerable development (buildings, foul pumping station) is sited in Flood Zone C.
- Less vulnerable development (access roads / local and link streets, car parking / driveways) is sited in Flood Zone B and Flood Zone C.
- Water compatible development (green / landscaped areas / gardens) is sited in Flood Zone A, Flood Zone B, and Flood Zone C

10.7.25. As the primary measure taken to minimise flood risk, development proposals for the site have been developed in accordance with the sequential approach to flood risk management to ensure that proposed development is sited in appropriate Flood Zones as per the OPW Guidelines. FFLs at the site provide more than the required

minimum freeboard to adjacent flood levels. On-site surface water flooding shall be mitigated by a site drainage system to comply with local authority drainage standards. Off-site surface water runoff shall be mitigated by provision of SuDS components, and there shall be no increase in the rate and volume of runoff from the site as a result of the proposed development. FFLs provide more than required minimum freeboard to adjacent flood levels and are resilient to climate change and culvert blockage. Further, FFLs are set a minimum 150 mm above adjacent ground levels to mitigate against the residual risk of flooding from surface water. Site access / egress routes from / to Shinkeen Road and Dublin Road are located in Flood Zone C, so emergency and resident access / egress will be possible during a flood event. The proposed development does not rely on any existing or future OPW / Local Authority Flood Relief Scheme.

- 10.7.26. In order to facilitate access to / from and within the site, the crossing of watercourses at the site will be required. In line with OPW stated requirements and in compliance with Section 50 design criteria, the proposed bridges have been set at a minimum 300 mm above the 1% AEP + CC flood level.
- 10.7.27. I am satisfied that the proposed residential units are not at risk of flooding and will not increase the risk of flooding elsewhere. I note the CE report raised no concerns in this regard.

#### Conclusion

- 10.7.28. The submission by Uisce Eireann raised no objection to the water supply and foul drainage proposals. I note that the potential to build out the scheme is dependent on the upgrade works set out above. However, it of relevance that Uisce Eireann (IW) did not object to the development subject to conditions. Therefore, subject the implementation of the UE conditions, I am satisfied that the development is acceptable.

I further note that the Sirte Specific Flood Risk Assessment identified no hazards to development on the site. I consider the proposed site services and surface water proposals satisfactory in this regard. I am also satisfied that there is no potential flood risk in the vicinity of the proposed site.

## 10.8. Other Matters

### *Ability of the Applicant to Deliver the Scheme*

10.8.1. Concerns regarding the ability of the developer to deliver the scheme in full have been raised by the third parties. It is set out that the developer is currently in liquidation and in receivership. The Board will note that the financial status or otherwise of the developer is not a planning matter.

### *Cemetery Car Parking*

10.8.2. Concerns were raised that the cemetery is almost at capacity and needs a new car park. This is a separate and independent matter and not the subject of this planning application.

### *Existing Infrastructure*

10.8.3. The third parties argue that the bus stop on the Dublin Road currently is not fit for propose and is a safety concern for the residence of the area. Similarly, the third parties argue that infrastructure investment is needed before more houses are constructed and set out that the proposal should be postponed until Celbridge has a second bridge built. In this regard, the Board will note that the applicant is not in a position to carry out works outside of the site boundary other than those works identified as part of this application and where consent has been received from KCCC.

## 10.9. Chief Executives Report

10.9.1. As previously referred to in this report the CE report is recommending a grant of planning permission subject to conditions. I have addressed issues raised in the Chief Executive Report in my assessment above. I note the conditions recommended; I consider these broadly acceptable.

## 10.10. Material Contravention

10.10.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene the Kildare County Development Plan 2017-2023 (CDP) and the Celbridge Local Area Plan 2017-2023, with respect to:

- Housing unit allocation for Celbridge as set out in Table 3.3 of the CDP (as amended under Variation No. 1 of the CDP);
- The car parking standards set out in Table 17.9 of the CDP and objective MTO4.1 of the Celbridge LAP;
- The estimated density outlined for KDA2 set out in Table 4.1 and Section 12.2.2 of the Celbridge LAP; and
- Figure 12.1 of the LAP in relation to the Design Concept for KDA 2 Ballyoulster.

10.10.2. As noted in section 6.0 of this report subsequent to the lodgement of this application the Kildare County Development Plan 2023-2027 was adopted and is now the operational plan for the County. With respect to the Celbridge Local Area Plan 2012-2023, this LAP expired on 27<sup>th</sup> September 2023. The Board will note that the Draft Kildare County Development Plan was on public display from Monday 14th March 2022 to Tuesday 24th May 2022 inclusive, prior to the lodgement of this application. However, the Material Contravention Statement makes no reference to the Draft Plan. Notwithstanding, I will address the matters referred to in the MC statement submitted below.

Housing unit allocation for Celbridge as set out in Table 3.3 of the CDP (as amended under Variation No. 1 of the CDP)

10.10.3. I refer the Board to section 10.2 of this report. The KCDP 2007-2023 incorporating Variation no. 1 has been replaced with the Kildare County Development Plan 2023-2029. Table 2.8 Core Strategy Table of Chapter 2 Core Strategy of the KCDP 2023-2029 indicates a Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs of 914 units for Celbridge. Within the Core Strategy regard has been had to extant planning permissions and the zoned land provisions at the time of preparation which included that subject site as part of the Celbridge LAP and at the time of the adoption of KCDP in 2023 an allocation of 914 units was afforded to Celbridge. The proposed 344 is significantly below the 914 unit target as set out in the Core Strategy in 2023. I am satisfied that the development is in accordance with the housing targets sets for Celbridge and does not represent a material contravention.

The car parking standards set out in Table 17.9 of the CDP and objective MTO4.1 of the Celbridge LAP

10.10.4. I refer the Board to section 10.6 of this report. The KCDP 2007-2023 has been replaced with the Kildare County Development Plan 2023-2029. Section 15.7.8 of the KCDP 2023-2029 relates to car parking, car parking standards are set out in Table 15.8. As set out in section 10.6 above the proposed car parking exceeds the maximum car parking standards set for the residential units. While a low rate of car parking has been provided for the proposed crèche it is considered that this can be easily addressed owing to the oversupply proposed. The Board will note that section 10.6 above includes suggested revisions to the layout to improve the public realm which will result in a loss of car parking spaces and a revised layout and car parking schedule to address the standards as set out in the KCDP 2023-2029. I draw the Boards attention to Section 15.7.8 of the KCDP 2023-2029 which states that the 'Council reserves the right to alter the requirements outlined above, having regard to the circumstances of each particular development, on a case-by-case basis'. Therefore within the Development Plan there is scope for modification to the standards set. Therefore, I do not consider the overprovision of car parking to be a material contravention of the KCDP 2023-2029

The estimated density outlined for KDA2 set out in Table 4.1 and Section 12.2.2 of the Celbridge LAP

10.10.5. The Material Contravention Statement refers to the estimated density outlined for KDA2 set out in Table 4.1 and Section 12.2.2 of the Celbridge LAP which was identified at 30uph. As the Celbridge LAP has expired the applicable plan for the area is now the Kildare County Development Plan 2023-2029. I refer the Board to Table 2.8 Core Strategy Table of Chapter 2 Core Strategy of the KCDP 2023-2029 as set out in section 10.2 above which sets out a density requirement for Celbridge of 35-40 uph. The proposed density is within this density range and therefore does not represent a material contravention of the KCDP 2023-2029.

Figure 12.1 of the LAP in relation to the Design Concept for KDA 2 Ballyoulster

10.10.6. As set out above the Celbridge LAP expired on 16<sup>th</sup> August 2023. Notwithstanding with respect to Figure 12.1 of the LAP, section 12.2 Key Development Areas -

Design Concept section 12.2 (Pg 63) clearly states that '*Design briefs have been prepared to guide development in KDA's 2, 3, 4 and 5. These design briefs set out broad parameters for the future development of these areas. The briefs are based on an appraisal of each area in relation to its urban and landscape setting. 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. For example, access points from the main road network and key connections within the KDA will be required but the actual position of each connection could be altered subject to appropriate traffic safety considerations. Key building frontages may be varied where it is demonstrated that there is a strong urban design rationale and that passive supervision of public spaces is not compromised*'. I am satisfied that the proposed layout is consistent with the broad parameters of Figure 12.1 and section 12.2 which outlines a degree of flexibility in the design approach and no material contravention issues arise.

## 11.0 Appropriate Assessment

11.1.1. I refer the Board to Appendix A -AA Screening Determination.

### *Screening Determination Conclusion*

11.1.2. I am satisfied the potential for significant effects, as a result of the proposed development the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

11.1.3. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

11.1.4. I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be directed to on-site settlement ponds where measures will be implemented to capture and treat sediment laden

runoff prior to discharge of surface water at a controlled rate. Surface water discharge points used during the construction phase shall be agreed with the Local Authority's Environment Section prior to commencing works on site.

- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- Foul waters will discharge to the existing network and will travel to Leixlip Waste Water treatment Plant for treatment prior to discharge; the Leixlip WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 23/4/2025) upgrade works have been completed of the Leixlip Wastewater Treatment Plant and will ensure water in the Lower Liffey Valley meets EPA standards.

11.1.5. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

11.1.6. It is evident from the information before the Board that on the basis of 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 report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

11.1.7. 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 Natura 2000 site.

## 12.0 Water Framework Directive (WFD)

12.1.1. The impact of the proposed development in terms of the WFD is set out in Appendix B of this report. The site is bisected by the Shinkeen Stream to the east of the development and there is a further stream known as the Hazelhatch watercourse to the west. The character of the Shinkeen watercourse is a very deep watercourse of circa 3-4m deep banks. Both watercourses form part of the Liffey Catchment. The River Liffey is located ca. 0.5km to the north of the site.

12.1.2. Following the Site Specific Flood Risk Assessment, it has been determined that much of the site is in Flood Zone C with areas adjoining watercourses in Flood Zones A and B. The proposed development is within low risk Flood Zone C and are considered appropriate as defined by the Guidelines. The development will require a new surface water drainage network including overland attenuation storage features to accommodate surface water runoff from the development. Due to the poor infiltration rates on the site, discharges to the ground would be limited, with the majority of surface water collected on site, positively drained to the Shinkeen and Hazelhatch streams via an attenuated outlet. The proposed development is designed to limit surface water runoff from the site to the greenfield runoff rate and to store flows exceeding this in a combination linear detention basins, swales and ponds. No underground tanks (geo-cellular or otherwise) are proposed for the entirety of the development. Surface water collected on site would also be lost through evaporation.

12.1.3. The WDF status of the Shinkeen Stream is 'poor' and under review, however the

receiving waters of the River Liffey has a 'good' WDF status with no pressures identified. Similarly, the WFD status of the underlying ground water is 'good' with no pressures identified.

12.1.4. Therefore, in accordance with Appendix B of this report, I conclude on the basis of objective information , the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 13.0 Environmental Impact Assessment (EIA)

### 13.1. Statutory Provisions

13.1.1. The proposed development mainly involves the construction of 344 no. residential units (comprising 54 no. 1 beds, 30 no. 2 beds, 210 no. 3 beds and 50 no. 4 beds), a childcare facility. The site has a stated overall gross area of 13.4 hectares.

13.1.2. 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 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.*

13.1.3. The application site has an overall area of 13.4 hectares within a built-up area and therefore requires EIA.

### 13.2. EIA Structure

13.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended

by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

### 13.3. Issues raised in respect of EIA

13.3.1. Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

### 13.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

13.4.1. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations

Table 3 - Requirements of Article 94 and Schedule 6 of the Regulations

<b>Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)</b>	
Requirements	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).	Chapter 2 of the EIAR sets out the description of the site, design and scale of development, considers all relevant phases from construction through to existence and operation together with a description and evaluation of the reasonable alternatives studied by the developer including alternative locations, designs and processes considered; and a justification for the option chosen taking into account the effects of the project on the environment. The description is adequate to enable a

	decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).	Chapters 3-13 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).	Each of the individual sections in the EIAR outlines the proposed avoidance, remedial & mitigation measures. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including a Preliminary Construction and Management Plan (PCMP) and a Mobility Management Plan (MMP). The mitigation measures comprise standard good practices and site-specific measures and are generally capable of offsetting any significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the	As noted above Chapter 1 of the EIAR outlines the consideration of alternatives. Alternative locations are not considered given that the site is the only zoned land in the ownership of the applicant and the KCDP has already been subject to SEA. The 'do nothing' alternative is not considered and alternative uses were not considered owing to the zoning. The EIAR outlines how several different design layouts were considered throughout the process and the final scheme design has been informed by the pre-application meetings with the Planning Authority and with the Board. It is set out that

additional information referred to under section 94(b).	the current proposals provide the optimal form of development on this first phase of the KDA2 lands and help deliver a development that provides residential units and supporting infrastructure in a high-quality development, whilst protecting the amenities of neighbouring properties and providing for a reduction in negative environmental impacts vis a vis the alternative layouts and designs. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.
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**Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).**

A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the baseline/receiving environment which enables a comparison with the predicted impacts of the proposed development. I acknowledge that a significant duration of time has elapsed since the baseline assessments were carried out, but I am satisfied that they are still relevant and adequate for the purposes of this assessment. The receiving environment and adjoining context has remained relatively untouched in the intervening period.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the	The EIAR outlines the methodology employed, consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed

<p>environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.</p>	<p>throughout this assessment.</p>
<p>A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.</p>	<p>The EIAR acknowledges the need to consider major accidents and/or disasters. Where relevant, an assessment of adverse effects has been included. Having regard to the nature, scale, and location of the project, I consider the approach to be reasonable.</p>
<p>Article 94 (c) A summary of the information in non-technical language.</p>	<p>This information has been submitted. I have read this document, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.</p>
<p>Article 94 (d) Sources used for the description and the assessments used in the report</p>	<p>The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.</p>
<p>Article 94 (e) A list of the experts who contributed to the preparation of the report</p>	<p>Table 1.7 (Chapter 1) of the EIAR outlines the EIAR Team, including the qualifications, experience, and expertise of the contributors.</p>

### Consultations

13.4.2. The application has been submitted in accordance with legislative requirements in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied,

therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

- 13.4.3. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EIAR is acceptable. I am satisfied there is sufficient information on file to allow the application to be determined and that documentation submitted by the applicant, provided information which is reasonable and sufficient to allow a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.
- 13.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

### 13.5. *Assessment of the likely significant direct and indirect effects*

- 13.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

### 13.6. **Population and Human Health**

#### *Issues Raised*

- 13.6.1. The submissions from the third parties raise concerns about traffic congestion and safety and fire safety concerns a regards access to fire hydrants for the local population.

#### *Examination, analysis and evaluation of the EIAR*

13.6.2. Chapter 3 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context. Section 3.3 outlines the existing environment is considered under the following headings: • Economic Activity • Social Patterns; • Land Use and Settlement Patterns; • Employment; • Health & Safety; and • Risk of Major Accidents and Disasters. Section 3.5 outlines the predicative impacts of the proposed development. It includes numerous references to other EIAR topics, and these effects will be addressed in more detail in the relevant sections of this report. The main construction effects are predicted to be related to traffic, visual impact, impact/disruption to local services/infrastructure, water pollution, air quality and noise and vibration. The operational phase is predicted to result in several significant long-term positive impacts relating to housing supply, services and amenities, employment, and active travel improvements.

13.6.3. Section 3.6 sets out that the operational stage will result in a further increase in the population of the wider area. This will have a moderate impact on the population (human beings) in the area. This impact is likely to be long term and positive, having regard to the zoning objective for the subject lands, and their strategic location in close proximity to public transport, and the high level of demand for new housing in the area. Cumulative impact on childcare demand is assessed in the Social & Community Infrastructure Audit / Assessment and demonstrates that the development does not result in a demand for childcare provision which could not be reasonably catered for in existing / planned childcare facilities within the area, in addition to the creche provided in the subject development (which has capacity to cater for the entire development proposed, with additional capacity in addition). With regard to human health, the cumulative impact of the proposed development in conjunction with other nearby developments and the ongoing development on the subject site will provide for the introduction of high-quality new housing stock in the area with a high level of accessibility and amenity.

13.6.4. Section 3.8 outlines avoidance, remedial & mitigation measures. The construction stage measures are based on the PCMP provisions including a dust minimisation, noise/vibration control, water protection, traffic management, and a monitoring regime. The operational stage measures relate to the proposed replacement

landscaping and the improvement of walking, cycling, and public transport options. The EIAR predicts that there will be positive residual impacts in the creation of a new community with improved services and sustainable transport options, as well as the consolidation of the existing townscape. The EIAR also considers the potential cumulative impacts of other projects in the area. Subject to liaison between construction sites and implementation of the appropriate best practice measures, no significant cumulative impacts are predicted. The operational phase is not predicted to generate cumulative human health impacts and positive impacts are predicted in relation to townscape character and the delivery of much needed residential development and other services/amenities such as, connections, open space, creche etc.

*Assessment: Direct, Indirect, and Cumulative Effects*

13.6.5. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors as discussed in sections 12.7 to 12.14 of this EIA. I also acknowledge the potential impacts identified in Chapter 10 (Noise & Vibration) and the potential interaction with population and human health. I consider that the predicted impacts and the associated mitigation measures are adequate to prevent any unacceptable impacts. The concerns raised in submissions about traffic congestion and safety have/will be addressed in sections 10.6 and 12.15 of this report, and I am satisfied that there will be no unacceptable impacts. Similarly, I am satisfied that any fire safety requirements will be adequately addressed under the Building Regulations as a separate legal code to the planning process.

*13.6.6. Conclusion: Direct, Indirect, and Cumulative Effects*

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan and a traffic management plan.
- Positive socioeconomic effects at operational stage through the availability of

additional housing, employment, services and amenities, open space and recreational improvements, and sustainable transport options.

## 13.7. Archaeology, Architecture and Cultural Heritage

### *Issues Raised*

#### 13.7.1. None

### *Examination, analysis and evaluation of the EIAR*

13.7.2. Chapter 4 of the submitted EIAR addresses archaeology, architectural and cultural heritage. There are no archaeological sites located within the development area; however, there are three recorded monuments in the vicinity of the site as set out in Table 4.1 of Chapter 4:

**Table 4.1: Recorded Archaeological Sites**

RMP NO.	LOCATION	CLASSIFICATION	DISTANCE TO SITE
KD011-074	Ballyoulster	Ring-Ditch	c. 85m east-southeast
KD011-013001	Donaghcumper	Graveyard	c. 185m west-northwest
KD011-013	Donaghcumper	Church	c. 185m west-northwest

There is no Protected Structures or buildings listed on the National Inventory of Architectural Heritage (NIAH) on site, the following are identified in the vicinity of the site:

**Table 4.2: Protected Structures**

RPS NO.	NAME	DISTANCE TO SITE	DESIGNATION
B11-02	Donaghcumper Medieval Church Ruins	c. 185m west-northwest	RPS and RMP
B11-26	Donaghcumper House	c. 220m north-northwest	RPS and NIAH

A full assessment of the archaeological, architectural and cultural heritage baseline has been carried out, which has included geophysical survey and archaeological testing. This provides for the assessment of potential impacts on sites, areas and structures of significance.

### *Assessment: Direct, Indirect, and Cumulative Effects*

13.7.3. Section 4.6 relates to the Potential Impact (Effects) of the proposed development

### Construction Phase

*Archaeology* -No construction impacts are predicted upon any previously recorded archaeological sites. Archaeological investigations as part of this assessment have

revealed 13 Archaeological Areas, of which AA8 and AA9 are now located outside of the development area, due to changes in the proposed boundary. Neither of these sites will be affected by construction associated with the development. AA1 is the largest of the sites, representing the remains of part of the medieval settlement. Due to the scale and extent of the site, it is proposed to preserve a large portion (c. 90%) of it in-situ within greenspace. An attenuation pond will be located to the northwest of the site and housing and car parking to the immediate southeast of the site. Small portions of ditches associated with the site to the north and east will be directly impacted by ground works associated with the proposed development. This represents a direct, negative impact of moderate significance. Due to the required layouts and density of the proposed development the remaining archaeological sites (AA2-7 and 9-12) will be directly impacted by ground works associated with the proposed development. These impacts represent a direct, significant negative impact upon the archaeological resource.

Whilst the proposed development area has been subject to a detailed programme of archaeological testing, it is possible that small or isolated archaeological features may survive beneath the current ground level, outside of the footprint of the excavated test trenches. Groundworks associated with the development may have a direct negative impact on these remains. Impacts may range from moderate to significant, depending on the nature, extent and significance of the archaeological remains that may be present. To reduce the potential for significant effects, I consider in the event that the Board is minded to grant planning permission that an appropriate condition requiring all ground works associated with the development be supervised by a suitable quality archaeologist would mitigate concerns in this regard. In further note the PCMP sets out that an archaeological conservation/management plan will be developed in order to inform future operations of the development within AA1 and ensure the area is managed appropriately. The plan will be compiled by a suitably qualified archaeologist and contain a list of proscribed activities and policies on future site maintenance.

**Architecture** - No construction impacts are predicted upon any sites of architectural heritage significance. While there are other Protected Structures in the wider area, these are removed from and independent of the subject site.

*Cultural Heritage* – No significant cultural heritage impacts were identified. The watercourse and townland boundary between Ballyoulster and Donaghcumper, which runs through the proposed development area will be retained, although it is proposed to cross the watercourse at three locations. Ground disturbances associated with the crossing points may have an impact on previously unrecorded archaeological remains or artefacts that may survive within the channel of the watercourse. Impacts may range from moderate to significant, depending on the nature, extent and significance of the archaeological remains that may be present

#### Operational Phase

*Archaeology* - No operational impacts are predicted upon any previously recorded archaeological sites. AA1 will be preserved in-situ as part of the proposed development.

*Architectural* - No operational impacts are predicted upon any sites of architectural heritage significance.

*Cultural Heritage* - In relation to the townland boundary and watercourse that crosses the site, no operation impacts are predicted upon this cultural heritage feature.

#### *Conclusion: Direct, Indirect, and Cumulative Effects*

13.7.4. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology and Built Heritage has been appropriately addressed in terms of the application and subject to a condition requiring an archaeologist supervise all ground works associated with the development, I am satisfied that no significant adverse direct, indirect or cumulative effects are likely to arise.

### **13.8. Biodiversity**

#### *Issues Raised*

13.8.1. The third parties sets out that the development will result in loss of habitat (trees and hedgerow) and will have a negative impact on local biodiversity. Concerns has been raised about birds and bats and a White-Tailed Eagle who is noted to have

taken up residence on one of the trees on the Green in Willow Crescent. It is argued that planning should be turned down until an in-depth wildlife study is conducted

#### *Examination, analysis and evaluation of the EIAR*

13.8.2. Chapter 5 of the EIAR deals with Biodiversity. It highlights that the potential impact on European sites is set out in the accompanying AA Screening Report and I have addressed this in section 11 of my report. Desk studies were carried out to obtain relevant existing biodiversity information within the Zone of Influences (ZOI). The assessment also extended beyond the immediate development area to include those species and habitats that are likely to be impacted upon by the proposed residential development. A Preliminary Ecological Appraisal was carried out in September 2020. A pre-survey biodiversity data search was carried out and updated in March 2022. This included examining records and data from the National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC) and the Environmental Protection Agency (EPA), in addition to aerial, 6 inch maps and satellite imagery. Field surveys were carried out as outlined in Table 5.1 of Chapter 5 as set out below. All surveys were carried out in the appropriate seasons.

**Table 5.1: Field Surveys**

AREA	SURVEYORS	SURVEY DATES
Terrestrial Ecology	Bryan Deegan (MCIEEM) of Altemar	August 1st 2020, September 2nd 2021 & May 30th 2022
Aquatic	Bryan Deegan (MCIEEM) of Altemar	August 1st 2020 & September 2nd 2021
Bat Fauna	Bryan Deegan (MCIEEM) of Altemar	September 2nd 2021
Mammal Survey	Bryan Deegan (MCIEEM) of Altemar	March 16th 2021 & March 12th 2022
Wintering Birds	Hugh Delaney (Ornithologist)	October 30th 2021, November 8th 2021, November 24th 2021, December 5th 2021, December 18th 2021, January 7th 2022, January 24th 2022, February 10th 2022, February 25th 2022, March 5th 2022 and March 18th 2022
Breeding Birds	Hugh Delaney (Ornithologist)	May 12th 2022 and June 3rd 2022

I note the timeline of surveys carried out ranges from 2021-2022 and based on the documentation submitted and the pattern of development immediate to the site in the intervening period, I am satisfied that the surveys submitted are acceptable. While I note the third party concerns as regards in-depth wildlife surveys, I am satisfied that the surveys carried out are comprehensive and in line with best practice.

13.8.3. The EIAR establishes the potential zone of influence (ZOI) at a radius of 2km from the proposed Project. Where there was a potential for the ZOI to be influenced by

drainage connections, natural biodiversity corridors e.g. rivers or woodland these were also take into account and the assessment was extended. It is considered that the potential ZOI extends beyond the site outline via the watercourse on site and the proposed foul and surface water drainage strategy.

Designated Sites - I refer the Board to Section 11.0 of this report.

Overview: The proposed development site consists primarily of BC1-Arable Crops, WL1- Hedgerow, FW2- Depositing Lowland Rivers, WS1- Scrub, WD1-(Mixed) Broadleaf Woodland and GS2-Dry meadows and grassy verges. Of significant importance are the watercourses and the associated riparian corridors and woodland. This importance is primarily as these areas form important biodiversity corridors for biodiversity. It should be noted however that no flora species of conservation importance or invasive species were noted on site by the NPWS or NBDC or during site surveys. No amphibians or reptiles were noted on site, but the site is likely to have frogs on site due to the presence of watercourses. The common lizard (*Zootoca vivipara*) or smooth newt (*Lissotriton vulgaris*) were not recorded on site. No terrestrial fauna of conservation importance were noted on the proposed development site. There are small mammal burrows on site within the hedgerows but these would be associated with rabbits. Bats were noted foraging along the western boundary and in the vicinity of the watercourse on site. No trees of bat roosting potential were noted on site. While badgers have been noted within the 10km<sup>2</sup> grid by the NPWS. No badgers or badger activity was noted on site.

Trees & Hedgerows: An Arboricultural Assessment accompanied this application. Within the overall landholding, 55 no. trees were tagged individually (Nos.374- 428), with 4 no. trees, 9 no. tree lines, 3 no. tree groups and 22 no. hedges. To facilitate the 'Phase 1' development on these lands, it will be necessary to remove c.351m of the 1,372m of hedging which is c.25.6% of the total hedgerow length within the site area along with 6 no. of the 69 no. trees which is 8.7%. Hedgerows are primarily along the eastern extent of the main watercourse within the site and within the fields to the east of the watercourse. Of note, the landscaping strategy provides for the conservation of the existing dense planting of the river bank (Riparian zone) and seeks to reinforce the rural aspect (farmlands habitats) with an natural arrangement

of new native hedgerows, which provide food, home and nectar for variety of wildlife. The landscaping proposals take into account the riparian strip and ensuring a biodiversity protection zone of 10 metres from the watercourse. Whilst I note the loss of trees and hedgerow, in the context of the comprehensive development on the site, I do not consider the proposed losses to be significant and combined the landscaping measures proposed a part of the development (I refer the Board to section 10.4 above), I am satisfied that the development is acceptable.

**Birds:** 50 bird species were recorded during 11 winter bird surveys from October 2021 to March 2022. The species diversity was quite typical of that expected in the context of inland arable lands in Leinster. In the context of wintering bird species that are red listed as species of conservation concern in the revised Birdwatch Ireland List of birds of conservation concern in Ireland (2020-2026) Redwing and Snipe were recorded in small numbers. Results from the surveys suggest that the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby Special protection areas (SPA's). Some of the more notable species recorded wintering on-site were Yellowhammer, Reed Bunting, Skylark, and Kingfisher (recorded on four dates on the stream) with several sightings of Kestrel and once a Merlin. Snipe was mostly recorded at the south field section of the site. Mallard is amber listed as a wintering species of conservation concern in Ireland and was recorded in small numbers on the stream on-site. Four species were noted passing almost exclusively over the site and were not noted to forage on the site itself.

30 Bird species were recorded over 2 visits in May-June 2022. Of these 9 species were proved breeding on-site, with mainly juveniles observed on-site indicating breeding on-site or in immediate adjacent areas. These were Yellowhammer, Robin, Wren, Blue Tit, Long-tailed Tit, Great Tit, Meadow Pipit, Blackbird and Blackcap. Of these species Yellowhammer are a red-listed breeding species (high conservation concern) from the recently updated Birdwatch Ireland's Birds of Conservation Concern in Ireland List (2020-2021), a minimum of three pairs were located on-site. It should be noted that one of the three yellowhammer territories was located within the proposed development site. Other noteworthy species noted

on-site were Meadow Pipit (minimum two pairs), Reed Bunting (one pair), Willow Warbler and Skylark.

Regarding third party reference that a White-Tailed Eagle has taken up residence in one of the trees on the green in Willow Crescent. I note this species is Red-listed according to Birds of Conservation Concern in Ireland 2020-2026 and is of high conservation value as a result. According to Birdwatch Ireland the White-Tailed Eagle was re-introduced to Killarney National Park in 2007. This reintroduction programme saw 100 young eagles released in the National Park which were then free to disperse as they pleased. The National Biodiversity Data Centre website (reviewed 30/04/2025) notes that as of July 2020, a small breeding population has successfully fledged chicks across Cork, Kerry, Clare, Galway and Tipperary (NPWS, 2021). The Birdwatch Ireland website (reviewed 30/04/2025) notes that GPS tracking has shown that the released eagles have dispersed significantly and have been recorded in almost all Irish counties.

No record of the White-Tailed Eagle was recorded during survey work carried out on site and while these birds live in varied habitats, their habitat are closely associated with water and generally occur in lowland areas. Especially in winter, many White-tailed eagles often frequent low coastal spots, estuaries, and coastal marshes. Inland, birds usually require secluded woods, forested areas, or groups of trees with tall mature trees and access to freshwater wetlands such as lakes, river systems, marshes, or extensive, low-disturbance farmland. The location within a suburban green space would not be consistent with this habitat. The Birdwatch Ireland website (reviewed 30/04/2025) did not identify any breeding distribution or winter distribution at the location of the proposed site.

Clearance, reprofiling and construction of the site will result in the loss of nesting and foraging habitat in addition to foraging habitat for birds of conservation importance. However, it should be noted that the majority of hedgerows and the riparian corridor will be retained and enhanced. Construction activities will create disturbance on site. The yellowhammer territory within the site will be retained. Subject to the mitigation measures as set out in section 5.8 of the EIAR which includes ecologist supervision and additional nesting and foraging resources for

birds on site including 20 no. bird boxes and native planting, I am satisfied that the development is acceptable. Operational impact on birds is considered Low Adverse/Site/Negative/Not Significant//short term.

Terrestrial Ecology: No mammals of conservation importance would be significantly impacted by the proposed development. No badgers or badger activity was noted on site. No protected terrestrial mammals were noted on site or in the immediate vicinity of the site. It should be noted that significant dialogue has gone into retaining biodiversity corridors on site and minimising light spill into open space areas, hedgerows and treelines on site. Landscaping on site will improve the biodiversity value of the site. There is potential for mammals of conservation importance to enter the site and establish resting and breeding places between the original survey and the commencement of works. The construction of water crossings can lead to the fragmentation of mammal territories. The following mitigation will be carried out in relation to terrestrial mammals:

- A preconstruction mammal inspection will be carried out.
- Mammal passes will be placed within culverts/bridges any stream crossing.

Amphibians and reptiles. Frogs and reptiles were not observed on site. However, frogs are likely to occur on site. The common lizard may occur on site but was not observed. There is potential for the works to impact on the habitats on site that could potentially support frogs either by direct destruction of the habitats or by onsite pollution or silt ingress. Mitigation measures are outlined in section 5.8. Impacts at operation stage: Neutral/Not significant/long term/likely in the absence of mitigation: negative; slight; short term, not significant.

Bats. The Bat Survey undertaken within the active bat season in good weather conditions with surveying temperatures of greater than 10oC. Foraging activity on site was moderate on site with soprano pipistrelle, Leisler's bat and common pipistrelle bats all noted foraging along treelines and hedgerows on site. No roosts or bats emerging from the onsite trees were observed. However, a soprano pipistrelle was noted emerging from an ivy clad ash tree to the north west of the site. The trees on and adjacent to the site have no features that would act as potential roosting areas and no definitive bat roosts were noted on site and no bats were

observed emerging from onsite trees. In any case I note that the majority of trees are to be retained. Lighting during construction has the potential to impact on bat foraging. Impacts in the absence of mitigation: negative; minor adverse, site, short term, not significant. The mitigation measures are outlined in Section 5.8. With the implementation of appropriate mitigation measures no significant impacts on are likely.

**Aquatic Ecology:** Given that there are two watercourses within the proposed development site and works are proposed in the vicinity of the watercourses, including crossings, there is potential for localised and downstream impacts on aquatic biodiversity. The following mitigation will be carried out in relation to aquatic biodiversity. The following mitigation will be carried out in relation to aquatic biodiversity:

- Inland Fisheries Ireland will be provided with an up to date CEMP and methodology statement prior to construction works commencing on site. This will include detailed methodologies for the watercourse crossings on site which are to include non-wooden mammal passes.
- Ecological supervision of all instream or riparian works will be carried out by an aquatic ecologist with previous Ecological Clerk of Works experience in riparian works including watercourse crossings.
- Silt fencing will be placed at key work locations in the vicinity of the watercourse subject to approval of the aquatic ecologist

13.8.4. Construction stage impacts on habitats include direct loss/damage. Appropriate measures will be taken to prevent the movement of silt laden surface water run-off and dust into adjacent habitats, and in particular the surface water network and watercourses. Mitigation measures need to be in place including silt fencing, a wheel wash and roads sweeping to ensure silt does not enter the drainage and watercourse networks from construction activities, particularly during enabling works. These measures are outlined in section 5.8 of the EIAR. With the implementation of appropriate mitigation measures no significant impacts on are likely.

13.8.5. Significant operational impacts are not predicted having regard to the proposed measures relating to replacement landscaping and water quality protection, as well as the absence of any significant connections to faunal species. The risk of a major accident and/or disaster on site is considered extremely low but suitable mitigation measures have been included to address any such events.

13.8.6. I refer the Board to table 5.12a: Construction Impacts on habitats, Table 5.12b: Construction Impacts on species of the combined site and Table 5.13b: Operational Impacts on species of the combined site of Chapter 5 of the EIAR.

13.8.7. With regard to potential cumulative effects, the EIAR outlines that a Strategic Environmental Assessment (SEA) and Natura Impact Report (NIR) was prepared as part of the KCDP, which assessed the potential to adversely affect the integrity of Natura 2000 sites and biodiversity in general. Developments permitted in the area have also been outlined and I have considered the planning register in light of the significant passage of time since the making of the application. The EIAR does not identify the potential for any significant cumulative impacts on biodiversity.

*Assessment: Direct, Indirect, and Cumulative Effects*

13.8.8. I would concur with the EIAR that no significant effects are likely from any cumulative impacts.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.8.9. I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as follows:

- Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting.
- Construction and operational impacts on water quality which will be mitigated by an Environmental Management Plan including the preparation and the implementation of detailed measures to be implemented on the site as well as the construction methods for construction activities, appropriate supervision of works and operational surface water drainage system.
- Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental

Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works.

## 13.9. **Landscape and Visual**

### *Issues Raised*

#### 13.9.1. None

### *Examination, analysis and evaluation of the EIAR*

- 13.9.1. Chapter 6 assesses the potential effects on the landscape and visual impact. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the Design Strategy including scale and height of the proposed development on the suburban environs of the site from an urban design and planning context in addition to 'Views' in the planning assessment of my report section 10.4. The Bord will note that the KDCP Map Ref. V1-11.2 Protected Area Castletown - Donaghcumper does not include any 'views to be preserved' within or from the site.
- 13.9.2. The site is an irregularly shaped greenfield land parcel at the eastern edge of Celbridge, part enclosed within the urban area. The lands are not recorded as a high value landscape. The site falls into the Northern Lowlands Landscape Character Area as defined in the Kildare Landscape Character Assessment. (The site is close to but falls outside of the Liffey River Valley Character Area) . At the local level the proposed development's receiving environment can be considered peri-urban in character. It retains certain 'rural elements and characteristics' (the agricultural fields that make up the site) but is heavily influenced and part-enclosed by the urban area of Celbridge.
- 13.9.3. A series of 10 viewpoints have been prepared to assess the visual amenity impact of the proposed development (including proposed landscaping) from a variety of locations in the wider landscape. At local level the proposed residential development will constitute a significant intervention in the local setting replacing existing vacant field with a large residential development. However, in most cases the impact on local views is significantly mitigated by existing/planned development

and vegetation. Immediate to the site, particularly from the adjoining residential development to the south and the Dublin Road, the visual change will be significant but ameliorated by the quality of the building design and landscaping. Within the wider landscape, views of the proposed development site are generally constrained by a combination of established development and existing mature vegetation. Where views of the proposed development are significant the design qualities associated with the proposed development in terms of positioning and heights of buildings and landscape treatments, will serve to reduce the impact.

- 13.9.4. During the construction stage of development any development on a large greenfield site would naturally result in significant visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. However such impact as temporary. Mitigation measures to the construction phase will be dealt with in the construction management plan.
- 13.9.5. On completion the residential development will significantly alter the landscape from a vacant agricultural site to a large mixed residential estate. The character of the area will change from semi-rural to urban and which will integrate with the adjoining suburban areas existing and planned. The scheme will be visible along the Dublin Road, the nearby Recorded Monuments and Protected Structures in Donaghcumper and the existing residential estates adjacent to the site (Primrose Gate, Ballyoulster Park and St Wolstan's Abbey estate and from certain vantage points in the wider landscape. The residential units and landscaping will create new vertical emphasis throughout the currently vacant site. The provision of streets and open spaces will create a variety of views into and across the development. New levels of planting and landscaping will be proposed although some vegetation will also be lost.

*Assessment: Direct, Indirect, and Cumulative Effects*

- 13.9.6. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an

environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.9.7. I consider that the main significant direct, indirect, and cumulative effects on Landscape are, and will be mitigated as follows:

- Changes to the landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

## 13.10. **Land & Soils**

### *Issues Raised*

13.10.1. None.

### *Examination, analysis and evaluation of the EIAR*

13.10.2. Chapter 7 of the EIAR deals with land, soils, and geology and has been prepared having regard to the Institute of Geologists of Ireland (IGI) guidance/methodology, EPA water quality monitoring data in the area; EPA Geoportal website; and Site Investigations incorporating 24 no. dynamic probing techniques, 25 no. trial pits, 5 no. rotary drilled cores, 15 infiltration tests, and groundwater monitoring located within 8 no. standpipes.

Topsoil & Soil - The results of site investigation works for the site indicate existing soil conditions as generally comprising a 0.3m thick topsoil layer overlying firm brown, black and grey sandy gravelly CLAY over firm to stiff brown slightly sandy gravelly CLAY with occasional cobbles and boulders over grey sandy clayey silty angular subrounded fine to course gravel.

Bedrock Geology - Rock was encountered in all boreholes with the exception of RC04 and RC07 and was described as "weathered rockhead consisting of grey-

black, strong, becoming locally weak, medium to thinly bedded, fine grained limestone with subordinate shaly mudstone". The site investigations results are consistent with GSI bedrock mapping for the area which identifies the bedrock geology underlying the site and immediate vicinity as the Lucan Formation and described as "Dark limestone & shale",

Hydrogeological -A desktop study did not identify any formal designated protection or conservation areas, karst features, geological heritage areas, geo-hazards, or mines / mineral extract in the immediate area of the site. I refer the Board to section 12.11 Water below. Albeit there are the two watercourses within the site and the results of surface water soakaway tests undertaken on the site indicate that the permeability of the ground is very low with little infiltration occurring over the site. As such the groundwater vulnerability may be less vulnerable due to the substantial depths of low permeability made ground overburden on the site than indicated on the GSI interactive mapping.

Contaminated Land - A Waste Characterisation Assessment of the samples from 19 no. trial pits was carried out. All samples are classified as non-hazardous. Asbestos was not detected in any of the samples. Within the report is provides recommendations for the disposal / handling of waste material.

13.10.3. The predicted impact at construction phase is limited to stripping of topsoil, excavation of subsoil layers, excavation of bedrock, construction traffic, accidental spills and leaks. Proposed development levels are designed to minimise cut/fill type earthworks and volume of material to be disposed off-site where possible. It is not proposed to strip topsoil from the floodplain open space area adjacent to the Shinkeen watercourse within Site A or to remove the topsoil within the archaeological interest area located within site B apart from what is required as part of the archaeological field works to be undertaken. Table 7.1 relates to *Estimated Excavated Topsoil Volumes*. A total of 18,600m<sup>3</sup> of topsoil will be disposed of. Cut and Fill volumes are set out in Table 7.2 – *Estimated Cut/Fill Volumes (Approximate)*. Net disposal of excess excavated material is 8,100m<sup>3</sup> . There is no net disposal of rock from the site. It is not envisaged that the proposed development will have any discernible impact on the geological environment. Excavations

associated with development of the site have been designed as shallow as possible and are located mainly above bedrock level. Bedrock is only expected to be encountered at for the installation of the foul sewer (main spine trunk) and the WwPS. Since operational run-off is collected into concentrated locations an associated minor impact will be reduction of the stormwater infiltration across the full site area i.e. the “greenfield” infiltration potential will be reduced. Also the risk of accidental spills or leaks of fuels and oils from vehicles on the site may be collected via run-off and directed into the stormwater network / SUDS features which could lead to risk of impacting existing soils where infiltration is facilitated.

13.10.4. A Preliminary Construction Environmental Management Plan (PCMP) is included with the planning application. This plan will be developed further by the contractor into a Construction and Environment Management Plan for the construction phase. The PCMP includes a range of site specific measures including the following mitigation measures in relation to soils, and these should be reflected in the CEMP at construction stage. The impacts on the underlying bedrock geology arising from the construction phase will be imperceptible. The greatest impact will be to the soils from the construction activity as soil levels will be altered throughout. However final landscaping should reduce and address these impacts. The implementation of the construction phase mitigation measures highlighted in section 7.6.5 will ensure that the soils geology and hydrogeological environment is not adversely impacted during normal and/ or emergency conditions during the operational phase.

13.10.5. The construction stage mitigation measures include protected storage of stockpiled material; management of ground water during excavation; measures employed to prevent spillages from concrete delivery trucks and associated works; and provision of a designated fuel transfer area. No significant effects are predicted during the operational phase. With the implementation of the proposed mitigation measures, no significant construction effects are anticipated.

*Assessment: Direct, Indirect, and Cumulative Effects*

13.10.6. In relation to land as a resource, I have considered the principle and density of the proposed development in section 10 of this report, and I am satisfied that the proposal would make efficient use of the land resource.

I would also accept that the loss of soil and geology is an inevitable aspect of such planned urban development, and I am satisfied that appropriate mitigation measures have been incorporated to prevent any unacceptable impacts. Suitable measures will protect against the potential for dust/dirt pollution and nuisance; groundwater flooding and/or contamination; and soil contamination associated with construction fuels and other pollutants.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.10.7. I consider that the main significant direct, indirect, and cumulative effects on Land, Soil, and Geology are, and will be mitigated as follows:

- The loss of land, soil, and geology which would be acceptable given the proposed delivery of appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.

## 13.11. Water

### *Issues Raised*

13.11.1. Flooding was raised as a concern by third parties.

### *Examination, analysis and evaluation of the EIAR*

13.11.2. Chapter 8 of the EIAR assesses the potential impact on the drainage and water supply material assets, as well as identifying proposed mitigation measures to minimise any impacts.

The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems and the Site-Specific Flood Risk Assessment was also submitted. This should be read in

conjunction with section 10.7 and 12.0 of this report.

- 13.11.3. The potential construction stage impacts are identified as including, topsoil stripping and cut/fill earthworks activities may cause an elevated silt load to the adjacent watercourses, hydrocarbons may be released into networks from accidental spills, excavation of soil and sub-soil layers may reduce the ability of the lands to recharge groundwater. Surface water runoff during the construction phase may contain increased silt levels (e.g. runoff across areas stripped of topsoil) or become polluted by construction activities. This has the potential to result in increased silt and pollutant levels into existing nearby watercourses. In the absence of mitigation, it is likely that this activity would have a slight, adverse, temporary, residual impact on the watercourses.
- 13.11.4. As noted in section 12.10 above the underlying receiving groundwater is a locally important aquifer which is moderately productive in local zones. The risk to the contamination of this water supply source from surface water run-off from the development during construction and operation is considered to be low given infiltration results obtained as part of the site investigation undertaken by Ground Investigations Ireland.
- 13.11.5. As part of the construction works, the provision of 3 no. bridge crossings over the Shinkeen (2no.) and Hazelhatch (1no.) streams shall be undertaken in a controlled manner. It is proposed that Site A along with the local distributor road linking Shinkeen and Dublin roads would be developed first. The hydraulic flow of the existing stream will be maintained throughout the construction phase. Bank stabilisation will be achieved by a proprietary geogrid or temporary stone armour. To comply with OPW Section 50 guidelines, the watercourse crossings shall be provided with a 300mm freeboard to the 1% AEP + CC flood level.
- 13.11.6. I refer the Board to section commencing 10.7 as regards Flood Risk analysis. In summary, following the Site Specific Flood Risk Assessment, it has been determined that much of the site is in Flood Zone C with areas adjoining watercourses in Flood Zones A and B. The proposed development is within low risk Flood Zone C and are considered appropriate as defined by the Guidelines.
- 13.11.7. A wide range of mitigation measures have been specified for the construction and

operational phases of the project. These mitigation methods seek to ensure that construction and operational discharges are controlled to prevent potential pollution impacts to all receiving surface water systems and their downstream catchment areas. Consequently, the mitigation measures detailed in section 8.6 are also intended to prevent potential impacts to the ecosystem of the Shinkeen and Hazelhatch streams. The watercourses will be protected during the operational phase through the implementation of sustainable drainage systems (SuDS) on site.

- 13.11.8. The stormwater from the site will be treated and attenuated via the SuDS measures outlined in the Engineering Planning Report and drainage drawings, in accordance with the requirements of Inland Fisheries Ireland on the Planning for Watercourses in the Urban Environment, ensuring adequate water quality at the discharge point to both watercourse. Given the adherence to SuDS principles, there is no anticipated cumulative effect. Similarly, interaction between hydrology and the proposed foul or potable water supply is not applicable or controlled. As such, there is no anticipated cumulative effect.
- 13.11.9. The surface water drainage network, attenuation storage and site levels are designed to accommodate a 100-year storm event (provision for 20% climate change included). Floor levels of houses are set above the 100-year flood levels by a minimum of 0.5m. For storms in excess of 100 years, the development has been designed to provide overland flood routes along the various development roads towards the surface water drainage outfalls and existing roads. Floor levels are also set well above finished floor and basement vent levels as outlined in the Site Specific Flood Risk Assessment which forms. This overland flood route also reduces the development's vulnerability to climate change
- 13.11.10. The construction stage mitigation measures refer to the PCMP and best practices to avoid water pollution, and water quality will be monitored throughout. The operational measures relate to the monitoring of the drainage system. After the implementation of mitigation measures, no significant water impacts are predicted.

#### Assessment: Direct, Indirect, and Cumulative Effects

- 13.11.11. I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to

the groundwater and surface water network. At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the existing network will be designed in accordance with best practice requirements to satisfactorily address potential impacts. Wastewater will be connected to the Uisce Eireann (UE) network and will discharge to the existing network and will travel to the Primrose Hill pumping station, Celbridge and onwards to the Leixlip Waste Water treatment Plant for treatment prior to discharge; the Leixlip WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 23/4/2025) upgrade works have been completed of the Leixlip Wastewater Treatment Plant and will ensure water in the Lower Liffey Valley meets EPA standards. I note that UE has confirmed that connection to the system is feasible with upgrades. I refer the Board to section 10.7 of this report.

#### Conclusion: Direct, Indirect, and Cumulative Effects

13.11.12. I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage surface water discharges, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

### 13.12. Air Quality and Climate

#### *Issues Raised*

13.12.1. None

#### *Examination, analysis and evaluation of the EIAR*

13.12.2. Chapter 9 of the EIAR assesses air quality and climate impacts. The methodology is set out in section 9.2. The air quality assessment has been carried out following procedures described in the publications by the EPA (2015; 2022) and using the methodology outlined in the guidance documents published by the UK Highways

Agency (2019a) and UK Department of Environment Food and Rural Affairs (DEFRA) (2016; 2018), UK Institute of Air Quality Management (IAQM), Transport Infrastructure Ireland (TII) reference the use of the UK Highways Agency and DEFRA guidance and methodology in their document Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes (2011). This approach is considered best practice in the absence of Irish guidance and can be applied to any development that causes a change in traffic.

- 13.12.3. In terms of air monitoring and assessment, the proposed development site in Celbridge is within Zone C (EPA, 2022). The long-term monitoring data has been used to determine background concentrations for the key pollutants in the region of the proposed development. The background concentration accounts for all non-traffic derived emissions (e.g. natural sources, industry, home heating etc.). The ambient air quality data collected and reviewed for the purpose of this study focused on the principal substances (dust, vehicle exhaust emissions and boiler emissions) which may be released from the site during the construction and operation phases and which may exert an influence on local air quality.
- 13.12.4. In terms of receptor sensitivity to dust soiling, the EIAR states that there are approximately 27 high sensitivity residential properties within 20m of the southern site boundary along Willow Square, Willow Crescent and Willow Lawn. In addition to sensitivity to dust soiling, the IAQM guidelines also outline the assessment criteria for determining the sensitivity of the area to human health impacts. The criteria take into consideration the current annual mean  $PM_{10}$  concentration, receptor sensitivity based on type and the number of receptors affected within various distance bands from the construction works. A conservative estimate of the current annual mean  $PM_{10}$  concentration in the vicinity of the proposed development is  $15 \mu g/m^3$ . Based on the IAQM criteria, the worst case sensitivity of the area to human health impacts is considered low.

#### Air Quality

- 13.12.5. During the construction stage the greatest potential impact on air quality is from construction dust emissions and the potential for nuisance dust. While construction dust tends to be deposited within 350m of a construction site, the majority of the

deposition occurs within the first 50m. A review of Casement Aerodrome meteorological data (I refer the Board to Section 9.3.1 of the EIAR) indicates that the prevailing wind direction is westerly to south-westerly and wind speeds are generally moderate in nature. In addition, dust generation is considered negligible on days where rainfall is greater than 0.2 mm. A review of historical 30 year average data for Casement Aerodrome indicates that on average 183 days per year have rainfall over 0.2 mm (Met Eireann, 2022) and therefore it can be determined that 50% of the time dust generation will be reduced. It is important to note that the potential impacts associated with the construction phase of the proposed development are short-term in nature.

Demolition - There is no demolition required for the proposed development and therefore no impact is predicted.

Earthworks - Under the IAQM guidance (2014) the proposed earthworks can be classified as large as worst-case as the total site area is 12.2 hectares. Combining the large dust emission magnitude with the sensitivity of the area results in an overall high risk of dust soiling impacts and a low risk of human health impacts as a result of earthworks activities prior to mitigation.

Construction - The dust emission magnitude from construction associated with the proposed development works can be classified as medium as the total building volume to be constructed will be between 25,000 – 100,000 m<sup>3</sup>. Therefore, there is an overall medium risk of dust soiling impacts and a low risk of human health impacts as a result of the proposed construction activities prior to mitigation.

Trackout - Dust emission magnitude from trackout can be classified as medium under IAQM guidance as there are likely to be on average 10 – 50 outward HGV movements per day during the construction period of the development. This results in an overall medium risk of dust soiling impacts and a low risk of human health impacts as a result of the proposed trackout activities prior to mitigation.

13.12.6. The dust emission magnitude is described below for each of the four major dust generating activities: Demolition, Earthworks, Construction and Trackout, table 9.9 of the EIAR as follows:

Potential Impact	Dust Emission Risk			
	Demolition	Earthworks	Construction	Trackout
Magnitude	n/a	Large	Medium	Medium
Dust Soiling	n/a	High Risk	Medium Risk	Medium Risk
Human Health	n/a	Low Risk	Low Risk	Low Risk

Overall, in order to ensure that no dust nuisance occurs during the earthworks, construction and trackout activities, a range of dust mitigation measures associated with a high risk of dust impacts will be implemented. In the absence of mitigation dust soiling impacts from demolition and construction works are predicted to be short-term, localised, negative and light.

There is also the potential for traffic emissions to impact air quality in the short-term over the construction phase. Particularly due to the increase in HGVs accessing the site. The construction stage traffic has been reviewed and a detailed air quality assessment has been scoped out as none of the road links impacted by the proposed development satisfy the DMRB assessment criteria. It can therefore be determined that the construction stage traffic will have an imperceptible, neutral and short-term impact on air quality.

#### Climate

While there is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. Construction vehicles, generators etc., may give rise to CO<sub>2</sub> and N<sub>2</sub>O emissions. The Institute of Air Quality Management Document Guidance on the Assessment of Dust from Demolition and Construction (IAQM, 2014) states that site traffic and plant is unlikely to make a significant impact on climate. Therefore, the potential impact on climate is considered to be imperceptible, neutral and short-term. The Board will note that although the applicant is seeking a 7-year permission the phasing plan indicates a five year construction time frame.

- 13.12.7. Combining the large dust emission magnitude with the sensitivity of the area results in an overall high risk of dust soiling impacts and a low risk of human health impacts as a result of earthworks activities prior to mitigation.
- 13.12.8. The operational phase of the proposed development there is potential for emissions

in particular, the traffic-related air emissions may generate quantities of air pollutants such as NO<sub>2</sub>, PM10 and PM2.5. However, impacts from these emissions have been screened out using the UK DMRB guidance (UK Highways Agency, 2019), on which the TII guidance (2011) was based. Therefore, the development does not require an individual DMRB screening Model as part of this application. A flood risk assessment has included mitigation measures for minimum floor/site levels and adequate attenuation/drainage means the impact on climate will be imperceptible. Energy efficient building design measures have also been included to minimise climate impacts.

13.12.9. In terms of cumulative impacts, the EIAR outlines that according to the IAQM guidance (2014) should the construction phase of the proposed development coincide with the construction of any other permitted developments within 350m of the site then there is the potential for cumulative dust impacts to the nearby sensitive receptors. A review of recent planning permissions for the area was conducted and it was found that there were no relevant sites for which cumulative impacts may occur should their construction phase and that of the proposed development overlap. Therefore, cumulative impacts are not predicted. The Board will note that since the submission of this application planning permission has been granted (31/10/2024) for the construction of a 44 No. unit residential development Reg. Ref. KCC 23/1057 to the north/west of the site. Site inspection determined that no works have commenced on this development however, in light of the proposed construction stage mitigation measures and the relatively small scale of the recent planning permission (KCC23/1057), I am satisfied that no significant cumulative air and climate impacts are predicted.

13.12.10. The construction stage mitigation measures including dust mitigation measures which include that a dust management and monitoring (Appendix 9.2 – Dust Management Plan of Chapter 9 of the EIA); efficient use of vehicle engines; and minimisation of waste. The operational mitigation will be achieved by design as outlined in the Building Lifecycle Report. Following the implementation of these measures, any residual impacts are predicted to be imperceptible.

*Assessment: Direct, Indirect, and Cumulative Effects*

13.12.11. I would accept that the main air impacts will be restricted to construction-related dust and that this is unlikely to be significant when the proposed Waste Management measures and other mitigation measures are implemented. I would also accept that traffic-related emissions at the construction and operational stages are unlikely to be significant; that the building design strategy will avoid any significant effects on air or climate; and that there would be no unacceptable climate-related flood risk to the site or adjoining lands.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.12.12. I consider that the main significant direct, indirect, and cumulative effects on Air and Climate are, and will be mitigated as follows:

- Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in the Construction Environmental Management Plan.

**13.13. Noise and Vibration**

*Issues Raised*

13.13.1. Concerns were raised by third parties as regards construction related impacts.

*Examination, analysis and evaluation of the EIAR*

13.13.2. Chapter 10 of the EIAR deals with noise and vibration. The methodology for assessment is described. There is no published statutory Irish guidance relating to the maximum permissible noise level that may be generated during the construction phase of a project. Local authorities normally control construction activities by imposing limits on the hours of operation and may consider noise limits at their discretion. In the absence of specific noise limits, appropriate criteria relating to permissible construction noise levels for a development of this scale may be found in the British Standard BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise.

13.13.3. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The survey was conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of

environmental noise. I refer the Board to section 10.3 of the EIAR.

13.13.4. During the construction phase the main site activities likely to generate noise will include site clearance, building construction and landscaping works.

Construction Noise - The closest noise sensitive locations to the main building works will be the residential units to the east of the site which are at a distance of approximately 20m from the potential construction works. This distance relates to the closest boundary to the nearest residential noise sensitive locations. The remainder of works will take place across the site at varying distances of up to 250m. It is set out that for site clearance, building construction works and landscaping works (excavators, loaders, dozers, concreting works, mobile cranes, generators), noise source levels are quoted in the range of 70 to 80dB LAeq at distances of 10m within BS 5228-1. For the purposes of this assessment, a combined sound power value of 115dB Lw(A) has been used for construction noise calculations. A standard site hoarding of 2.4m high has been included in the calculations for noise sensitive boundaries. The calculations also assume that the equipment will operate for 66% of the working time. Table 10.14 of the EIAR summarises the result of this assessment as follows:

Activity	Sound Power at construction works, dB Lw(A)	Calculated noise levels at varying distances, dB LAeq,T					
		20m	30m	50m	60m	100m	200m
Site Clearance General Construction Landscaping	115	74	71	66	65	60	54

Table 10.14: Construction Noise Predictions at Various Distances

The result show that there is potential for the residential significance threshold to be exceeded at distances of up to 50m. Given that the majority of construction works will take place at distances greater than 50m it is expected that for the majority of the construction period the nearest receptors will experience a moderate effect.

Construction Vibration: The only significant source of vibration is expected to be due to excavations and foundation activities. However, the distance between the areas where these activities are to occur, and the nearest noise sensitive locations are such that all vibration transmission would be below recommended the

significance criteria for human response and the orders of magnitude below those set for the avoidance of cosmetic damage to buildings. The potential vibration impact during the construction phase if of short-term, neutral and imperceptible impact.

13.13.5. During the operational phase of the development, the key sources of noise will relate to building services plant and additional vehicular traffic on public roads.

Traffic - A Traffic Impact Assessment relating to the proposed development has been prepared. This section should be read in conjunction with section 10.6 and 12.15 of this report. For the purposes of assessing potential noise impact, it is the relative increase in noise level associated with traffic movements on existing roads and junctions with and without the development was considered. Traffic flow data in terms of the AADT traffic flow figures has been assessed for the opening year and the opening year +15. The calculated change in noise levels during these two periods. The change in noise level was deemed 'not significant' on all routes (Table 1015 Noise Level Changes Due to Increased Traffic on Public Roads of the EIAR. The impact for all other routes is considered to be neutral, negligible and long term.

Mechanical and Electrical Sources - Once operational, there will be building services plant items required to serve the development. These will typically be limited to heating and cooling plant and extract units, depending on the building design and user requirements. While it is stated that the location or type of building services plant has not yet been established; therefore, it is not possible to calculate noise levels to the surrounding environment. In this instance, is it best practice to set appropriate noise limits that will inform the detailed design during the selection and layout of building services for the development. The cumulative operational noise level from building services plant at the nearest noise sensitive location within the development (e.g. apartments, etc.) will be designed/attenuated to meet the relevant BS 4142 noise criteria for day and night-time periods as set out in this assessment. Based on the baseline noise data collected for this assessment it is considered an appropriate design criterion is the order of 40 dB LAeq,15min. This limit is set in order to achieve acceptable internal noise levels within residential spaces based on prevailing noise levels in the area.

Childcare Facility - Considering the usage of the creche area (e.g. external areas are only expected to be in use for a portion of the 16 hour daytime period) the resultant noise effect due to the creche is not significant and mitigation measures are not required.

13.13.6. Assuming the above developed mitigation measures are properly incorporated into the development design, the magnitude of noise impact would be considered both minimal and minimised as far as practicable.

*Assessment: Direct, Indirect, and Cumulative Effects*

13.13.7. The cumulative impact has been considered in the context of other strategic housing developments in the Celbridge area at the time this application was made. In terms of construction noise, given the layout of the nearby receptors in comparison with the proposed construction sites, it is expected that the construction noise from the proposed development will dominate the noise levels at the local residential receptors to the west and south of the site and there is unlikely to be any significant cumulative construction noise effect given the distance to the other identified developments. I would agree and similarly this principle would be applicable to the recent grant of planning permission (KCC23/1057) to the north/west of the site.

13.13.8. I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the noise and vibration potential. Having regard to third party concerns raised, I acknowledge that there will be impacts on some adjacent residential properties. However, these are temporary in nature and any inconvenience will be short lived. On balance, I am satisfied that the proposed mitigation measures are acceptable and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.13.9. I consider that the main significant direct, indirect, and cumulative effects on Noise and Vibration are, and will be mitigated as follows:

- Construction stage, which will be mitigated by standard good practice

construction stage measures including a Construction & Environmental Management Plan.

- Operational stage noise from the plant will be mitigated by the design of the building, noise barriers and landscaping.

#### **13.14. Microclimate /Wind Study**

##### *Issues Raised*

13.14.1. None

##### *Examination, analysis and evaluation of the EIAR*

13.14.2. Chapter 11 of the EIAR assesses the microclimate effects associated with the proposed development. The methodology for assessment is described in section 11.2 . The Beaufort Scale for Wind on Land is used to express the wind speed velocity recorded as a value which can be related to possible wind related impacts such as tree movement or building damage. As set out above, the nearest representative weather station collating detailed weather records is Casement Aerodrome.

13.14.3. There are no construction microclimate impacts of significance associated with the construction phase as a building under construction is largely porous to the wind due to window openings and is surrounded by scaffolding, which is also porous, therefore wind tends to flow through a building under construction.

13.14.4. As regards the operational phase, it is noted that the area up-wind (that is, west and south west of the proposed development) of the proposed development is dominated by a large residential area of two-storey houses. Wind flow down-wind of this residential area (down-wind being the site of the proposed development) will be pre-dominantly at two storey level due the presence of the existing development and therefore with the proposed development being predominantly 2-storey with some 3-storey, the overall wind regime will remain unchanged.

##### *Assessment: Direct, Indirect, and Cumulative Effects*

13.14.5. I am satisfied that there will be no significant microclimate impacts. No monitoring is required owing to the relatively low building heights proposed and the nature of

the receiving environment. The spaces have been designed to respond to and mitigate, where possible, climatic conditions taking into consideration in their design orientation and , enclosure

*Conclusion: Direct, Indirect, and Cumulative Effects*

- 13.14.6. I am satisfied that there are not significant direct, indirect, and cumulative effects on microclimate.

## 13.15. **Traffic and Transport**

### *Issues*

- 13.15.1. The submissions from third parties raise concerns about traffic congestion and safety on the road network.

*Examination, analysis and evaluation of the EIAR*

- 13.15.2. Chapters 12 of the EIAR considers the impact of the development on the traffic and transport environment. It is based on the applicant's TTA (as previously discussed in section 10.6 of this report).
- 13.15.3. All construction activities will be governed by a Construction Traffic Management Plan (CTMP) which will implement the mitigation measures identified in this Section 12.8 of this EIAR Chapter and as summarised within the PCMP which accompanies this planning application.

Construction Access and Phasing: The main construction access will be agreed with KCC in advance of construction but it could be located at the proposed access on the Dublin Road corridor.

Construction Activity: The period (time of day and day of week) during which construction activities will be permitted on-site, and during which construction traffic will be travelling across the local road network are set out in the detailed Construction and Environmental Management Plan. This includes works between the hours of 07:00 to 18:00 Monday to Friday (excluding bank holidays) and 08:00-15:00 on Saturdays with no construction activities on Sundays and Bank Holidays.

Construction Traffic Generation: During the general excavation of the foundations there will be additional HGV movements to and from the site. Utilising typical

construction rates, it is predicted that, during the excavation stage, there could be 2 no. truckloads per hour equating to 4 no. two-way HGV movements per hour. Assuming a 10 hour working day, this equates to 40 no. two-way HGV movements per day on the local road network. In addition to the traffic generated by the disposal of surplus subsoil from the site, there will be traffic generated from construction staff and deliveries of construction materials and equipment. On-site construction staff could generate up to 40 no. inbound and outbound car trips daily plus 21 staff travelling by minibus, public transport or dropped off locally.

Construction Traffic Routing: The proposed construction 'haul' route will be via the primary road network between the subject lands and the M4 strategic road network. Accordingly, any potential impact as a result construction traffic on Celbridge Town Centre will be minimised.

Construction Traffic Vehicle Types: Construction traffic will consist of the following two principal categories. (i) Private vehicles and (ii) Excavation plant and dumper trucks involved in site development works and material delivery vehicles.

Construction Traffic Impact: The level of significance of the above findings are categorised in Table 12.13 of the EIAR as follows:

Description	Quality of Impact	Impact Significance	Duration
HGV Traffic	Negative	Not Significant	Short-term
Dust generation	Negative	Not Significant	Short-term
Noise & Vibration	Negative	Not Significant	Short-term
Parking	Neutral	Imperceptible	Short-term

Table 12.13: Summary of Potential Construction Stage Impact

13.15.4. At operational stage for all key off-site junctions, the proposed development would have sub-threshold impacts (i.e. < 5% or 10%). Due to the redistribution of base traffic, slight improvements in the operation of the Dublin Road / Shinkeen Road signal-controlled junction are predicted. However, as expected, significant impacts are predicted at the 2 no. site access locations. In Table 12.15 (AM Peak Hour) of the EIAR and Table 12.16 (PM Peak Hour) of the EIAR the predicted impacts have been categorised for the 2039 Future Design Year. During the AM peak hour, the impact significance of the subject proposals are categorised as Imperceptible to Not Significant at all key off-site junctions. At the future site access locations, the impacts are classified as Slight to Moderate. Similarly, during the PM peak hour,

the impact significance of the subject proposals are categorised as Imperceptible to Not Significant at all key off-site junctions. At the future site access locations, the impacts are again classified as Slight to Moderate.

Public Transport: Based on the estimated number of trips undertaken by sustainable modes of travel that the proposed development could generate in the peak travel periods i.e. (0600-1000 in the AM and 1600-2000 in the PM). Additional bus trips that the proposed development is predicted to generate amounts to only 1.6% and 2.3% of the total bus transport network capacity available during the morning (0600-1000) and evening (1600-2000) peak periods respectively. Additional rail trips that the proposed development is predicted to generate amounts to only 0.3% and 0.6% of the total rail transport network capacity (serving Hazelhatch & Celbridge) available during the morning (0600-1000) and evening (1600-2000) peak periods respectively. I do not consider the scale of impact generated on the public transport network to be significant.

13.15.5. The proposed mitigation measures include best practice measures for construction stage. The design of the site layout, roads and accesses in accordance with the relevant guidelines and codes of practice is likely to mitigate any potential impacts during the operational phase of the development. With the combination of the BusConnects and rail transport options and car reduction measures such as cycle lanes as they become widely used, the volumes of traffic on the surrounding network, generated from the proposed development, will have a minimal effect on the overall traffic volumes. The volumes of traffic generated from the currently proposed development will have a negligible effect on the highway network traffic volumes and can be considered within the norms for suburban/urban developments.

#### Aviation

13.15.6. While not specifically raised by any party, the subject site is within the 'Inner Horizontal Surface' and 'Conical Surface' of Weston Airport and Casement Aerodrome. Developments within this designated area are to be referred to the Irish Aviation Authority for comment. I note no report has been received from the Irish Aviation Authority. In addition, a small portion of the site would appear to fall within

the Approach Surface and Take-off Climb Surface zones for Weston Airport.

- 13.15.7. As regards the application presented to the Board, no part of the application documentation addresses the impact of aviation on the site. As regards the impact of the development on Weston Airport and Casement Aerodrome, I consider this unlikely given the maximum building height of 2-3 storeys. I further note that the site is located outside of specific areas identified in map 5.2 -Areas of Aviation Significance & Aerodrome Context Map of the KCDP 2023-2029 (Objective TM O140 of the KCDP relates), and any identified noise sensitive zones Map 5.3. Notwithstanding, in the absence of any appropriate analysis potential impacts cannot be conclusively ruled out.
- 13.15.8. I do not consider the application warrants a refusal of permission for this reason however, having regard to the fact the site is not identified as a specifically sensitive location and the overriding concern raised with respect to the expired Local Area Plan. However, it is of relevance that while the current KCDP was made subsequent to the application being submitted, the previous KCDP 2017-2023 in place at the time the application was made included an Aerodrome Context Map and specific policies and therefore the applicant should have addressed this subject matter, in my opinion. I consider the EIAR incomplete in this regard. In the event the Board is minded to grant planning permission a suitable condition requiring the applicant address the surrounding aviation context and identify appropriate mitigation, if required, can be attached to any grant of planning permission.

*Assessment: Direct, Indirect, and Cumulative Effects*

- 13.15.9. The assessment is predicated on the zoned land designation that has already been subject to SEA as regards the capacity of the area to accommodate the increased demand.
- 13.15.10. The cumulative impact has been considered in the context of other strategic housing developments in the Celbridge area at the time this application was made. The vehicle trips associated with this committed development were retrieved from the Traffic and Transport Assessment submitted as part of the development's planning application. These vehicle trips were included in the subject development's Traffic Model in order to assess the impact of the Ballyoulster development on the

surrounding network in addition to the subject development's impact. Also included is the upgrading of the existing junction at the corner of Shackleton Road and Oldtown Road to accommodate a new filter lane and crossing point; and the provision of new vehicular entrance onto Shackleton Road and two new vehicular entrances onto Oldtown Road and the Celbridge to Hazelhatch Link Road Scheme which incorporates a second bridge crossing across the River Liffey.

13.15.11. The Board will note my concerns as regards aviation impacts as set out above.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.15.12. I consider that the main significant direct, indirect, and cumulative effects on Traffic and Transport will be mitigated as follows:

- The Construction & Environmental Management Plan (a preliminary CEMP accompanies the application) and the associated Construction Traffic Management Plan (CTMP) in addition to the Resource (Construction) Waste Management Plan for the development will incorporate a range of integrated control measures and associated management initiatives with the objective of mitigating the impact of the proposed developments on-site construction activities.
- A Mobility Management Plan has been prepared for the proposed development which includes mitigation measures to reduce usage of private cars and increase the use by residents and patrons within the development of more sustainable modes of travel, such as including good cycle parking provision, will further promote the greater use of sustainable travel modes. Successful implementation of the Mobility Management Plan measures included will reduce the vehicular trip generation from the proposed development.
- There is ongoing significant investment in bicycle, bus and train infrastructure, with ongoing increase in uptake of these modes. During the operational phase, it is not anticipated that there is likely to be a significant effect on the surrounding roads as a result of the proposed development. The delivery of a through route between Dublin Road corridor and Shinkeen Road corridor will provide an alternative routing option between origins / destinations to the north / east

negating the need to travel via the Dublin Road / Shinkeen Road junction. This will help improve the operational performance of the existing Dublin Road / Shinkeen Road junction. I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network which in my opinion is within the norm of a busy suburban environment.

- Mobility Management has been provided for in the development master planning, and the development will be dominated by sustainable transport modes. The capacities of the existing vehicular, public transport and pedestrian / cycle networks have been assessed and have been found to be more than capable of accommodating the additional movements associated with the proposed development.

13.15.13. I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Roads and Traffic.

13.15.14. The Board will note my concerns with respect to aviation impacts as set out above which I am satisfied can be addressed by condition.

## 13.16. **Material Assets**

### *Issues Raised*

13.16.1. A submission from Irish Water outlines that the proposed water/wastewater connections require upgrades and are acceptable subject to conditions.

### *Examination, analysis and evaluation of the EIAR*

13.16.2. Chapter 13 of the EIAR deals with Material-Utilities and Infrastructure. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the

development on the public water, foul water and drainage systems.

Access & Ownership: The Board will note that the lands comprising of the planning application site are predominantly owned by the applicant/receiver acting on behalf of the applicant. The western and northern edges of the application site also take in part of the public roads and footpath, which is under the control of the Local Authority, where works are required to facilitate access and infrastructure for the proposed development. The application site extends to c. 13.4 hectares in total, including the portion under the ownership of the Local Authority. The appropriate consent is provided for by the Local Authority and a letter of consent detailing this has been included as part of the planning application.

The red line boundary of the proposed development also takes in lands under the ownership of an additional property owner to the north, with a letter of consent from said party accompanying the application. Access/egress to the application is proposed via 2 no. new signalised junctions including one on the Shinkeen Road and another on the Dublin Road.

Transport Infrastructure: I have addressed this in section 12.15 above and in section 10.6 of this assessment.

Foul Water: I have addressed this in section 10.7 above. In brief, a new strategic foul pumping station for the site and for future development lands will be provided. Therefore, a foul rising main and associated pumping station and rising main discharge (header) manhole is proposed to service the Phase 1 development and also accounts for the wider KDA 2 lands. The proposed foul pumping station is to be located in the central area of the developed lands on the western side of the Shinkeen watercourse (in accordance with the requirements of Irish Water Code of Practice for Wastewater Infrastructure) and constructed in accordance with Irish Water Standard Details. It will accommodate 24 hours of emergency storage as agreed with Irish Water. A rising main will pump forward flows to the proposed new gravity network on the Shinkeen Stream and discharge (header) manhole shall be located upstream of the new gravity network (constructed in accordance with Irish Water Standard Details). A new gravity sewer extension will convey flow from the edge of the site boundary along the Shinkeen Road and Hazelhatch Roads and to

a proposed outfall manhole located upstream of Primrose Pumping Station. The gravity sewer extension forms part of Irish Waters capital delivery programme, I refer the Board to section 10.7 above.

During the operational phase there will be an increase in the foul discharge from the proposed development therefore reducing the capacity of the public foul sewer. The public foul sewer, however, does have sufficient spare capacity to cater for the proposed development as per the confirmation of feasibility received from Irish Water, subject to the planned upgrade works included in Irish Water's Capital Investment Plan.

Surface Water: The existing watercourses within the site provide a suitable surface water discharge point for the proposed development. Surface water discharged from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated SUDS features and overland nature based systems such as ponds, swales and detention basins. Surface water discharge will also pass via a full retention fuel / oil separator (sized in accordance with permitted discharge from the site) and shall be restricted to 2.2l/s/ha. The proposed development includes a number of SUDs features including, tree pits, bio-retention areas and swales. Surface water runoff from the development will be attenuated to greenfield runoff rates in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). Surface water runoff from the site's road network will be directed to the proposed pipe network via conventional road gullies where there are no adjacent open green areas.

Water Supply: I have addressed this in section 10.7 above. It is proposed to connect to the Uisce Eireann network subject to upgrade works.

Electricity Supply: The site is served by existing ESB infrastructure. The Energy Statement submitted with the application confirms that there is extensive ESB Networks infrastructure in the vicinity of the site and it is expected that there will be sufficient capacity to cater for this new development.

Information and Communications Technology (ICT): The Energy Statement submitted details that the subject site is served by existing ICT (internet and phone) services from various providers including EIR. The Energy Statement sets out that

EIR will provide agreement of the most appropriate connection points following connection application. The potential impact from the operational phase on the electricity supply network is likely to be long term and negligible.

Construction related activities will require temporary connection to the local electrical supply network. The potential impact from the construction phase of the proposed development on the local electrical supply network is likely to be short-term and negligible.

Waste: A Resource and Waste Management Plan and an Operational Waste Management Plan detailing how waste will be managed both during the construction phase and the operational phase of the development have been submitted. This includes information on the predicted waste arising from the construction phase of the proposed development. During the operational stage the development will be served by existing waste collectors in the area, with waste generated held in designated storage areas.

The Resource and Waste Management Plan notes that waste materials will be generated from excavation works. During the construction phase, there may also be waste arising from surpluses of construction materials. Waste will also be generated from construction workers, including organic and non-organic waste. As set out within the PCMP, waste materials generated will be segregated on site, where it is practical. Where the on-site segregation of certain waste types is not practical, off-site segregation will be carried out. There will be skips and receptacles provided to facilitate segregation at source where feasible. All waste receptacles leaving site will be stored in a designated area. The appointed waste contractor will collect and transfer the wastes as receptacles are filled. There are numerous waste contractors in the Dublin Region that provide this service. There is no demolition as part of the proposed development.

The Operational Waste Management Plan states that various contractors offer waste collection services for the in the Kildare County Council region. Dedicated communal Waste Storage Areas (WSAs) have been allocated within the development design for the residential units and the creche. All houses will have their own individual WSAs allocated at the rear of their home where external access

to the rear yard is possible.

*Assessment: Direct, Indirect, and Cumulative Effects*

- 13.16.3. In the absence of mitigation, potential impacts associated with the construction phase of the proposed development would be expected to include potential disruption to local natural and human material assets resulting in both short-term and long-term impacts. The implementation of the mitigation measures set out in this Chapter and other Chapters of the EIAR document will ensure that there will not be any significant residual impact during the construction phase. Therefore, impacts are likely to be temporary and neutral.
- 13.16.4. At operational stage the proposed development will have a positive impact on the existing urban environment by creating high quality residential units to cater for the needs of a growing population and responding to a significant housing need and demand in the locality and the region, while occupying a presently underutilised site at an appropriate location for sustainable development. The proposed development is unlikely to have any significant impact on the local water or wastewater capacity subject to upgrades, traffic or electricity supply and the overall impact with respect to these utilities can be described as long-term and neutral.
- 13.16.5. The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. The implementation of mitigation measures within each chapter will ensure that the residual impacts on the material assets during the operational phase will be neutral, not significant and long term. The overall impact associated with land use and property for the operational phase will be a localised, positive, imperceptible and long term.
- 13.16.6. No cumulative impacts will arise that would result in significant effects on the environment.

*Conclusion: Direct, Indirect, and Cumulative Effects*

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

in terms of Material Assets.

### 13.17. Interactions

13.17.1. Chapter 14 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature. The interactions are summarised in the following table as presented in the EIAR:

Table 14.1 of the EIAR - *Table of interactions between the environmental factors:*

Interaction	Population & Human Health	Archaeology and Cultural Heritage	Biodiversity	Landscape and Visual	Land and Soils	Water	Air Quality and Climate	Noise and Vibration	Wind	Material Assets	Transportation
Population & Human Health	✓	✗	✗	✗	✗	✗	✗	✓	✗	✗	✓
Archaeology & Cultural Heritage	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Biodiversity	✗	✗	✓	✓	✓	✓	✗	✗	✗	✗	✗
Landscape and Visual	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗	✓
Land and Soils	✗	✗	✓	✗	✓	✓	✗	✗	✗	✓	✗
Water	✗	✗	✓	✗	✓	✓	✗	✗	✗	✗	✗
Air Quality and Climate	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓
Noise and Vibration	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓
Wind	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Material Assets	✗	✗	✗	✗	✓	✗	✗	✗	✗	✓	✗
Transportation	✓	✗	✗	✓	✗	✗	✓	✓	✗	✗	✓
	✓ Interaction	✗ No Interaction									

While I have noted my concerns above with respect to the local aviation context, as regards potential interactions, I do not anticipate interactions to be significant in nature given the site is located outside of specific areas identified in map 5.2 -Areas of Aviation Significance & Aerodrome Context Map of the KCDP 2023-2029 (Objective TM O140 of the KCDP relates) and any identified noise sensitive zones as identified on Map 5.3 of the KCDP.

Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative but short-term in duration. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.

*Examination, analysis and evaluation of the EIAR*

13.17.2. The EIAR considers the potential for interactions between environmental factors as part of the assessment in each Chapter, and these are consolidated in Chapter 14 of the EIAR. The potential for interactions is summarised in table ref. 14.1 above.

*Assessment: Direct, Indirect, and Cumulative Effects*

13.17.3. Having regard to the foregoing assessment, I am satisfied that the potential for any significant adverse impact has been appropriate mitigated through the measures identified in each Chapter of the EIAR. I consider that the EIAR has adequately identified the potential for interactive impacts with other environmental factors, but I am satisfied that the proposed mitigation measures will similarly ensure that there will be no unacceptable interactive impacts.

*Conclusion: Direct, Indirect, and Cumulative Effects*

13.17.4. I am satisfied that the potential for interactive impacts has been adequately considered and identified. I consider that, subject to the proposed mitigation measures and the recommended conditions of any permission, there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

**13.18. Cumulative Impacts**

13.18.1. Each individual chapter provides an assessment of the cumulative impact of the

development.

13.18.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the County Development Plan which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The proposed development is not likely to give rise to environmental effects that were not envisaged in the Kildare County Development Plan that was subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

13.18.3. While the above is noted, the Board will note that the fundamental fact remains that the subject site is located on lands which are the subject of an expired Local Area Plan and therefore not subject to any specific land use zoning.

#### **13.19. Schedule of Mitigation Measures**

13.19.1. Each individual chapter provides a summary of the recommended mitigation measures.

#### **13.20. Reasoned Conclusion on the Significant Effects**

13.20.1. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

- Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction

Environmental Management Plan, a Dust Minimisation Plan and a Traffic Management Plan.

- Population and Human Health: Positive socioeconomic effects at operational stage through the availability of additional housing, village centre and employment space, together with the provision of additional services, amenities, open space, recreational improvements, and sustainable transport options.
- Biodiversity: Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- Biodiversity: Potential construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and the operational surface water drainage system.
- Biodiversity: Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes.
- Land & Soil: Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Land & Soil: Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.
- Water: Impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.
- Air: Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in a Construction Environmental Management Plan.
- Traffic and Transportation: Impacts mitigated by the management of

construction traffic by way of Construction and Environmental Management Plans. Operational traffic impacts on the capacity of the road network which will be mitigated by traffic management measures at existing and proposed junctions, proposals to improve active/sustainable travel options; and the implementation of a Mobility Management Plan

- Material Assets: Services, Infrastructure and Utilities. An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- Landscape: Changes to landscape character which will be mitigated by the design and layout of the proposal, including the retention of existing vegetation and the provision of additional landscaping and open space.
- Archaeology and Architectural Heritage: Construction and operational impacts would be mitigated by archaeological supervision, landscaping and design. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment

## 14.0 Conclusion and Recommendation

Having regard to the foregoing assessments, I recommend that permission be REFUSED for the proposed development, for the reasons and considerations set out in the following Draft Order.

## 15.0 Recommended Order

**Application:** for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17<sup>th</sup> of June 2022 by John Spain Associates, on behalf of Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership)

**Proposed Development:** The application seeks a seven-year permission for a development at a site located at Dublin Road and the Shinkeen Road, within the

townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare. The application comprises:

- 344 no. residential units (comprising 54 no. 1 beds, 30 no. 2 beds, 210 no. 3 beds and 50 no. 4 beds), a 2 no. storey childcare facility with a GFA of c. 369 sq.m, public and communal open space, landscaping, car and cycle parking spaces, provision of an access road from Dublin Road and Shinkeen Road, associated vehicular accesses, internal roads, pedestrian and cycle paths, bin storage, cycle storage, pumping station and all associated site and infrastructural works.
- The residential component of the development consists of 214 no. apartments / duplex units, and 130 no. houses of to be provided as follows:
  - 4 no. 3 bed two storey detached houses;
  - 28 no. 3 bed two storey semi-detached houses;
  - 48 no. 3 bed two storey terraced houses;
  - 50 no. 4 bed three storey semi-detached houses;
  - 214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, and all duplex apartments / apartments are provided with a terrace / balcony or private garden;
- The development includes a total of 585 no. car parking spaces, 4 no. loading bays and a total of 770 no. cycle spaces. The proposal includes hard and soft landscaping, lighting, boundary treatments, the provision of public and communal open space, including 3 no. Local Parks, children's play areas, and an ancillary play area for the childcare facility.
- The proposed development includes road upgrades, alterations and improvements to the Dublin Road / R403 and the Shinkeen Road, including the provision of new vehicular accesses and signalised junctions, pedestrian crossing points, and associated works to facilitate the same. The proposal includes internal roads, including 3 no. bridge crossings, cycle paths, footpaths,

with proposed infrastructure and access points provided up to the application site boundary to facilitate potential future connections to adjoining lands. The development includes foul and surface water drainage, pumping station, 3 no. ESB Substations, services and all associated and ancillary site works and development

**Decision:** Refuse permission for the above proposed development based on the reasons and considerations 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.

## 16.0 Reasons and Considerations

1. Having regard to the Core Strategy provisions of the Kildare County Development Plan 2023-2029, in particular, the provisions of Table 2.8-*Core Strategy Table* which identifies the extent of lands required for residential development including greenfield in Celbridge at 30ha. which is significantly lower than the lands identified in the expired Celbridge Local Area Plan 2017-2023 at 121.2ha., and, in the absence of a Settlement Capacity Audit for Celbridge in accordance with objective CS O7 of the Kildare County Development Plan 2023-2029, the Board cannot be satisfied that the development of 344 no. units on a greenfield site of 13.4ha. (which would account for 44.6% of the 30ha. designation as per the Core Strategy) would not prejudice the future settlement strategy for Celbridge as identified in the core strategy of the Kildare County Development Plan 2023-2029 and would not be contrary to objective CS O1, CS O4 and CS O5 which clearly articulate compliance with the Core Strategy and Settlement Hierarchy of the KCDP and the principles of compact growth including the delivery of population growth on existing 'underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint

of settlements.' The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Irené McCormack

Senior Planning Inspector

28<sup>th</sup> May 2025

# Appendix A – Appropriate Assessment Screening Determination

## Screening for Appropriate Assessment Screening Determination

### 1: Description of the project

I have considered the Ballyoulster SHD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

In brief the development comprises the 344 no residential units, creche and all associated site works.

**There are no European sites in the immediate vicinity of the proposed development site. Table 1 of the AA screening report establishes five SACs and two SPAs were identified within a ca 23km radius of the Site.**

NATURA 2000 Site	Distance
<b>Special Areas of Conservation</b>	
Rye Water Valley/Carton SAC	3.1 km
Glenasmole Valley SAC	13.3 km
Wicklow Mountains SAC	14.6 km
South Dublin Bay SAC	20.4 km
North Dublin Bay SAC	22.6 km
<b>Special Protection Areas</b>	
South Dublin Bay and River Tolka Estuary SPA	19.5 km
North Bull Island SPA	22.6 km

The closest European site to the proposed development is Rye Water Valley/Carton SAC (site code 001398) at 3.1km.

Appendix 1 of the AA sets out that the site comprises almost entirely arable fields east of Celbridge Town (fallow for the much of the duration of the survey period, it then all ploughed over in early February). The fields are bordered largely by hedgerows, interspersed with some larger trees. Housing estates bordered the site to the east and north. The field marked (1) at the south of the site differed from the rest of the site, it was not arable, comprising rough ground with willow patches and patches of wet ground. The site was bisected in the middle by a stream running south to north, well vegetated especially on its east side.

In relation to hydrology, the Shinkeen stream bisects the site in a South to North direction and there is a further watercourse known as the Hazelhatch Watercourse located along

the eastern boundary which also flows in a south to north direction. Both watercourses form part of the Liffey Catchment and is contained within the Liffey\_SC\_09 Sub-catchment area. Both surface watercourses will provide the required outfalls for the site.

Celbridge is served by Leixlip WWTP. Treated effluent from the WWTP discharges to the River Liffey. Foul wastewater will discharge to a pumping plant that is to be constructed on site, which in turn discharges to an existing public foul sewer located near the south-west corner of the subject site. After attenuation, surface water drainage will be directed to the Shinkeen Watercourse (which passes through the site) and the Hazelhatch watercourse (located along the eastern boundary). Both watercourses form part of the Liffey Catchment and, as such, outfall to the 5000 acre reservoir for the Leixlip Dam Hydro Electric Power Station and to the River Liffey, which in turn outfalls to the estuarine and marine environments at Dublin Bay.

This application is accompanied by an EIAR. A number of field surveys were undertaken on site:

AREA	SURVEYORS	SURVEY DATES
Terrestrial Ecology	Bryan Deegan (MCIEEM) of Altemar	August 1st 2020, September 2nd 2021 & May 30th 2022
Aquatic	Bryan Deegan (MCIEEM) of Altemar	August 1st 2020 & September 2nd 2021
Bat Fauna	Bryan Deegan (MCIEEM) of Altemar	September 2nd 2021
Mammal Survey	Bryan Deegan (MCIEEM) of Altemar	March 16th 2021 & March 12th 2022
Wintering Birds	Hugh Delaney (Ornithologist)	October 30th 2021, November 8th 2021, November 24th 2021, December 5th 2021, December 18th 2021, January 7th 2022, January 24th 2022, February 10th 2022, February 25th 2022, March 5th 2022 and March 18th 2022
Breeding Birds	Hugh Delaney (Ornithologist)	May 12th 2022 and June 3rd 2022

### Submissions and Observations

I refer the Board to section 7.0 of the main report.

### **2. Potential impact mechanisms from the project**

#### Zone of Influence

**All of the European sites present in the vicinity of the proposed development are shown on Figure 12 and Figure 13 of the AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Table 2.**

**The likely effects of the proposed development on European sites have been appraised using a source-pathway-receptor model.**

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.

**Habitat Impact**

The site is not within or directly adjoining any Natura 2000 sites. Rye Water Valley/Carton SAC (001398) is the closest Natura 2000 sites to the proposed development. There is no 'direct' or 'indirect' Source-Pathway linkage between the proposed development site and the SAC. The SAC is within the same catchment but upstream on a separate tributary. No potential impact is foreseen. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance.

There are no Annex I habitats present within the proposed development site or immediate environs. The proposed development site is primarily a series of arable fields divided by a watercourse with hedgerows located along the watercourse and into a portion of the arable fields. Several hedgerows were noted on site. These were primarily along the eastern extent of the main watercourse within the site and within the fields to the east of the watercourse. While several small burrows were noted within the hedgerows. No species of conservation importance or their resting or breeding places were noted.

Within the main watercourse within the site several brown trout (*Salmo trutta*) and sticklebacks (*Gasterosteus* sp.) were noted at the downstream end of the site near the northern boundary. No fish were noted upstream of this point or in the western watercourse. No amphibians were noted. No signs of otter (spraints, couches or holts) were noted. However, a potential otter slide was noted on the downstream side of the bridge. A second stream is within the woodland to the west of the site. This stream is also well below the surrounding ground level, has a paucity of instream biodiversity and is heavily shaded by the woodland. No instream flora or fish were observed in this stream which has steep canalised banks.

On the western portion of the site is a linear treeline that is slightly wider than a standard treeline due to the presence of a watercourse. Several bat species were noted in the vicinity of this area foraging along the edge of the treeline.

The stream that bisects the site is located approximately 2-3m below the existing ground level and has steep almost vertical bank. The stream is slow and sluggish with deposits of silt. No plant species that are rare or of conservation value were noted during the field assessment. Records of rare and threatened species from NBDC and NPWS were examined. No rare or threatened plant species were recorded in the vicinity of the proposed site.

*Flora* -Several plants of Indian (Himalayan) balsam (*Impatiens glandulifera*) were noted in the vicinity of the watercourse. No other invasive plant species that could hinder removal of soil from the site during groundworks, such as Japanese knotweed, giant rhubarb or giant hogweed were noted on site.

*Fauna* -No terrestrial fauna of conservation importance were noted on the proposed development site. There are small mammal burrows on site within the hedgerows but these would be associated with rabbits. Bats were noted foraging along the western boundary and in the vicinity of the watercourse on site. No trees of bat roosting potential were noted on site.

*Amphibians/Reptiles* - The common frog (*Rana temporaria*) was not observed on site. However, there are two watercourses on site and it is likely that frogs may be present. The common lizard (*Zootoca vivipara*) or smooth newt (*Lissotriton vulgaris*) were not recorded on site.

*Terrestrial Mammals* -Badgers have been noted within the 10km<sup>2</sup> grid by the NPWS. No badgers or badger activity was noted on site. No protected terrestrial mammals were noted on site or in the immediate vicinity of the site.

*Birds* - 30 Bird species were recorded at the Ballyoulster site over 2 visits in May-June 2022. Of these 9 species were proved breeding on-site, with mainly juveniles observed on-site indicating breeding on-site or in immediate adjacent areas. These were Yellowhammer, Robin, Wren, Blue Tit, Long-tailed Tit, Great Tit, Meadow Pipit, Blackbird and Blackcap. Of these species Yellowhammer are a red-listed breeding species (high conservation concern) from the recently updated Birdwatch Ireland's Birds of Conservation Concern in Ireland List (2020-2021), a minimum of three pairs were located on-site. Other noteworthy species noted on-site were Meadow Pipit (minimum two pairs), Reed Bunting

(one pair), Willow Warbler and Skylark.”

50 bird species were recorded during 11 winter bird surveys from October 2021 to March 2022. The species diversity was quite typical of that expected in the context of inland arable lands in Leinster. Results from the surveys suggest that the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby Special protection areas (SPA's). Some of the more notable species recorded wintering on-site were Yellowhammer, Reed Bunting, Skylark, and Kingfisher (recorded on four dates on the stream) with several sightings of Kestrel and once a Merlin. Snipe was mostly recorded at the south field section of the site. Mallard is amber listed as a wintering species of conservation concern in Ireland and was recorded in small numbers on the stream on-site. Four species were noted passing almost exclusively over the site and were not noted to forage on the site itself.

No Annex I bird species were recorded during the site surveys. No signs of SCI birds were recorded here, or in the fields surrounding the proposed development site during site surveys. The vegetation onsite does not provide suitable foraging habitat for wading birds. The proposed development will not result in any significant deterioration in habitat quality or loss of habitat for species within Natura 2000 sites. Therefore, it is concluded that the proposed development will not result in any loss, deterioration or fragmentation of habitat within Natura 2000 sites.

#### Water Quality

The watercourses on site will provide a suitable surface water discharge point for the proposed development. The proposed surface water drainage network will collect surface water runoff and convey towards the primary attenuation features, before discharging through the vortex-controlled flow control device and separator arrangement. After attenuation, surface water drainage will be directed to the Shinkeen (Castletown) Watercourse (which passes through the site) and the Hazelhatch watercourse (which passes through the eastern portion of the site). Both watercourses form part of the Liffey Catchment and, as such, outfall to the Leixlip Dam reservoir and the River Liffey, which in turn outfalls to the marine environment at Dublin Bay.

However, the proposed development site is located upstream of the Leixlip Reservoir and Leixlip Hydro Electric Power Station. As a result, in the absence of any mitigation, silt produced during operation and construction will settle within the 5000 acre reservoir prior to reaching the Leixlip Hydro Station. Given the extensive distance (20.4 km) to this SAC,

the dilution, mixing and the flocculation of potential pollutants within the estuarine element of the River Liffey estuary, silt or pollutants will settle, be dispersed or diluted and will not impact on the conservation objectives or features of interest of this SAC.

All construction associated with the development will take place within this site. The PCMP sets out that surface water runoff from areas stripped of topsoil and surface water collecting in excavations will be directed to on-site settlement ponds where measures will be implemented to capture and treat sediment laden runoff prior to discharge of surface water at a controlled rate. Surface water discharge points used during the construction phase shall be agreed with the Local Authority's Environment Section prior to commencing works on site.

#### Conclusion on the extent of the Zone of Influence

The development is for a residential scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not considered likely that the proposed development will interfere with any of the key relationships of any Natura 2000 site. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site. It is considered that there will be no long-term residual impacts from the proposed works upon the key relationships that define any Natura 2000 sites.

### **3. European Sites at risk**

I am satisfied that no risks to the conservation objectives of the Rye Water Valley/Carton SAC (site code 001398) or any Natura 2000 sites are considered likely due one or more of the following:

- Lack of direct connectivity between the proposed works areas and the designated areas. There will be no loss of habitat within any Natura 2000 site as a result of the proposed works. It is not anticipated that the loss of any species of conservation interest will occur as a result of the proposed works due to injury or mortality.
- Significant buffer between the proposed works area and the designated. No significant risk of disruption to any Natura 2000 sites are likely during this project.
- No habitat fragmentation to any Natura 2000 site is predicted.
- There will be no additional emissions of water from the site. Wastewater will be to existing mains. No emissions are predicted that will impact upon any Natura 2000

site.

Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development.

I refer the Board to Table 2. *Initial screening of NATURA 2000 sites within 15km and NATURA 2000 sites beyond 15km with potential of hydrological connection to the proposed development* of the AA screening report. I agree with the conclusion presented therein.

#### **4. Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

##### In combination or Cumulative Effects

The applicant's Appropriate Assessment Screening Report has considered cumulative / in-combination impacts in Table 3.

A Planning Search was carried out and particular reference was drawn to Planning Ref. KCC 20873 - construction of a logistics warehouse with ancillary office accommodation (total c. 25,268 sqm) to an overall height of 14.86 metres at Liffey Business Campus (formerly known as the Hewlett Packard Campus. The AA screening report notes that this application originally screened in the Rye Water Valley/Carton SAC for assessment given the developments location approximately 1.3km east of the application site. However, it was ultimately concluded that:

*'Considering the limited range (c. 3m) of the QI species and their habitat according to Moorkens and Killen (2011) and there being no direct connectivity between the Proposed Development and the sensitive habitats or the petrifying springs, there are no likely significant effects on the European site from the Proposed Development. There is no possibility for the Proposed Development, either alone or in-combination with other plans or projects to result in likely significant effects of European sites considered in this assessment. In accordance with Article 6(3) of the Habitats Directive, an AA is therefore not required'*

The Board will not this this application is 3.1km from the Rye Water Valley/Carton SAC.

The AA screening report did not identify any current or previous plans or projects in the immediate vicinity that are considered likely to result in significant impacts on Natura 2000 sites. Furthermore, the development is considered unlikely to have any cumulative impact on any Natura 2000 sites in the context of the existing infrastructure and associated activities taking place at this site. The statement is supported by:

- The distance separating the site from Natura 2000 sites;
- The suburban setting of the local environment; and
- The localised nature of the proposed development

The Kildare County Development Plan 2023-2029 include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered 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 Rye Water Valley/Carton SAC (site code 001398) or any European site, in view of the sites' conservation objectives.

### **Overall Conclusion- Screening Determination**

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

### **There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.**

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be directed to on-site settlement ponds where measures will be implemented to capture and treat sediment laden runoff prior to discharge of surface water at a controlled rate. Surface water

discharge points used during the construction phase shall be agreed with the Local Authority's Environment Section prior to commencing works on site.

- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- Foul waters will discharge to the existing network and will travel to Leixlip Waste Water treatment Plant for treatment prior to discharge; the Leixlip WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 23/4/2025) upgrade works have been completed of the Leixlip Wastewater Treatment Plant and will ensure water in the Lower Liffey Valley meets EPA standards.

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix B – Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	<b>313825-22</b>	<b>Townland, address</b>	Lands at Dublin Road and the Shinkeen Road, within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare
<b>Description of project</b>		7 year permission for 344 no. residential units (130 no. houses, 214 no. apartments), creche and associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		The subject lands are predominately flat in character with a gentle slope from the central spine of the site to the watercourses on the eastern and western sides. The site is bisected by the Shinkeen Stream to the east of the development and there is a further stream known as the Hazelhatch watercourse to the west. The character of the Shinkeen watercourse is a very deep watercourse of circa 3-4m deep banks. Both watercourses form part of the Liffey Catchment.	
<b>Proposed surface water details</b>		The existing watercourses within the site provide a suitable surface water discharge point for the proposed development. Surface water discharged from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated SUDS features and overland nature based systems such as ponds, swales and detention basins. Surface water discharge will also pass via a full retention fuel / oil	

	separator (sized in accordance with permitted discharge from the site) and shall be restricted to 2.2l/s/ha
<b>Proposed water supply source &amp; available capacity</b>	A review of the Uisce Eireann Capacity website on 20/5/2025 indicated that potential capacity is available in Celbridge subject to 'Level of service' (LoS) improvement to meet 2033 population targets.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	The Board will note that a review of the Uisce Eireann Capacity website on 20/5/2025 indicated spare capacity available at the LLVSS WWTP Leixlip.
<b>Others?</b>	<p>A SSFRA accompanied that planning application. On-site surface water flooding shall be mitigated by a site drainage system to comply with local authority drainage standards. Off-site surface water runoff shall be mitigated by provision of SuDS components, and there shall be no increase in the rate and volume of runoff from the site as a result of the proposed development. FFLs provide more than required minimum freeboard to adjacent flood levels and are resilient to climate change and culvert blockage. Further, FFLs are set a minimum 150 mm above adjacent ground levels to mitigate against the residual risk of flooding from surface water. Site access / egress routes from / to Shinkeen Road and Dublin Road are located in Flood Zone C.</p> <p>The nearest European site to the proposed development is 3.1 km away (Rye Water valley/Carton SAC). However, this is located upstream of this site.</p>

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	Shinkeen Stream - Bisects the site	Castletown (Dublin-Kildare)_10	Poor	Review	No pressures	Yes - The watercourse within the site is intended to provide a surface water discharge point for the proposed development

	Hazelhatch watercourse - Forms part of western site boundary	No code assigned	Unknown	Unknown	N/A	Yes - The watercourse within the site is intended to provide a surface water discharge point for the proposed development
	River Liffey 0.5km north of site	Liffey_150	Good	Review	No pressures	Yes – Hydrologically connected via the Shinkeen Stream.
	Underlying site	Dublin - IE_EA_G_008	Good	Review	No pressures	Yes - limestone . However, site investigations indicate that the permeability of the ground is very low with little infiltration occurring over the site. (I refer the Board to section13.0 of this report)

<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.)
1.	Site clearance / Construction	Castletown (Dublin-Kildare)_10  *Applicable to Hazelhatch Stream also  Liffey_150	Watercourse bisects the site  Pathway exists via Shinkeen Stream	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Bridging /Culverting watercourse	Castletown (Dublin-Kildare)_10	Watercourse bisects the site	Silt Loss	Standard construction practice CEMP	No	Screened out

		*Applicable to Hazelhatch Stream also					
<b>OPERATIONAL PHASE</b>							
3.	Surface water run-off		Existing drainage Stream and watercourse	Hydrocarbon spillage	SUDs features	No	Screened out
4.	Discharges to ground		Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA	NA	NA	NA	NA	NA	NA