



Development	Construction of 530 residential units, school and neighbourhood centre. NIS and EIAR lodged with application
Location	Newtownmoyaghy, Kilcock, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22910
Applicant(s)	McGarrell Reilly Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	McGarrell Reilly Homes Ltd.
Observer(s)	1. Moyglare Stud Farm 2. Anthony and Grainne Burke 3. Alan and Katie Lavin
Date of Site Inspection	26.05.2023
Inspector	Mary MacMahon

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1.0 Introduction

- 1.1. This is a First Party appeal against the decision to refuse planning permission for the proposed development. The application includes an NIS and EIAR. There are three observers on the case. The planning authority decided to refuse permission for five reasons, relating to zoning (2 no. reasons), core strategy, flooding and absence of a Retail Impact Statement.

2.0 Site Location and Description

- 2.1. The site is located on the county boundary between Kildare and Meath, northeast of Kilcock and is described as Kilcock Environs. Kilcock is a town of over 10,000 persons. Kilcock Train Station is located on the southern side of the Royal Canal, where most of Kilcock is located. The train station has an intercity service, from Sligo. In recent times, Kilcock has developed towards the M4, albeit the historic core of the town is north of the Royal Canal. The Square is located here and there are a number of schools in the vicinity. Supervalu is 400 metres from the site and Lidl is on the R148. There are bus services located on the R148, served by the 115 and 115C routes.
- 2.2. The landholding and site extends to the R148 (Maynooth Road), which runs alongside the Royal Canal in the south, and the R125 in the north. The R125 connects to the M3 and Dunshaughlin. It also connects Kilcock to Maynooth. The road leading to the town centre (R125) crosses a narrow bridge (Meath Bridge – a Protected Structure) over the River Rye Water immediately west of the two other Protected Structures on this road (Little Chapel of the Assumption and a two storey farmhouse). Traffic is reduced to one lane at this point for a short distance.
- 2.3. Moyglare Road is the fourth arm of the new signalised junction of the distributor road. The Moyglare Road heads north, then turns east. The road is very straight in alignment and the road surface in part, has been removed. There are temporary edge protection barriers in place in section, as the Jenkinstown Stream flows adjacent to the Moyglare Road in part, before turning south, then east and connecting into the Rye Water River further to the southeast.
- 2.4. There is a housing estate under construction and part occupied, Millerstown, close to the Royal Canal, by the same developer, south and west of the site. It is accessed from the southern section of the distributor road, from the R148. The Rye Water River

runs to the south of this development and forms part of the southern border of the site. There is a large detached farmhouse and sheds to the southeast and a barn to the east.

- 2.5. There is a stream which parallels the new distributor road, in part, before widening into the Upper Ditch. The watercourse is a drainage ditch part of the OPW Arterial Drainage System. It begins on a field on the far side of the R148, which has been modified to provide for flood relief works and the level of the field raised (Area E – constructed fill level of 63.35m OD). The flood channel enters a culvert and continues on the site until it reaches the Upper Ditch, through a series of detention basins. The Upper Ditch is mostly dry, but some water remained in the ditch on the day of my site visit. Steep embankments have been provided along the Upper Ditch as it leaves the site. The ditch then enters a culvert on the adjoining lands, close to a barn east of the landholding. The watercourse joins the Jenkinstown Stream at this point and then joins the Rye Water River. There is no hydrological connection to the Royal Canal.
- 2.6. The section of site adjoining the R125 and the Little Chapel of the Assumption (a protected structure) is relatively level and serves as a construction and materials storage compound. After the newly constructed signalised junction, the northern part of the site begins to rise quite sharply. There is a ribbon of detached single houses on the Moyglare Road that back onto the site. The site is at its highest point to the north (70.45m OD, gradually falling as one moves south, 64.5m OD at the roundabout entrance on the R148 and circa 61.31m OD to the southeast). The southern part of the site has a gradual slope before plateauing to the Rye Water River. The southern part of the site has various ESB lines and poles crossing it.
- 2.7. The area is in transition from rural to suburban. The site area is stated as 27.79 ha.

3.0 **Proposed Development**

- 3.1. The proposed development consists of the construction of 530 no. residential units, a neighbourhood centre (circa 1,598 square metres), a 16. No. classroom primary school, creche play areas, sports pitch and changing facilities, 2 no. lattice masts, the undergrounding of 2 no. 10kV and 2 no. 38kV overhead lines, substations, bin storage, landscaping and site infrastructure works. The gross floor area is stated as 62,872.5 square metres.

- 3.2. The proposed development consists of three areas. There is a school and neighbourhood centre site onto the R125 (circa 1.83 ha), a northern section (9.25 ha) and a southern section (6.06ha). The southern section is located east of the new distributor road and the northern section is north of the new road. Two large parklands are to be provided – the first to the north of the R148 and the second to the south of the northern section. This parkland includes the Upper Ditch. The parklands are some 10.25 ha in area.
- 3.3. The northern section consists of 332 no. residential units (dwellings, duplexes and an apartment block) and the southern section consists of 198 no. residential units (dwellings and duplexes) a creche and sports changing facilities and associated car and bicycle parking.
- 3.4. The following tables summarises the development.

Table 1: Key Statistics

Site Area	c.27.8 hectares
No. of Houses No. of Apartments No. of Duplex Units Total	454 units 14 units 62 units 530 units
Density	35 units per hectare (net at 15.31ha)
Height	2-4 storeys
Neighbourhood centre	1,598 m ² (7 no. commercial units). Reduced to 800 m ² on appeal.
Primary School (16 no. classrooms)	3,052 m ²
Creche (122 places)	623 m ²
Site Coverage	11.5%
Plot Ratio	2:26:1
Public Open Space Provision	10.125 ha (37% of the site)
Communal Open Space Provision	774 m ²
Car Parking	979 no. residential

	133 no. other 1,112 no. in total
Bicycle Parking	192 no. long term spaces 152 no. short term spaces

Table 2: Breakdown of Houses

Bedrooms	2 Bedroom	3 Bedroom	4 Bedroom	Total
Number of Units	44	327	83	454
% of Houses	10%	72%	18%	100%

Table 3: Breakdown of Apartments

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
Apartments	0	3	11	0	14
% of Apartments	0%	21%	69%	0%	100%

Table 4: Breakdown of Duplex

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
Apartments	0	25	31	6	62
% of Apartments	0%	40%	50%	10%	100%

3.5. It should be noted that the stated intention is not to build the primary school or sports changing room facilities. These have been included to indicate where social infrastructure for the proposed development could be provided.

3.6. The phasing plan shows that the southern part of the site is to be built out first in two phases, with phase 3 moving north, phase 4 at the highest point of the site and phase 5 dealing with the sections of the site north and south of the new distributor road.

4.0 **Planning Authority Decision**

4.1. **Decision**

4.1.1. The decision was to refuse permission on five grounds. These grounds are summarised below.

1. The lands are not available for residential development during the life of the *Meath County Development Plan (2021-2027)* and would materially contravene the objective CS OBJ 7, which sets out an Order of Priority and SH OBJ 4, which states that permission will not be granted for residential development on lands that are identified as being 'Post 2027'.
2. The proposed development exceeds the Core Strategy allocation for Kilcock and so would materially contravene CS OBJ 07, which requires that this allocation not be exceeded.
3. Failure to demonstrate that the proposed development would not be at risk of flooding and does not sufficiently detail how the proposed development would not increase flooding risk elsewhere, as required under the 'Justification Test' in the Flood Risk Management Guidelines. There is a history of flooding on the lands.
4. Part of the proposed development is located on lands zoned 'F1 Open Space' and neither a primary school nor residential uses are permitted on this land use zoning and so would materially contravene the land use zoning objective in the county development plan.
5. The proposed neighbourhood centre, remote from the town centre, in the absence of a Retail Impact Statement and supporting sequential test, could potentially undermine the retail function of the town centre, contrary to national Retail Planning Guidelines and contrary to the Meath Retail Strategy, 2021, which seeks to channel retail development into the town centre to contribute to the vitality and viability and reduce vacancy in the town centre.

4.2. Planning Authority Reports

4.2.1. Planning Report

- The proposed development consists of three separate sites – the school and neighbourhood centre site (A), the northern site (B) and the southern site (c).
- Site A fronts onto the R125 and is circa 1.84 ha. There are three zonings within the site – A1: Existing Residential; A2: New Residential and F1: Open Space.
- Site B is zoned A2 New Residential Phase 2 and F1 Open Space.

- Site C is zoned A2 New Residential Phase 2 and F1 Open Space.
- The site contains two protected structures and three recorded monuments. It is located in an area of High Landscape Character value and moderate landscape sensitivity.
- The proposed development is to be constructed in five phases.
- The core strategy for Kilcock provides an allocation of 180 residential units for which there is an extant permission.
- The development strategy for Kilcock Environs is to concentrate on the completion of the extant permissions. Therefore, the Environs lands are reinstated as Phase 2 lands, post 2027. The household allocation will not be exceeded.
- The flood risk data in the CFRAMS shows the site at being both a high risk and medium risk of flooding but this risk level relates to 2017. Flood mitigation works have been carried out since then and the flood risk maps are under review.
- Six submissions were received on the planning application and their contents have been taken into consideration.
- The school and neighbourhood centre (site A) is in Phase 5. However, while part of the application the school and sports facilities will not be delivered as part of the development.
- The neighbourhood centre is located on A1 zoned lands and consists of 3 retail units (400 square metres), a café and doctor/dental surgery, with a gym and officed on the first floor. These are open to consideration uses in the development plan. The proposed centre is in an edge of centre site, under the *Retail Planning Guidelines, 2005*. There is no proposal for a neighbourhood centre in the plan. The application is not accompanied by a Retail Impact Assessment and the site is outside the retail core of Kilcock. The majority of the remaining zoned lands is not available for development until Post 2027. It is considered that the proposed neighbourhood centre has the potential to materially contravene the A1 zoning of the site and so is not considered acceptable in principle.

- The primary school is permitted in principle on the A2 zoning but would materially contravene the F1 zoning.
- Sites B and C are on A2 zoning or partly on F1 zoning.
- The former masterplan is not relevant to the site.
- It not considered that the case for a material contravention of the development plan has been justified in this instance.
- The EIAR is assessed. The assessment concludes that the EIAR provides a fair and reasonable assessment of likely effects and in the event of a grant of permission, mitigation measures should be conditioned.
- The proposed design and layout of the school and neighbourhood centre are considered acceptable.
- There is significant variety in the proposed dwelling units (20 variations, 2 and 3 storey), while maintaining a consistent palette of materials. All the units exceed minimum floor areas, as do the duplex and apartment units. The external finishes are in keeping with the housing developments in the area and the general urban character. Separation distances of 22 metres are achieved. There is a preponderance of 3 bedroom units (72%), which would need to be justified.
- Apartment height is a maximum of four storeys, which is considered acceptable.
- Private open space minimum areas are met. No boundary treatment plan has been provided. This could be requested.
- No daylight and sunlight report has been provided.
- The apartments compliance with development plan policy in relation to access and services, communal facilities, refuse storage, community open space, children's play cycle and car parking has been demonstrated, but daylight, sunlight and overshadowing has not. This could be requested.
- The phasing plan, which puts the school and neighbourhood centre in the final phase, consists of five phases. Site C is to be delivered in Phase 1 and 2, which includes the creche and changing rooms. Site B is to be delivered in Phases 3

and 4. It is considered that the school and neighbourhood centre could be delivered at an earlier phase.

- The impact of the proposed development in relation to traffic is considered acceptable and conditions are recommended. Issues in relation to public lighting can be dealt with.
- There is no objection to the proposed development in relation to site servicing and waste.
- In regard to flooding, the site specific flood risk assessment includes the Kilcock FRAMS carried out by RPS in April, 2021, which superceeds the 2017 OPW FRAMS. Flood extent and flood zone mapping have been prepared. However, the planning authority is not satisfied that the mapping is accurate and therefore is not comprehensive enough to facilitate thorough assessment. This is because it is not clear that flood defences have been ignored, as required by the Flooding Guidelines. This is evident in certain cross sections (E_BD_1 to E_BD_7, F_BD_1 to F_BD_7 and G BD_8 to G_BD_13). As some of the site is in Flood Zones A and B, a justification test is necessary and none has been provided. Topographical levels have not been provided to enable critical assessment. No Section 50 has been submitted for watercourse crossings. No maintenance plan has been submitted for flood protection works. Additional information is necessary but not recommended however, given the fundamental reasons for refusal.
- The proposed development is acceptable in terms of impacts on the protected structure and archaeology.
- Part V is limited to 10% on the site.
- The report in relation to Broadband is noted.
- A screening determination is made in relation to appropriate assessment and it concurs with the applicant that an NIS is necessary. The mitigation measures outlined in the NIS are listed. The report notes the contribution from the NPWS.

Other Technical Reports

Broadband Officer – ducting required, including for the Sports Changing Facilities.

Water Services Section – conditions recommended.

Lighting – Condition recommended.

Transportation – The regional roads in area (R148 and R1250 benefit from pedestrian and cycle infrastructure. There is connection to the Royal Canal Greenway. The nearest bus stop is on Harbour Street, circa 800 metres from the site, served by the Route 115. Car parking requirements are 1,067 spaces and 1,069 spaces are provided for the residential units. However, creche car parking should be increased. The car parking for the commercial units is 32 no. when 76 car parking spaces are required. As the use of these spaces at different times of the day will occur, this is considered acceptable. Cycle parking is satisfactory for the residential units. It should be increased for the school from 52 no. to 120 no. plus 20 no for staff. All car parking will have ducting for EV. 20% of spaces should be for EV and this has not been clarified. Some issues raised in the Road Safety Audit need to be addressed. Traffic during construction needs to be subject to a traffic management plan, which can be conditioned. A phasing plan for the completion of the distributor road needs to be agreed.

The expected volume of traffic generated by the proposed development are acceptable for the houses, but considered low for the apartments. Bus, train and cycling infrastructure are available so this is acceptable.

Five junctions were tested. The first two are on the R148 Harbour Street and R125 Bridge Street, and R148 Harbour Street and New Lane are signal controlled and generally working under capacity until 2038. Junction 3 is a roundabout with the R148 and distributor road. Traffic appears low. Junction 4 is the R125, distributor road and Moyglare Road, which is signalised and operating under capacity. The first junction is the new school/neighbourhood centre access.

A street hierarchy is provided and found acceptable, in terms of width of carriageway and footpaths (all footpaths 2.0 metres wide and carriageways vary between 5.0 and 5.5 metres in width)

Pedestrian and cycle facilities are proposed along the Moyglare Road, which is considered a very important connection, form the town centre and Supervalu. A link

road connecting the distributor road roundabout with the Moyglare Road would enhance permeability and road safety. Conditions are recommended.

Scientific Officer – Conditions recommended in relation to construction waste.

4.3. Prescribed Bodies

Uisce Eireann – significant upgrades are required to facilitate the proposed development. The applicant should agree a timeframe for the completion of the required works.

TII – Condition recommended.

An Taisce – The site partially bounds the site to the south. The Rye Water is classed as moderate status as per the EU Water Framework Directive and it is at risk of not meeting its WFD third cycle obligation by 2027. The site is also close to the Royal Water Canal, which has good status. The proposed development should not lead to a deterioration of the status of surface or ground water bodies or the attainment of good status. In addition, there should be adequate public transport infrastructure, access and capacity, safe pedestrian and cycling infrastructure, sufficient wastewater treatment capacity, shops and amenities and employment opportunities in the area.

DAU – noting the proximity of the site to the Rye Water River (the Rye Water Valley /Carton Special Area of Conservation (SAC)) and the Royal Canal (proposed Natural Heritage Area), with a hydrological connection to the SAC via the Newtownmoyaghy Stream, it is appropriate that the NIS was prepared, to prevent the migration of pollutants during the construction and operational phases. The Qualifying Interests are the Narrow-mouthed Whorl Snail and the Desmoulin's Whorl Snail. In addition, there is brown trout and salmon spawning redds in the Rye Water. The mitigation measures proposed are satisfactory.

Hedgerow removal will occur but this will be balanced by the planting plan. Clearance of vegetation should take place outside the bird nesting season. Five bat species are found to use the site and the mitigation measures are acceptable. While no otters have been found on site, there has been otter activity close by and recommends that two otter holts be provided. Conditions are recommended.

Archaeology – the presence of two burnt mounds and an enclosure of archaeological interest. Conditions are recommended.

4.4. **Third Party Observations**

- 4.4.1. Three observations have been received on the appeal. These observations are summarised below.
- 4.4.2. **Moyglare Stud** are concerned that the Moyglare Road floods regularly from Moylgare Cross. The road is in poor condition, with the Jenkinstown Stream running parallel to it. This road has already experienced significant traffic growth. It is poor in alignment and will give rise to traffic hazard.
- 4.4.3. The site is located on a flood plain. There is concern that is the site is built on, there will be additional flooding on the Moyglare lands.
- 4.4.4. A safe, tranquil environment is needed for the stud, which trades internationally.
- 4.4.5. **Anthony and Grainne Burke** have similar concerns in relation to the safety of the Moyglare Road and flooding. Their landholding (10.2 acres) adjoins the site. They state that they are affected by the incomplete infrastructure works to the road and to the Upper Ditch, which runs through their lands. There is a culvert in place, at the end of the McGarrell-Reilly landholding. Water flowing from the site prevents water from the Burke lands from entering the stream, giving rise to flooding on the Burke lands. They consider that a new drainage line is required across the Burke Lands.
- 4.4.6. Meath County Council Transport Department has confirmed that Moyglare Road is unsuitable for high volumes of traffic and the proposed development will increase traffic flow. In **ABP 306309-19**, the Inspector confirmed that it is unfit for purpose. The Traffic Impact Assessment Report did not consider this road.
- 4.4.7. The Burke home's water supply runs through the site and could be impacted by the proposed development, as could be the ESB supply.
- 4.4.8. Photos are included showing the Upper Ditch filled with water and the Moyglare Road, impassible with flood waters and a submission to the Road Safety Officer in Meath County Council.
- 4.4.9. **Alan and Kate Lavin** also have similar concerns. The proposed development will encourage more users of the Moyglare Road, which is considered by the Road Safety

Authority a major hazard. There is potentially 1,248 residential units for Kilcock and a ring road is needed to deal with this level of development as well as recently completed housing estates. The ring road is set out in the *Kilcock Local Area Plan., 2015-2021*, but no progress has been made.

- 4.4.10. Buses are overcrowded, with commuters being left behind on a regular basis.
- 4.4.11. The train line is a single track so capacity is limited in comparison to Maynooth. A local transport action group has been set up to highlight these issues.
- 4.4.12. While flood infrastructure has been provided, there seems to be additional severity of flooding on lands downstream

5.0 Planning History

- 5.1.1. There is an extensive planning history on the site and the area, dating back to 2004, where permission was refused for site infrastructure on the grounds of flooding (**PL17.207046**) to McGarrell Reilly Homes Ltd. A subsequent application for 357 no. residential units was also refused permission, on grounds of wastewater capacity, flooding, location on the F1 zoning, too low a density on the site, absence of neighbourhood facilities and car dependent. In 2008, under **PL 17.223829**, Czar Construction Ltd. permission site infrastructure was refused for flooding and the need for an EIA. On 15.01.2013, a ten year permission was granted to the applicant (**PL17.238370**) for infrastructure. On 04.01.2013, a permission was granted for infrastructure was granted to Czar Construction Ltd (**PL 17.239375**). **DA130857** by the applicant for a ten year permission for 665 no residential units was withdrawn. **PL17.246141** was granted planning permission on 29.07.2016 to the applicant for a ten year permission for 152 no. residential dwellings and creche. This has been constructed as Millerstown estate. **RA/161443** by the applicant was granted on 14.12.2017 for a ten year permission for 187 units. There has been numerous amendment permissions to this parent permission. Recent planning history is set out below.
- 5.1.2. **21872** – permission granted on 12.08.2021 for the demolition of an existing two storey dwelling, adjacent to the curtilage of 2 no. protected structures (Little Chapel of Assumption and an existing two storey farmhouse).

- 5.1.3. **RA201384** – permission granted on 05.08.2021 for the demolition of an existing two storey dwelling, adjacent to the curtilage of 2 no. protected structures (Little Chapel of Assumption and an existing two storey farmhouse) and the construction of 94 no. residential dwellings, as part of the larger Millerstown housing development currently under construction.
- 5.1.4. **TA17.306309** – permission refused by An Bord Pleanála on 16.04.2020 for 575 no. residential units and creche on the lands for a flooding reason, similar to the current reason for refusal. The reason also referred to the need for post-flood works mapping and the capacity of the flood storage zones to accommodate additional surface water in the event of a 1% Annual Exceedance Probability Pluvial Event, given the history of flooding on the site.
- 5.1.5. In terms of cumulative impacts in the EIAR, 3 no. applications are being considered – **RA201384** (94 units), **RA161443** (187 units) and **PL17.246141/RA150205** (152 no. units). Infrastructure works under **PL17.238370** for the link road are substantially complete.

6.0 Policy Context

6.1. County Development Plans

- 6.1.1. The *Meath County Development Plan 2021-2027* applies. There are three land use zonings within the site. These are A2 – New Residential, F1 – Open Space and A1 – Existing Residential. The A2 zoning has an overlay of red hatching, which states ‘A2 Phasing – Residential Land Not Available for Development Until Post 2027’. In A2 – New Residential, residential use is permitted in principle. In F1 – neither residential use or educational use are open for consideration. In A1- Existing Residential, residential use is permitted in principle, a community facility and convenience outlet are open for consideration.
- 6.1.2. Section 2.10 of the county development plan identifies where the population is to be primarily concentrated. It states Dunboyne, Maynooth, Drogheda and Navan are the priority locations and more sustainable localised growth could be permitted in the remaining identified growth settlements. The focus of Kilcock, a self-sustaining town,

is to be on attracting employment and investment in services, alongside limited population growth and a more balanced delivery of housing. The population increase is expected to be 593 persons to 2027. The plan also refers to the 'tiered approach to land use zoning'.

- 6.1.3. The site is located in the Kilcock Environs. It is considered a self sustaining town with a population of 6,093 persons in 2016 (although later described as a commuter settlement for the Metropolitan area). This is an increase of 10% over the 2011 population. Between 2016 and 2019, 100 residential units were completed. There is an extant permission for 180 units. The Core Strategy is for 180 units, which had not been completed at the time of writing of the development plan. At 3.1, Settlement and Housing, it states that the growth of the Environs area will be based around the principles of compact, sustainable neighbourhoods that meet the needs of people of all ages within walking distance, as far as practicable, of services and facilities.

“Taking account of the multi-modal location of Kilcock within the Dublin Metropolitan Area and the major infrastructure improvements delivered to date in addition to the numbers of units already provided, it is considered appropriate to reinstate the Phase 2 lands as ‘Post 2027’ in order to provide clarity for the long term viable growth strategy for the area.”

- 6.1.4. KIL OBJ 1 is to secure the implementation of the Core Strategy of the County Development Plan to ensure that the household allocation for Kilcock Environs is not exceeded. KIL OBJ 2 is to support and facilitate the residential development of Kilcock Environs having regard to its proximity to the town centre and available amenities.
- 6.1.5. There are 3 no. primary schools and 1 secondary school in Kilcock. KIL OBJ 3 is to support a primary school in Kilcock Environs.
- 6.1.6. In Section 1.1, it states that flood risk is to be managed in line with approved policies and objectives. A detailed FRA is required for any A2 type development and ground levels are maintained above the 100 year flood level, allowing for Climate Change and freeboard. CFRAM has recommended a review of the FRAM scheme.
- 6.1.7. Under Section 3.3 on flooding, it states that national guidance on flood risk will apply. In relation to Kilcock Environs, significant investment has been made in flood alleviation measures as part of the Millerstown development and under the infrastructure permission. This includes reprofiling the existing Rye Water River

Floodplain and construction of flood flow control structures with embankments as part of flood protection and storage.

- 6.1.8. The Strategic Flood Risk Analysis for the development plan states that there is no information available for part of the land-bank impacted by the flood relief zone, so the Flood Zone Map has not been reconciled for these areas. The distributor road is crossing Flood Zone A/B and the Justification Test has been applied and passed.
- 6.1.9. Kil OBJ 3 is to support the development of a primary school in Kilcock Environs.
- 6.1.10. Kil OBJ 5 is to examine the feasibility of a new road to connect the lands at Newtownmoyaghy with the L6219/L2211 .
- 6.1.11. Kil OBJ 6 is to manage flood risk in accordance with county policies and objectives.
- 6.1.12. Kil OBJ 7 and 8 is to provide for sections of a connecting road from the R148 to the R158.
- 6.1.13. Kil OBJ 12 is to develop a riverside walk and linear amenity area adjacent to the Rye Water River.
- 6.1.14. DM OBJ 26 requires that lands zoned Open Space (F1), Community Infrastructure (G1) and High Amenity (H1) cannot be considered in the calculation of Public Open Space as 15%.
- 6.1.15. In relation to density, 45 units per hectare is required in more centrally located areas and strategic towns in Regional Growth Centres and Key Towns. This is also a requirement on lands adjacent to existing and future railway stations. On the remaining, more edge of centre lands in Regional Growth Centres and Key Towns, a density of 35 units per hectare would normally be required. For Self-Sustaining Towns (which Kilcock is described as), the density of 30-35 units net is considered appropriate.

6.2. **Kildare County Development Plan 2023**

- 6.2.1. Kilcock is described as a Self Sustaining Growth Town. The estimated population in 2021 is expected to be 6,446 persons, based on 4% growth rate. By 2028, an additional 1,006 persons are expected, which equates to 366 housing units. A target density of 35-40 units per ha is recommended. Kilcock has a high level of population growth but a weak economic base.

6.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2031 (2020)

6.3.1. The following Regional Policy Objectives are noted in particular:

- **RPO 3.2:** Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- **REP 4.83:** Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

6.3.2. Kilcock is specifically mentioned in relation to the need to provide for improved road links between Maynooth and Kilcock, including the Moyglare Road. It is a Level 3 town in the retail hierarchy, and is identified for town centre renewal.

6.4. National Planning Framework 2018

6.4.1. The *National Planning Framework* is the national plan that sets out the strategic path to growth and development in Ireland until 2040.

6.4.2. Relevant Policy Objectives include:

- **National Policy Objective 4:** To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- **National Policy Objective 32:** To target the delivery of 550,000 additional households to 2040.
- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 57:** Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

6.5. Housing for All (2021)

- 6.5.1. This national plan aims to provide for 33,000 homes until 2030. The new housing is to be affordable, located appropriately, compliant with building standards and support climate action. Tenure is to include affordable, social, private rental and private ownership. Increasing housing supply is the most relevant to this application.
- 6.5.2. An adequate supply of zoned and serviced land, which is to be developed at appropriate density is critical. Sanctions are to be imposed on inactive lands that are zoned for residential development.

6.6. Climate Action Plan (2023)

- 6.6.1. Spatial and land use planning is crucial to enable transport systems that support a net-zero approach. Land use planning is to reduce or avoid the need for travel. Parking constraint measures are to be increased. Planning authorities should not require specific minimum levels of car parking, save for disabled parking. 'On demand' shared mobility services are to be encouraged.

6.7. Section 28 Guidelines

- 6.7.1. Please note that these Section 28 Guidelines were consulted and where relevant, sections are included in the Assessment Section of this report.
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.
 - Urban Design Manual, A Best Practice, 2009.
 - Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
 - Design Manual for Urban Roads and Streets, 2019.
 - The Sustainable Urban Housing: Design Standards for New Apartments, 2020.
 - The Planning System and Flood Risk Management Guidelines, 2008.
 - Regulation of Commercial Institutional Investment in Housing Guidelines, 2021.
 - Childcare Guidelines for Planning Authorities, 2001.
 - Guidelines for Planning Authorities Retail Planning, 2012.

6.8. The Planning System and Flood Risk Management Guidelines, 2009

- 6.8.1. Having regard to the particular issues in this appeal, relevant sections of this Section 28 Guideline is included below.
- 6.8.2. Section 2.25 states that the provision of flood protection measures in appropriate locations, such as in or around town centres can significantly reduce flood risk. However, the presence of flood protection structures should be ignored in determining flood zones, as there is a residual risk of flooding. The likelihood and extent of the residual risk needs to be considered, as well as the potential impact on proposed uses. The finished floor levels within protected zones will need to consider both urban design and the remaining residual risk.
- 6.8.3. A Justification Test (Box 4.1) is required at development plan level where the future development of areas at a high or moderate risk of flooding for uses or development that is vulnerable to flooding. Flood risk must be updated into the future and lands reconsidered.
- 6.8.4. A Justification Test (Box 5.1) is required at planning application stage where proposals for new development in areas at a high or moderate risk of flooding and must be submitted by the applicant. The decision on the acceptability of residual risk should be made, considering the type of use and the local development context. Conditions following a grant of planning permission may include the maintenance of local or secondary flood defences such as earth bunds or SUDS features.
- 6.8.5. Section 5.26 notes that flood risk data may not be available at the time a planning decision is needed. The sequential approach and Justification Test should be applied.

7.0 The Appeal

McCutcheon Halley submitted the First Party appeal, the grounds of which are summarised below.

7.1. Grounds of Appeal

- The Inspector's report on the SHD application lodged on the site noted that the Phase 1 lands have been largely built out (save for 2 ha). The site is contiguous to existing residential development. Significant investment has been made in

infrastructure to facilitate residential development. Kilcock has the benefit of a train station and there is high quality pedestrian and cycle infrastructure connecting the site to the town centre along the Royal Canal. The report considers that there are justifiable reasons for the release of the Phase 2 lands. It would appear that the Board accepted this analysis and the only reason for refusal of permission was in relation to flooding. This issue is addressed in the current application, and the appeal documents include the Further Information requests in regard to flooding matters.

- The current development plan made changes to the zoning designations, with the open space zoning extended into the residential zoning, correlating, it is likely to the previous areas which would have been affected by flooding. These areas had been zoned for residential use in the previous development plan. The flood extent areas were not updated in the current development plan, notwithstanding the *Kilcock FRAM Study 2020*. Therefore, the F1 lands are now capable of supporting residential development. A Site Specific Flood Risk Assessment has been carried out by RPS and has been per reviewed by Jacobs. All the proposed development is located on Flood Zone C lands. These lands have been permitted to be raised above the 0.1% AEP (1,000 year flood) and is substantially complete. Therefore a Justification Test is not required. Justification tests only apply to lands located in Flood Zone A and B. There will be no increase in flooding elsewhere, as the proposed development is on Flood Zone C lands. If the Board has any doubt on the matter, housing on the 'F1' Open Space could be omitted by way of condition, to safeguard the wider proposal.
- During the development plan review process, the Chief Executive's response to the submission made on the lands stated that a variation to the lands could be undertaken. Furthermore, following a motion at the council meeting of 06.06.2021, to seek a variation for 600 units to Kilcock Environs, the Executive responded that the lands are identified as Post 2027 as the final flood modelling had not been completed. When the permitted developments have been built out and if there is more housing demand, a variation could be approved. It would appear that the planning authority was not aware that the final flood modelling had been provided to the Engineering Department. A Variation is being sought.

- The lands are Tier 1 lands – they are zoned, serviced and a 5 minute walk from the town centre, where public transport is available.
- There are sufficient grounds to materially contravene the development plan, in accordance with S37 (2) (b) of the Planning and Development Act, 2000 as amended. Given the quantum of housing proposed on one of the largest landbanks in Kilcock and confirmed in the *Residential Land Availability Survey* 2014 as being suitable for development, the proposed development is of strategic and national importance. The report anticipated that these lands would be the location for the development of housing in the state in the next six years. It is consistent with the *National Planning Framework* (NPF) and specific National Planning Objectives (NPO 3, NPO 4 and NPO 33). It will assist in rebalancing the growth of Kilcock. It is consistent with the Metropolitan Area Strategic Plan (MASP), in the RSES, which includes Kilcock. The MASP requires a steady supply of serviced development lands to support Dublin's sustainable growth. It is consistent with Housing for All, which requires serviced land with transport, utilities and other infrastructure.
- The Core Strategy effectively prohibits further residential development in the Kilcock Environs. The population statistics emerging from Census 2022 shows that the population of Meath is 220,296. This figure is at the high end of the population projection for 2026, which shows that the Core Strategy figures have been superseded. It is estimated that the current population of Meath is circa 8,900 persons greater than the NPF projections. The NPF projections relied on too low inward migration figures (8,000 per year to 2021, when an average of 31,700 persons was achieved, not including the Ukrainian population).
- Design amendments are proposed. The primary school has been redesigned so that it is entirely on residentially zoned lands. The neighbourhood centre has been reduced in size by approximately 50% to 800 square metres. Only 191.5 square metres are retail in nature, while the community / social elements are retained. A Retail Impact Statement in that instance, is unnecessary. The uses are consistent with the 'A1' zoning.
- While the level of Public Open Space is not listed as a reason for refusal, a material contravention statement is provided.

- The appeal is supported by a number of appendices, including a planning history, a material contravention statement on residential phasing, core strategy housing allocation, F1 Open Space and Public Open Space Quantum.
- The core strategy has allocated the majority of additional units to Dunboyne (75%), rather than the environs of Maynooth or Kilcock (7%).
- There are 74 residential units located on lands zoned for open space. These lands were previously zoned for residential use until November, 2021. The proposed development could be permitted as it is consistent with the National Planning Framework in that it delivers compact growth; Kilcock's location within the Dublin Metropolitan Area and the objective to provide a steady supply of serviced lands, acknowledging the sequential approach; the location of the site close to public transport facilities (2009 and 2018 Guidelines) and the findings of the Site Specific Flood Risk Assessment which finds the lands are in Flood Zone C.
- The total public open space required for the site is 22,965 square metres (15% of the residentially zoned lands). Within the residentially zoned lands, 7,000 square metres have been provided. However, 102,5000 of public open space has been provided within in the site, additional to the 7,000 square metres. The Planner's report considered this acceptable. However, should the Board consider that a material contravention arises, the site is strategically important in terms of housing delivery for the Dublin Metropolitan Area and is consistent with the National Planning Framework and the RSES and 2009 and 2018 Guidelines.
- Flooding – the application was refused by Meath County Council as it failed to demonstrate that the proposed development would not be at risk of flooding and does not provide sufficient detail on how it would not increase flood risk elsewhere. RPS has been involved in flood studies in Kilcock since 2010. An Bord Pleanala required that a co-ordinated flood study was required between Kildare and Meath to consider the future development of Kilcock. This was completed and a set of mitigation measures ensured that there would be no flood risk to other lands and new development would be adequately protected. The report was adopted by the two local authorities and the OPW.

- However the CFRAM completed in 2011 did not incorporate the mitigation and was instead based on the existing situation. In 2017 and 2019, McGarrell Reilly completed the works. In 2021, Meath County Council requested RPS to update the Kilcock FRAM study. An updated hydrological assessment was completed, taking account of the changes to the models and to allow for current Climate Change best practice. Additional survey information was available from Anne's Bridge (north of Maynooth). The 'As-Built' drawings by DBFL who undertook the works was the base model for the assessment.
- There is no reliance on embankments to provide flood protection in the site, as the levels have been or in the process of being raised above the 0.1% AEP flood level. Therefore, the residual risk of flooding from overtopping has been eliminated.
- The section (Area E) referred to in the council's engineering report will have no embankments when the works are completed. The constructed fill level will be 65.35m OD. Area F (where the school and neighbour centre is proposed) will be 65.0m OD and Area G, (where Millerstown estate and the southern section of the site is located) will have a constructed fill level of 64.6m OD. The location of the proposed sport field as well as the detention basins along the route of the distributor road are available for flood storage, as well as the basins to the south along the Rye Water River.
- As all the proposed housing is within Flood Zone C, no justification test is required. The areas of open space within Flood Zone A and B is appropriate, water compatible development.
- It is noted that the council does not consider that the mapping is accurate and that flood defences have been ignored. Specific cross sections are cited in evidence. The council states that topography is not clearly shown and no maintenance plans for flood protection works has been provided. Therefore the council consider that a justification test is required.
- Jacobs have undertaken a peer review of the RPS Kilcock FRAM Study. It states that the changes involve raising parcels of land out of the flood plain and providing compensatory storage to mitigate this loss. The flood risk extent is changed and so the proposed site is now in Flood Zone C. SUDS measures

are proposed to deal with fluvial flooding. The areas that are in Flood Zone A and B are in open space. The proposed primary school, the main residential development and the main access road are located in Flood Zone C.

7.2. **Planning Authority Response**

- All matters have been dealt with in the planning officer's report.

8.0 **Assessment**

8.1. The following matters are the main issues in the appeal, in my opinion:

- Principle of Development and Zoning;
- Flooding;
- Primary School;
- Neighbourhood Centre;
- Traffic;
- Design and layout;
- Residential amenity.

8.2. **Principle of Development and Zoning**

8.2.1. The site has a number of zonings. The main zoning is the A2 zoning, which has been hatched and states 'A2 Phasing – Residential Land Not Available for Development Until Post 2027'. The proposed housing is located on these lands. The appeal states that 74 no. houses are located on the F1 zoned lands. The school is part located on F1 zoned lands and A2 zoned lands and the neighbourhood centre is located on A1 zoned lands. No drawing showing the layout of the site overlaid with the land use zoning area has been provided, so it is not evident which residential units are located on the F1 lands. Should the Board be minded to grant planning permission for this proposed development, I would recommend that this information be sought under S132 of the Planning and Development Act, requesting that the proposed site layout be overlaid with the current zoning of the site and the proposed units on the F1 zonings are clearly identified.

- 8.2.2. There is agreement between the planning authority and the First Party that the grant of planning permission for housing on the A2 zoned lands would be a material contravention of the development plan and would materially contravene the core strategy in the development plan, which effectively prohibits the grant of planning permission for housing in the Kilcock Environs in the current plan cycle.
- 8.2.3. The county development plan took effect from 03 November, 2021. The Office of the Planning Regulator did not object to the core strategy and housing allocation for Kilcock. Equally, the Office of the Planning Regulator did not object to the housing allocation of 366 residential units to *Kilcock in the Kildare County Development Plan, 2023*. Between the permitted developments in the Meath jurisdiction and the allocation of 366 residential units, there would be an increase of 546 residential units in Kilcock, equating to roughly an increase in population of circa 1,500 persons under the current development plan. With the proposed development, the population would increase by approximately 1,460 persons. In combination, there could be an increase of nearly 3,000 persons in the plan period in Kilcock. Kilcock would effectively grow by 28% if the current proposal and the permissions between Kildare and Meath are constructed. It grew by approximately 33% between 2016 and 2022. The proposed development would add circa 13% to the 2022 population of Kilcock.
- 8.2.4. However, the grant of planning permission is not a reliable indicator as to whether planning permissions are actually commenced, as there are many more factors involved with the delivery of housing besides from having planning permission to do so. Therefore, an assumption that the grant of planning permission will result in housing and no more housing should be granted planning permission because the allocated housing target has been reached, may result in housing not being delivered where it is needed. This is the current tension in the core strategy approach, which is reliant on absorbing population targets from the *National Planning Framework* and *RSES* strategy, quantifying that population into housing units, quantifying the amount of land zoned to reach these targets and then allocating the residentially zoned lands within settlements and market decisions to build out planning permissions.
- 8.2.5. The First Party has argued that the *National Planning Framework* population projections, which are based on 2016 *Census of Population*, has underestimated the growth in population, as demonstrated by the 2022 *Census of Population*. By 2026, the development plan envisages that Meath will have a population of between 216,000

to 221,000 and has allocated lands up to 227,500 including for 25% headroom. The 2022 *Census of Population* for Meath is 220,296 – a growth rate of 13% (25,252) from 2016. Kildare has experienced a growth rate of 11% (24,473). If that growth rate is maintained, it is equivalent to roughly 2% growth per annum or some 4,200 persons. Therefore, the headroom figure of 227,500 could be met by 2024. This would indicate that there will be a shortfall in land allocated to housing in Meath County Council by that date and more lands should be brought forwards to deal with this shortage. (It should be noted that the county development plan envisages a growth of 800 persons per year in the county between 2026 and 2031. This compares to the 4,200 persons actually achieved between 2016 and 2022 and the annual projected population increase of 3,221 until 2027).

- 8.2.6. I note that the two Electoral Divisions (Kilcock and Rodanstown) which represent the town have a joint population of 10,630 persons in 2022. This is an increase of 2,577 persons since 2016 or approximate a growth of a third.
- 8.2.7. The First Party considers that it is appropriate to materially contravene the county development plan given the shortfall in zoned lands available for housing and permit the proposed development, having regard to the need for land for housing that is serviced, proximate to the town centre and so sequentially appropriate and proximate to public transport, in the form of heavy rail and bus services. The First Party sets out the legal tests that An Bord Pleanála must fulfil, if it decides to grant permission for a proposed development that materially contravenes the development plan.
- 8.2.8. I would agree with the First Party that there is a clear shortfall in lands zoned for residential development in the county development plan. The population projections are too low, given the inter-census growth figures achieved by 2022. The county development plan provides for a number of settlements where a reserve of residential lands has been identified. These are Dunboyne, Navan, Dunshaughlin, Kilcock Environs and Enfield.
- 8.2.9. Section 2.10 of the county development plan identifies where the population is to be primarily concentrated. It states Dunboyne, Maynooth, Drogheda and Navan are the priority locations and more sustainable localised growth could be permitted in the remaining identified growth settlements. The focus of Kilcock, a self-sustaining town, is to be on attracting employment and investment in services, alongside limited

population growth and a more balanced delivery of housing. The population increase is expected to be 593 persons to 2027. The plan also refers to the ‘tiered approach to land use zoning’. The 2022 Census of Population for Rodanstown, where the site is located, is 1,874 persons (in 2016, it was 229 persons). This highlights that the county development plan is out of step with population growth in the area.

8.2.10. ‘*Housing for All*’ sees housing supply as a key focus to provide for a steady supply of suitable and serviced zoned lands is needed. Furthermore its states on Page 78 that

“It may be necessary for a Local Authority to zone more serviced land in a development plan than would equate to meeting precisely the projected housing demand for that settlement, to provide choice in sites locally and to avoid restricting the supply of new housing development through inactivity on a particular landholding.”

8.2.11. Therefore, having regard to the evidence that population growth has been underestimated in the county development plan and that government policy is to ensure a steady supply of zoned lands and there is an acknowledgement that more serviced lands may need to be zoned than would equate to precisely meeting the projected housing demand for a settlement, the Board could legally materially contravene the development plan to grant planning permission for the proposed development on national policy, under Section 37 (2) (b) (iii) of the Planning and Development Act.

8.2.12. I also note that there are conflicting objectives in the development plan in relation to Kilcock. Kil OBJ 1 is to secure the implementation of the Core Strategy for Kilcock, which in effect, is zero, while Kil OBJ 2 is to support and facilitate the residential development of Kilcock Environs having regard to its proximity to the town centre and available amenities. Again, the Board could materially contravene the plan on this under Section 37 (2) (b) (ii) of the Planning and Development Act.

8.2.13. However, given the evidence in the Census of Population that the population growth has been underestimated, and that additional lands for housing supply required, is Kilcock the appropriate place to locate this housing?

8.2.14. There are significant advantages to locating housing on this site. It would rebalance Kilcock towards its traditional town centre, which has largely happened on the southern side of the town nearer the motorway. It would bring large scale housing

within 5 minutes walk of the town from the nearest part of the site, which would encourage the town centre's vitality and viability. Public transport is available within a similar distance. There is water supply and wastewater capacity, subject to works. The lands have been subject to modification to eliminate the risk of flooding. There is a proposal for a school on site. The development of these lands has been envisaged since the early 2000s.

- 8.2.15. There is a requirement for an additional primary school in the area, as set out in the county development plan. Planning permission is sought for this in the application, but there is no commitment to deliver it in the application nor evidence of consultation with the Department of Education on the file. There would appear to be sufficient childcare places, including the proposed childcare facility.
- 8.2.16. There is public transport in Kilcock but it would appear that additional services are required. While there is the proposal to upgrade the railway track as part of the electrification of the line between Dublin and Maynooth, Kilcock is beyond this point. Passenger capacity would improve from 4,500 persons per hour to 13,750 passengers per hour, as stated on Page 12 of the Mobility Management Plan by OCSC. The 2016 *Census of Population* found the main mode of transport to work in the area is the private car (circa 79%), with circa 6% by bus and 9% by train.
- 8.2.17. Notwithstanding the many positive factors of Kilcock that would encourage consolidation, the current *Meath County Development Plan* does not consider it a priority location for population growth. The electrification of the train line stops at Maynooth, which would be the end of the commuter line.
- 8.2.18. There is a commitment in the *Programme for Government* to review the *National Planning Framework* by 2024. It is intended to review the implementation of the *National Planning Framework* to date and to be informed by the final results of the *Census of Population 2022* (as indicated to the Dail by the former Minister of State on 28.09.2022). Following this review, county development plans will have to be varied to accommodate any changes made.
- 8.2.19. It would appear to me that the Board is legally in a position to materially contravene the county development plan, but having regard to the scale of the proposed development and the variation of the county development plan following the review of

the *National Planning Framework* next year, it may be more appropriate to consider the extent of housing development to be permitted in Kilcock within a wider context.

8.3. Flooding

8.3.1. JBA prepared the Flood Risk Assessment for the *Meath County Development Plan, 2021-2027*. In relation to Kilcock, it states that works have been undertaken and some A1 areas have been protected that were previously in Flood Zone A and the mapping adjusted for this. However, there is no revised Flood Zone information available for the rest of the lands. Therefore, there has only been a minor readjustment to the Flood Zones. An up-to-date version is required for the north and northwest of the settlement. It goes on to state that when zoning land, consideration should be given to the undefended scenario.

8.3.2. Page 63 of the document states:

“New residential (A2) land use zoning objectives exist where the River Rye Water bifurcates into two channels. This area contains Flood Zone C which is where the A2 zoning is focussed. Whilst highly vulnerable development is appropriate within Flood Zone C, road access must be maintained in the event of flooding and roads objectives exist to ensure this is achieved. Since the proposed Local Distributor Road, extending from the R148 (Maynooth Road) to the existing R125 (Dunshaughlin Road), is crossing Flood Zone A/B the Justification Test has been applied and passed (see Appendix A.3).

8.3.3. I am therefore of the view that the distributor road has been assessed for the purposes of flooding and that it is found to be of an acceptable ground level to withstand flooding. The *Meath County Development Plan Flood Risk Assessment* on Page 17 notes that the flood defences have been constructed and the Flood Zone mapping for the scheme is not yet available. The document continues to state:

“Any planning permissions for A2 development must be subject to appropriately detailed FRA at development management stage and INF POL 14-29 of the MCDP. Further guidance on the approach to development management and FRA is provided in Sections 4.4 to 4.11. The FRA must include for the design of FFL/ground levels that are in excess of the 100 year flood level plus climate change and freeboard. The Local

Distributor Road extending from the R148 (Maynooth Road) to the existing R125 (Dunshaughlin Road) must also undergo appropriately detailed FRA at development management stage. As the road alignment is within Flood Zone A/B adequate consideration should be given to the maintenance of floodplain storage and potential negative impacts of the road alignment on the neighbouring A2 site. Section 50 consent will be required from the OPW for any watercourse crossings.”

- 8.3.4. The planning authority was not satisfied that the flood zone mapping in the application was accurate, but accept that there is no vulnerable development in Flood Zones A and B. The planning authority consider that certain areas may be reliant on embankments, which should be ignored in relation to flood analysis, according to national guidelines. This concern relates to Cross Sections E_BD_1 to E_BD-7, F_BD_1 to F_BD_7 and G_BD_8 to GF_BD_13. I note that there are no full site sections running through the site to the distributor road, which would have assisted in the understanding of the levels on site. A topographical survey has been submitted. The survey was undertaken in February, 2022 and it is not clear that all the works in relation to raising levels had been completed at this time. The finished floor levels for the housing are shown on the landscaping drawings and the Site Services Layout Drawings and these are shown as above the minimum floor levels set out in the RPS Site Specific Flood Risk Assessment. The Road layout drawings, Sheets 1 to 3 also provide levels.
- 8.3.5. Cross sections have been submitted in the appeal response for these areas. The cross-sections show that in areas E_BD_1 to E_BD-7 and F_BD_1 to F_BD_7, the levels of the lands have been raised so as the stream in the 1 in 1000 year storm event is contained within the confines of the watercourse and does not overtop the lands. There are no embankments present. In G_BD_8 to G_BD_13, the cross section shows that the area within the site (to the south) has been filled to above the 1 in 1000 year storm event, where the housing located. The cross section does not extend outside the site to the north, where there is an embankment present and a detention basin beyond the embankment. No development is proposed in this area. The playing pitch, which is also outside the site, is in Flood Zone B and acts as flood storage.
- 8.3.6. Part of the concern relates to the roads serving the proposed development, that a section of the access roads could be flooded at FF_BD_1 to F_BD_7. Page 14 of the Site Specific Flood Risk Assessment by RPS states that the access roads are outside

of the predicted flood plain. The major public open space area in the north contains flood storage areas. The road levels in Area G meet and exceed the Finished Floor Levels. The road along the Rye Water River is slightly below the 64 m AOD levels in sections. The future playing pitch is circa 63.68 while the adjoining parking area is at 65.1 m AOD.

- 8.3.7. The **Burke's** observation has expressed concern in relation to flooding. Their concern is twofold. The first is in relation to flooding on the Moyglare Road and that the proposed development would increase traffic on a road that is prone to flooding and thus give rise to traffic hazard. I note that it is approximately 6 km to Maynooth via the Moyglare Road and 5 km via the R148. Therefore, while the road was not analysed in the traffic and transport assessment report, I consider that Maynooth bound traffic is more likely to use the R148. The second flooding concern is that water from the Observers land is taking longer to drain as the capacity in the Jenkinson Stream is already taken up by water from the Upper Ditch. I note that there is a culvert before the waters from the landholding enter the Jenkinson Stream and from the photographs submitted by the Observers, this appears to be working a chokehold. I note that **Moyglare Stud** and the **Lavins** have made similar comments about the severity of flooding downstream since the flood works have been completed. Given that the flood works have provided more room for the waters to be contained on site than was previously the case, I am not convinced that an increase in flooding downstream is necessarily related to the flood works that have taken place upstream, as opposed to wetter winters in 2022 and therefore more rainwater in general on the lands. The rainfall in Meath in February 2022 was 118 mm, as compared to circa 18mm in 2023, according to the Met Eireann website. In January 2021, the rainfall was circa 105 mm.
- 8.3.8. Area F, where the proposed school and neighbourhood centre shows the existing levels from 65.04 to 66.18m OD. The distributor road is at 65.3 m OD and begins to fall from this point onwards. Where the housing is proposed is above flood levels, but near the junction with the R125, there could be limited flooding of the access road, which is at 65.2m OD (finished floor levels are to be 65.4 m AOD). However, I note that Meath County Council consider that acceptable if within 250mm during the 100 year flood event, plus climate change. The road level would meet this.
- 8.3.9. I note that in the previous application on the site, a Justification Test was included in the Site Specific Flood Risk Assessment. The planning authority noted that the

distributor road has been constructed to the 1 in 100 year flood risk plus Climate Change.

8.3.10. As the planning application has been made prior to the adoption of the updated FRA (as acknowledged in the FRA prepared in relation to the new development plan), I consider that a Justification Test is required, notwithstanding that the housing is located in Flood Zone C, due to the location of the roads. The residual risks in relation to emergency planning need to be quantified. The Justification Test has to be undertaken by the applicant.

8.3.11. As the applicant has not submitted a Justification Test, I consider that a grant of planning permission would be contrary to national guidelines.

8.4. Primary School

8.4.1. The primary school is located on lands currently zoned part for open space and part for A2 zoned lands. The school use is permitted in principle on the A2 zoned lands but is not open to consideration under the open space zoning. The planning authority refused permission on the basis on the material contravention of the open space zoning. There is an objective in the development plan to provide a school in Kilcock Environs. The planning authority does not consider whether the provision of the school should be postponed until post 2027. The issue of flooding of this area of the site is not specifically considered. The planning authority considered that the design and layout of the primary school and neighbourhood to be acceptable in principle.

8.4.2. The applicant has made the argument that the school is a significant planning gain for Kilcock. It's location would encourage walking and cycling mode of transport. New drawings have been submitted on appeal to relocate the school on entirely residential zoned lands. The school has been pivoted so that it's central axis is gabled to the R125 instead of facing onto it. The vehicular access has moved northeast by circa 20 metres to accommodate the relocated basketball courts. The vehicular access now no longer serves the neighbourhood centre but is for the school only. The planning authority has not commented on this relocation in their response to the appeal. The revised location provides for an increased separation from the protected structure, which is an improvement on the original proposal and there is less of the building visible from the R125. However, the movement of an entrance would normally trigger revised public notices. A road safety report audit was conducted for the original

entrance. I consider that the additional distance to the bridge from the new entrance on appeal is an improvement on the original entrance. I note that on the previous application, the future school site was north of the distributor road. The new location has a higher profile in relation to the wider Kilcock area. The location of the school may increase congestion, as the provision of a footpath along the bridge will reduce the two-way traffic to a one-way carriageway, where traffic will have to yield to oncoming traffic. However, it will improve road safety. This arrangement was permitted under **PL09.238818**.

8.4.3. I consider that the new location and reorientation of the proposed school is acceptable. Should the Board consider granting the school, I would recommend that new public notices are sought.

8.5. Neighbourhood Centre

8.5.1. The planning authority consider that the neighbourhood centre is remote from the town centre and in the absence of a retail impact assessment, would have an unacceptable impact on the town centre's viability and viability. The First Party disputes this but reduces the size of the neighbourhood centre on appeal, to circa 429 square metres, of which only 191.5 square metres is retail space. On application, the neighbourhood centre, which has no frontage to the R125, was to be accessed from the school access road. On appeal, the centre is now accessed from the permitted housing development (Mill Way Reg. Ref. **201384**) to the east. It is now located on A1 zoned lands where retail use is permitted in principle. The neighbourhood centre is stated as being 290 metres from the town centre.

8.5.2. The relocation of the proposed entrance to the neighbourhood centre from the R125 to the internal road network of a permitted development would again trigger a new public notice, if the Board was minded to grant planning permission.

8.5.3. The neighbourhood centre now contains two retail units (97 square metres and 94.5 square metres respectively), with a medical centre at ground floor and a gym at first floor level. Convenience outlets and healthcare practitioner and leisure / recreation / sports facilities are only open to consideration in the A1 zoning. The planning authority consider that the neighbourhood centre has the potential to contravene the A1 zoning objective and so should be refused on that basis.

- 8.5.4. Kilcock Town Centre, some three minutes walk from the site, is mainly made up of small retail units and would significantly benefit from the proposed development. The potential upturn expenditure arising from this new quarter, could be largely consumed by the proposed retail units, if the larger neighbourhood centre was permitted. I can understand the planning authority's concern. The rebalancing of population to the north of Kilcock may not have the same rejuvenation impact for the town centre if the retail units as submitted at application was permitted. Given the limited distance between this part of the site and the town centre, there is less of a need for a neighbourhood centre to serve the retail need of new residents than would ordinarily arise in a situation where a new residential quarter is being constructed.
- 8.5.5. Having regard to the site's proximity to the town centre, the proposed neighbourhood centre is not considered necessary, could undermine the rejuvenation of the town centre and given its backland location, would be at risk of long-term vacancy. The reduction in retail units as proposed on appeal would be a more appropriate scale. However, the change of access from the R125 to the Mill residential estate would require new notices.

8.6. **Traffic**

- 8.6.1. The **Observers** are concerned that the road in the general area are not suitable for increased traffic and that public transport is not sufficient to cater for the existing population of Kilcock, without adding to it. The Moyglare Road has been identified as unsafe at present. The Observers recommend that no significant additional residential development should be permitted until works to complete the ring road around Kilcock have been completed.
- 8.6.2. I would concur that additional traffic on the Moyglare Road would be undesirable. A condition recommended by the planning authority's transport department that a connection be designed from the central roundabout in the site to the Moyglare Road in the northeast, by continuing on the road which is proposed to stop at the playing pitch. The land would be reserved for a future connection. This would remove through traffic from the Moyglare Road. I consider that this future proofing is foresighted and warranted. However, I consider that with the opening of the distributor road to traffic from the R125 will assist in reducing traffic using the Moyglare Road. I also consider that as the route to Maynooth is shorter via the R148, that the preference of traffic from

the proposed development will be to use the R148. Therefore the proposed development could proceed without the link to the Moyglare Road being currently in place.

- 8.6.3. The planning authority reviewed the Traffic and Transport Assessment in relation to the impact on the local road network (acknowledging that the Moyglare Road was not assessed). The planning authority was somewhat sceptical about the limited increase in traffic but was satisfied that the junctions assessed would operate in capacity and that the junction design was in accordance with DMURS and the National Cycle Manual. I note that the application is accompanied by a DMURS Design Statement.
- 8.6.4. There is no reference in the planning authority report to the new ring road. Having regard to the site's proximity to public transport and strategic location at the junctions of the R125 and R148, the development of the site is not dependent on the provision of the ring road, in my opinion.
- 8.6.5. Car parking standards are considered acceptable (1,069 no. proposed and 1,067 no. required). Cycle parking standards are met but the detail should be agreed with the planning authority. Parking for the school is adequate. Car parking for the neighbourhood centre is 44 no. when 76. no is required. The size of the spaces are considered tight for spaces 29-31.
- 8.6.6. A number of conditions have been prepared by the transportation section. I would concur with the planning authority that from a traffic perspective, the proposed development is generally acceptable.

8.7. **Design and Layout**

- 8.7.1. The design and layout of the proposed development is broadly similar to that as submitted under **ABP306309.21**. The main changes in the northern section of the site is that the dwellings have been continued around to the new junction with the distributor road, backing on to the existing housing. A new internal road has been provided to facilitate access to this area. The main access to the northern section is unchanged, but the second major access is not included on this application. A footpath/cycle track is retained to the northeast. There are no changes to the road layout in the southern section of the site. The school/neighbourhood centre area of the site was not included in the last application.

8.7.2. The previous application was for 575 residential units at density of 39 units per hectare. The current appeal is for 530 residential units at a density of 35 units per hectare. The comparison with the previous application is set out below.

Table 2: Comparison with 306309

	314703	306309
Houses	454 units	388 units
Apartments	14 units	66 units
Duplex	62 units	42 units
Corner Blocks (three storey double units)	(counted within the duplex above)	79 units
Total	530 units	575 units

8.7.3. The main changes are the decrease in overall residential units and the increase in housing units as the predominant residential unit. The density has decreased from 38 to 35 units per hectare. However, this density is in accordance with development plan policy for Self Sustaining Towns. Given the site's proximity to the railway station in Kilcock (circa 400 metres to 1 km), the site could sustain a higher density of development. This site could be categorised as an Intermediate Urban Location in the *Sustainable Urban Housing: Design Standards for New Apartments, 2020*, which, being within 800 metres of the town centre would cater for >45 dwellings per hectare. *Kildare County Development Plan (2023)* requires a density of 35 to 40 units per hectare for Kilcock. However, having regard to the site's compliance with development plan policy, I am not inclined to recommend refusal for this reason.

8.7.4. The site is dominated by large areas of public open space. These open space areas provide visual relief, recreational opportunities, flood basins and opportunities for biodiversity. The planning authority considers that the extent of public open space (102,500 square metres) is acceptable and that it exceeds the development plan requirements of 41,685 square metres. No material contravention of the development plan is considered to arise.

- 8.7.5. The maximum building height is 4 storeys. This is in accordance with the Building Height Guideline SPPR4 in *Urban Development and Building Heights Guidelines for Planning Authorities, 2018* which requires that greenfield or edge of city/town locations, planning authorities must secure a greater mix of building heights and typologies in suburban locations and to avoid mono-type building typologies (two storey or own door houses only, particularly in developments in excess of 100 units or more. The proposed development includes for twenty different unit types and from one bedroom to four bedroom units. The planning authority notes the predominance of three bedroom units in the scheme (65%). However I am satisfied that the variety of units, which includes apartment and duplex units, provides for a broad range of housing needs.
- 8.7.6. A crèche is provided in the southern section of the site. It is located on the main spine road of the southern section, in an internal and low profile location. One might question whether the creche might better serve the community if it was located adjacent to the proposed school, where the neighbourhood centre is currently located. This is a matter for the developer. The size of the creche, at 122 childcare spaces, is large enough to ensure viability.
- 8.7.7. Sports changing rooms and car parking for the sports field (which is located outside of the site) are part of the planning application. However, it is stated that these will not be developed by the developer. There is a value in showing the location of these facilities for the benefit of future occupiers of dwellings in the vicinity of the site.
- 8.7.8. Having regard to the Best Practice Design Manual Criteria as set out in the *Sustainable Residential Guidelines in Urban Areas, 2009*, the proposed development performs as follows:

Table 5: Sustainable Residential Guidelines in Urban Areas Criterion and Assessment

Criterion	Assessment
1. Context: How does the development respond to its surroundings?	The proposed development has been designed to create new communities around two areas of parkland. Higher, multi-unit buildings face onto public open

<p>2. Connections: How well is the new neighbourhood / site connected?</p> <p>3. Inclusivity: How easily can people use and access the development?</p> <p>4. Variety: How does the development promote a good mix of activities?</p> <p>5. Efficiency: How does the development make appropriate use of resources, including land?</p>	<p>space. Where the proposed development backs onto existing housing, back to back rear gardens have been provided.</p> <p>The proposed development is a four minute walk to the town centre, and proximate to rail and bus public transport. Pedestrian and cycle infrastructure have been provided through the parklands and to the proposed school. There is access to the Royal Canal and its towpath.</p> <p>Pedestrians, cyclists and vehicles can use and access the proposed development. Universal design has been considered.</p> <p>The proposed development provides for housing, a creche, and recreational space. A school, neighbourhood centre and sports facilities are proposed. A range of residential unit types are provided.</p> <p>The proposed development is set out to ensure that the town centre is easily accessed from any part of the site.</p> <p>The density of the site complies with development plan standards.</p>
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<p>6. Distinctiveness: How do the proposals create a sense of place?</p>	<p>The school site is prominent and would cater both for the needs of future residents and existing residents.</p> <p>The proposed development is set out into different sections, reflecting the topography of the site. The pocket parks within the scheme help create individual identity between different areas.</p>
<p>7. Layout: How does the proposal create people-friendly streets and spaces?</p>	<p>There is a hierarchy of roads providing for spine roads, loop roads and short streets. Continuous pedestrian and cycle ways connect streets through to the park.</p>
<p>8. Public realm: How safe, secure and enjoyable are the public areas?</p>	<p>The public spaces are overlooked and pocket parks provided elsewhere.</p>
<p>9. Adaptability: How will the buildings cope with change?</p>	<p>A wide variety of housing type is provided to cater for family life cycle. Extensions of the dwellings are possible, as well as roof conversions. Universal access has been included.</p>
<p>10. Privacy / amenity: How do the buildings provide a high quality amenity?</p>	<p>Generous separation distances have been provided. House types have been designed to ensure that there is limited impacts on adjoining houses. Units sizes are large and are well lit. Private open space is provided and acoustic insulation will reduce sound transmission. Many</p>

<p>11. Parking: How will the parking be secure and attractive?</p>	<p>units enjoy views over the public open space.</p> <p>Parking is generally in curtilage or provided communally. Street trees break up parking bays. Bicycle parking for multi-unit buildings are sheltered for long term spaces and short term spaces provided close to main doors.</p>
<p>12. Detailed design: How well thought through is the building and landscape design?</p>	<p>The building designs are attractive and high quality. The landscape design is well considered, considerate of ecology, biodiversity while providing flood relief measures and helps create identity.</p>

8.7.9. The planning authority notes that no boundary treatment plan is provided. However, the detail of boundary treatment has been shown on the Detailed Area Drawings, 1-6, the Sections Locations Plans and Boundary Condition 1-6 drawings by NMP.

8.7.10. Overall, the proposed development is a very high quality design, with attractive landscaping and is well connected to Kilcock town centre.

8.8. Residential Amenity

8.8.1. There are existing dwellings to the north of the site, along Moyglare Road. These dwellings have long rear gardens. The part of the site that adjoins these dwellings, rear gardens are longer than the norm (11 metres) so that separation distances generally exceed 22 metres. The nearest proposed house to an existing dwelling is Fh 428. This has been designed so as no window overlooks the existing dwelling to the north. No serious injury to residential amenity is likely to arise from overlooking.

8.8.2. As the proposed development is to the south and east of the existing dwellings, there is potential of overshadowing of these dwellings, particularly as the proposed dwellings are on higher ground, as evidenced in the topographical survey. While overshadowing may occur, in most cases this is limited. The dwelling to the north of Fh128 would

experience a greater degree of overshadowing, however I am satisfied that it is time limited and not to the extent that would warrant omission of the proposed unit.

- 8.8.3. Having regard to light, I am satisfied that due to the separation distance between the proposed and existing units, no serious injury to residential amenity would arise. The planning authority has suggested that the evidence is presented by the applicant and I would concur that would provide certainty.
- 8.8.4. In relation to the amenity of the proposed development, the proposed housing units are all larger than the minimum required and meet area and storage requirements. Rear gardens are generous and separation distances exceed 22 metres in most instances where there is direct overlooking. Shorter gardens are provided where houses are perpendicular, but these meet or exceed a minimum of 60 square metres. This is the minimum area for the private open space of a three bedroom house in the current development plan.
- 8.8.5. The duplex units similarly exceed minimum area requirements and meet storage and private open space requirements. Communal open space requirements for the duplex units are 357.2 square metres and 548 square metres are provided. The communal open space is south or west facing. The units are dual aspect and provide views over the public open space.
- 8.8.6. The floor area of the apartments meet or exceed minimum floor areas. However, the *Sustainable Urban Housing: Design Standards for New Apartments, 2020* require that the majority of apartments in schemes of 10 or more units exceed the minimum floor area requirements by 10%. Three of the apartments are exactly 45 square metres, when 45 square metres is the minimum. The rest (11 no.) are 80 square metres, where 73 square metres are the minimum. Technically, to be 10% larger would require a two bedroom apartment to be 80.3 square metres. This is a *de minimis* failing in my opinion and could be corrected by way of condition. Only 21% of units are single aspect and the aspect is south-west facing, which is acceptable. Storage areas meet minimum requirements as does private open space. Some 410 square metres of communal open space is provided and 92 square metres is provided. The communal open space is west facing. The apartments are located to look over the public open space.
- 8.8.7. The planning authority notes that the proposed development has been designed in accordance with BRE Sight Layout planning for daylight and sunlight, but the evidence

of same has not been submitted. The BER target is A2. Large fenestration has been used to allow light to enter the units and many have rooms that are lit from two aspects. Having regard to the separation distances within the site and the dual aspect outlook of the housing and duplex units and majority of the proposed apartments, I am satisfied that natural internal lighting would be of good illumination quality. The single aspect units are southwest facing, so likewise would enjoy good illumination.

- 8.8.8. The duplex units are located on the lower part of the northern part of the site. There is a road between these and the proposed housing, so I am satisfied that due to the distance, the duplex units are unlikely to give rise to serious impact on residential amenity from overshadowing. The proposed apartment block is similarly located and there is a car park separating the block from the houses to the north and a road separating the block from the houses to the west. No significant overshadowing is likely to arise.
- 8.8.9. The corner blocks to the southern section of the site are south of a row proposed housing. Some degree of overshadowing will arise in this situation, but it is time limited and so acceptable in terms of residential amenity. There is a metre in difference in finished floor levels and 12 and 13 metres from the gable walls which are 12 metres to ridge height). This is not ideal and there are no sections to show the relationship between the two, to assess impact. I note the planning authority's concern regarding the amount of sunlight in this area of communal open space. Given the location of the duplex units overlooking the public open space, there may be some scope to move the block southwards. However, in the absence of clarity in relation to the zoning in this part of the site, I would not be inclined to recommend this.
- 8.8.10. The planning authority has recommended that the layout of the proposed development should be fully justified, particularly in relation to the apartments. I consider that this would of benefit in any future application, while acknowledging that the design and layout of the proposed development is generally well thought out.

8.9. **Biodiversity**

- 8.9.1. The application is accompanied by an EIAR, which deals with biodiversity. I note that there is a stand alone Bat Assessment, Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report Impact and Outdoor Lighting report.

- 8.9.2. Nine trees are to be removed, which consists of 5 no. Category B trees, 2 no. Category C trees and 2 no. Category U trees. The loss of hedgerow is more substantial, particularly Hedgerow G, which is 341 metres in length. This runs across the site to the south. While it is disappointing that this was not incorporated into the landscape design, I acknowledge that having regard to provide for flooding works, the developable area is relatively tight in this area.
- 8.9.3. Bat surveys were carried out on the site in 2019, 2021 (pre-demolition of the house to the north of the Little Chapel of the Assumption) and over the entire site in 2021 (on 13.09.2021 and 31.09.2021). Five species of bats were found on the site, both feeding and commuting. No roosts were found on site, but the report recommends that trees are checked before felling, which should be outside the hibernation season or bird nesting season.
- 8.9.4. The bat species found included Daubenton's bat, which is very light sensitive, according to the report. Most of the bat activity was along the stream to the north, the Rye Water River and Hedgerow G1, which is to be removed. Compensatory measures are recommended, including a hedgerow of 300 metres. Compensatory planting of native and tree species. No light spillage is suggested along the river and light spillage in general is to be limited. The lighting design has allowed for this and provides for dark areas. Ten bat boxes are recommended.
- 8.9.5. The bat survey indicated high use of bats on the site with 70 bat passes along the stream and 213 bat passes along the hedgerow. I note that NMP have produced a Hedgerow Mitigation Drawing, as included in the bat survey report but I could not locate a hard copy of this. It provides for a significant area of Bat Mitigation Planting along the stream and Rye Water River. I note that the NPWS considered the proposals in relation to bats to be acceptable and concur with this.

8.10. **Construction**

- 8.10.1. A Construction and Environmental Management Plan (CEMP) accompanies the application. It deals with a range of issues including traffic management, stripping of topsoil and excavation of Subsoil, Erosion and Sediment Control, Accidental Spills and Leaks, Biodiversity, Waste Management, Noise and Vibration, Air, Dust and Climatic Factors, Visual Impact, Archaeology and Material Assets. Working hours are outlined.

- 8.10.2. HGV movements are not expected to be more than 4 vehicles per hour at the most intense work period. Access will be via the R148. While no haul route is provided, I acknowledge that this is in effect a continuation of a construction project that has been ongoing.
- 8.10.3. Surface water runoff from areas stripped of soil and surface water collected in excavated areas will be collected and directed to on-site settlement ponds, which will be lined. Concrete batching will take place off site. Surface water discharge points will be agreed with the planning authority.
- 8.10.4. Dust suppression measures will be implemented and wheelwash provided and the discharge directed to the on-site settlement ponds.
- 8.10.5. A bunded area will be provided for the storage of oils, fuels, paint etc, where refuelling of construction machinery will occur. An emergency response protocol will be in place.
- 8.10.6. Relocation of overhead ESB lines will be co-ordinated with ESB Networks to make sure that supply interruption is minimised. The same will apply to gas and telecommunications. I note the **Burke's** concerns in relation to interruption of electricity and water supply and that this matter can be dealt with in a post permission construction and environmental management plan.
- 8.10.7. Removal of hedgerow will not take place between 1st March and 31 August. Tree protection measures will be in place. There is reference to an agricultural shed which is a bat roost, but this is not referenced in the bat report. Temporary lighting will take account of the need to accommodate bats and the need for dark zones.
- 8.10.8. The recommendations from the Inland Fisheries Ireland publication in relation to construction works in and adjacent to waters will be adopted.
- 8.10.9. A Construction Waste Management Plan will be prepared by the final contractor. Waste will be segregated at source.
- 8.10.10. Noise and Vibration will be controlled for. Noise limits will be adhered to as set out in the BS 5228 2009 +A1 2014. Vibration limits will be adhere to under BS 7385: 1993 and BS 5228: 2009.
- 8.10.11. Dust control measures will be put in place and dust monitoring will take place.
- 8.10.12. Site hoarding will be erected to 2.4 metres in height.

- 8.10.13. Topsoil stripping will be monitored by an archaeologist.
- 8.10.14. Three works compounds will be provided.
- 8.10.15. No drawing of the soil storage areas and settlement ponds has been provided. The duration of construction has not been referred to in the CEMP but the EIAR states that it is unlikely to exceed seven years. Mitigation measures during construction are also included in the EIAR. I am satisfied that the proposed development can be constructed so as not to give rise serious adverse environmental or health and nuisance issues.

8.10.16. *Phasing*

- 8.10.17. A Phasing Plan has been submitted, consisting of five phases. Phase 1 and 2 are in the southern section of the site. Phase 3 is the middle section of the site, with Phase 4 to the most northerly section of the site. Phase 5 consists of the section of the site adjoining the distributor road, with the school and neighbourhood centre in this phase.

8.11. **Taking In Charge**

- 8.11.1. A Taking In Charge Drawing (1829-PA-111) has been submitted. It includes the roads and footpaths and Rye Water River, but not the public open spaces.

8.12. **Part V and Affordable Housing**

- 8.12.1. The First Party has provided 53 Part V units and 53 Affordable units, as identified on Drawing No. 1829-PA-109. The planning authority has agreed this in principle.

9.0 **Appropriate Assessment**

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate Assessment of implications of the proposed development on the integrity each European site

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

9.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

9.3. *Screening the need for Appropriate Assessment*

9.3.1. The First Party has submitted a report entitled '*Information to Inform a Stage 1 Appropriate Assessment Screening for a development at Newtownmoyaghy, Kilcock, Co. Meath*' by Openfield Ecological Services. The report provides a description of the proposed development. The Rye Water River flows through the southern portion of the site and leads to the Rye Water Carton SAC some 5 km downstream. It considers the habitats present on site. It notes that with the cessation of agricultural activities, there is likely to be a positive change to the quality of the surface water run-off as a result. No alien invasive species were found on site. The lands have been modified.

9.3.2. The European Sites within a possible zone of influence of the proposed development are identified. The relationship with a site outside a Natura site is by way of connectivity: i.e. through the source-pathway-receptor connectivity. The report identifies that while there are three that would come within the 15km radius generally adopted as a filtering limit, there is only one where there is a direct connection. The report also notes that the Rye Water River connects to the River Liffey, which in turn connects to a number of SPA's and SACs in Dublin Bay. I undertook a review of the EPA Assessment tool on 01.06.2023 and confirmed that the SACs and SPAs that are identified are:

No.	Site Code	Name	Distance (approximate)
1.	001398	Rye Water Valley/Carton SAC	5 km
2.	004063	Poulaphuca Reservoir SPA	30 km
3.	000210	South Dublin Bay SAC	35 km
4.	004024	South Dublin and River Tolka Estuary SPA	35 km
5.	004006	North Bull Island SPA	36 km
6.	000206	North Dublin Bay SAC	36 km

9.3.3. The report identifies that direct and indirect effects may arise. Direct effects may arise from surface water connections. Indirect effects may arise from wastewater discharge. Water supply for the proposed development is from Ballymore Eustace, where the Poulaphuca Reservoir SPA is located. The water treatment plant is the largest in Ireland and provides for 318 million litres per day, with a design capacity for 400 million litres per day. It is currently being upgraded to cater for approximately 1 million persons by 2025. Having regard to the letter of confirmation of feasibility from Uisce Eireann, I am satisfied that the proposed development would not give rise to significant effects on the Poulaphuca Reservoir SPA.

9.3.4. I note that the Leixlip Wastewater Treatment Plant is operating within capacity and so am satisfied that the proposed development would not give rise to significant effects on the Natura 2000 sites in Dublin Bay.

9.3.5. Having regard to the distances involved to the Natura 2000 sites in Dublin Bay, I am satisfied that the surface water discharge from the proposed development would not have a direct effect on these sites. Therefore I am satisfied that five of the six sites that might be affected by the proposed development can be eliminated.

9.3.6. There is a closer designated site, the Rye Water Valley Carton SAC, which has a direct hydrological link to the site at 5 km distance. The Qualifying Interests / Special Conservation Interests of the designated site are set out below:

European Site Site Code	List of Qualifying interest/Special conservation Interest
Rye Water Valley / Carton SAC 001398	Petrifying springs with Tufa formation [7220] Narrow-mouthed Whorl Snail <i>Vertigo angustier</i> [1014] Desmoulin's Whorl Snail <i>Veritgo moulinsiana</i> [1016]

9.3.7. The conservation objectives for the above site are to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected and for the species, to maintain its population on long term viable basis, with sufficient range and sufficiently large habitat.

9.3.8. The habitat is dynamic and would be likely to significantly impacted by a reduction in water supply, which is from an upwelling groundwater source. The Narrow-mouthed Whorl Snail has not been recorded since 1997. The habitat that supported the snail was a narrow zone between the riverside vegetation and springs. The Desmoulin's Whorl Snail is known near Louisa's Bridge, where the Royal Canal passes over the Rye Water River. The report states that the snail lives on wetlands.

9.3.9. The attributes to be protected include the hydrological regime (height of water table and water flow from groundwater), water quality (nitrate and phosphate) and water flow (increased flooding may have negatively impacted the SAC) and soil wetness.

9.3.10. The proposed development is not close to the Natura 2000 sites, so no loss of habitat or disturbance to species located therein is likely to arise. The report states that there is no evidence that pollution from construction or operation could affect the qualifying interests of the SAC. No in-combination effects occur and the *Meath County Development Plan, 2021-2027* has been subject to Appropriate Assessment. A Stage

2 Appropriate Assessment however, is considered warranted, on a precautionary basis. The submission from the DAU concurs with this.

- 9.3.11. A Construction and Environmental Management Plan has identified standard water pollution protection measures during construction and SUDS is the standard water pollution prevention measure during operation. I note the recent EU judgement, C-721/21, which finds that account can be taken of the features of a project which involved the removal of contaminants, where the features are standard features, inherent in any such project, irrespective of any effect on a European site.
- 9.3.12. Having considered the attributes of the SAC that require protection, I see that none of the measures outlined as mitigation measures are relevant to the protection of the SAC. Having regard to the existing surface water runoff of the site (34.9 l/s) and the proposed surface water runoff (33.9 l/s) I consider that there will be no significant change to the water supply to the Rye Water River. Therefore, as there is no significant change to the water regime.
- 9.3.13. The water quality attribute requirement is not to exceed nitrate and phosphate standards. The EPA notes that in Ireland, the main sources of excess nitrate and phosphate are agriculture and wastewater. No wastewater will enter the Rye Water from the proposed development and the level of agriculture occurring near to the river will be reduced, due to the change in use of the lands from agriculture to parkland.
- 9.3.14. I do not consider that it has been demonstrated that the construction or operation of the proposed development would be likely to significantly effect the Rye Water Valley / Carton SAC (Site Code 001398) without mitigation measures.

In-combination Effects

- 9.3.15. In-combination effects are considered in the submitted screening report. It refers to the appropriate assessment screening for the *Meath County Development Plan, 2021-2027*, which found that the implementation of the plan would not result in negative impacts on the Natura 2000 network. I note that the parts of lands of the site have generally been zoned for development Post 2027. However, having regard to the above analysis that the proposed development would not be likely to significantly effect

the Rye Water Valley / Carton SAC (Site Code 001398), I consider that the in-combination effects with other plans or projects are not significant.

Screening Determination

9.3.16. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project and having regard to the submitted reports, I have concluded the project individually or in combination with other plans or projects, would not be likely to have a significant effect on the Rye Water Valley / Carton SAC which is hydrologically directly connected with the site, in view of the Site's Conservation Objectives, or any other European Site. The determination is based on the following:

- The qualifying interests of the Rye Water Valley SAC (Site Code 001398), and the attributes that require protection will not be adversely affected by the construction or operation of the proposed development and
- the distance between the proposed development and other European sites.

This screening determination is not reliant on any specific measures intended to avoid or reduce potentially harmful effects of the project on a European site.

10.0 Environmental Impact Assessment

10.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The proposed development provides for 530 no. residential units, 16 classroom primary school, neighbourhood centre, creche and sports changing facilities on a site area of 27.79 ha. The site is located within the administrative area of Meath County Council.

10.1.2. 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 infrastructure projects that involve:

- Construction of more than 500 dwelling units
- 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.

10.1.3. The proposed development relates to a site of 27.79 ha and is located within an area which falls under the definition of 'other parts of a built up area'. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because of the number of residential units, which exceeds 500 units and the size of the site, which exceeds 10 ha. The EIAR comprises a non-technical summary, the Main Report and Appendices. Table 1.1 identifies the EIAR Project Team and Environmental Specialists and their relevant qualifications are provided in each chapter. I am satisfied that the information contained in the EIAR has been prepared by competent experts and so complies with Article 94 of the Planning and Development Regulations 2000, as amended.

10.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Consideration of indirect effects is included where relevant. Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

10.1.5. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Meath County Council, the prescribed bodies and members of the public which are summarised in Section 4 of this report. I

am satisfied that the participation of the prescribed bodies has been effective. I am also satisfied that the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. For the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

10.2. ***Vulnerability of Project to Major Accidents and/or Disaster***

- 10.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. Accidents have been considered in the Worst Case Scenario presented in relevant chapters and mitigation measures provided. This includes construction accidents and operational issues, including gas explosions and contamination of potable water
- 10.2.2. A Site Specific Flood Risk Assessment has been carried out and Chapter 9 – Water of the EIAR refers to Flood Risk. It categorises the risk of fluvial flooding being of low likelihood and following mitigation measures, the residual risk is extremely low.
- 10.2.3. I am satisfied that enough information has been provided in the EIAR and accompanying reports to enable an Environmental Impact Assessment to be carried out.

10.3. ***Alternatives***

- 10.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an

indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

10.3.2. Chapter 2 of the EIAR provides a description of the project and Chapter 3 sets out the reasonable alternatives considered. Alternative designs of the site were considered during the design process, taking into account the constraints of the site and a SWOT analysis was prepared. An application was made to An Bord Pleanála via the SHD application process (TA17.306309 for 575 no. units and creche). This followed pre-application consultations with Meath County Council and design changes were made on foot of these. The final layout did not provide for housing adjoining the R125, nor the school and neighbourhood centre, as the current proposal does.

Commentary

10.3.3. I am satisfied with the approach of only considering design alternatives, as the site is fixed and alternative processes does not arise in this instance. The design has been progressed with design amendments and considerations with regard to density, housing mix, unit size and connectivity. I am satisfied that the alternatives have been adequately explored for the purposes of the EIAR, save for an explicit assessment of the consideration of the environmental impacts of the three alternatives (do-nothing, **TA17.306309** and the current proposal). However, no conclusion in relation to environmental impacts of the alternatives has been reached. This is a requirement of the EIA Directive. I note that a 'do-nothing' scenario is considered in the relevant EIAR chapters.

10.4. **Consultations**

10.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. A copy of the EIAR has been lodged to the Department of Housing, Local Government and Heritage EIA portal. Additional consultations have been had with government bodies.

10.5. **Likely Significant Direct and Indirect Effects**

10.5.1. The likely significant direct and indirect effects of the proposed development are considered under the headings below which follow which is in accordance with Article 3 of the EIA Directive 2014/52/EU:

- Population and human health;
- Landscape and Visual Impact;
- Material Assets – Traffic and Transport and Built Services;
- Lands and Soils;
- Water and Hydrology;
- Biodiversity;
- Noise and Vibration;
- Air Quality and Climate;
- Archaeology and Cultural Heritage
- Interactions of the Foregoing;
- Summary of Mitigation Measures.

Commentary

10.5.2. Indirect effects or secondary effects of the proposed development are not generally considered in the EIAR, which is a requirement under Schedule 6 of the Planning and Development Regulations 2001-2022, if there are likely to any significant effects. I consider that the main indirect effect / secondary effect is in relation to Dublin Bay, where the River Liffey discharges to, following treatment at Liexlip Wastewater Treat Plant. As there is sufficient capacity in this plant for the proposed development, I am satisfied that the proposed development will not have a significant effect on the estuary.

10.6. ***Population and Human Health***

10.6.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic, socio-economic and health trends are examined. The principal findings are that there is significant population growth in the area and a shortage of housing is likely in the future. A do-nothing alternative represents a lost opportunity to develop lands proximate to the centre of Kilcock, in close proximity to high capacity public transport infrastructure. In terms of human health, the most likely impact will be

from air quality (dust), noise and vibration, traffic and visual effects during the construction phase of the development. However, this can be mitigated via a construction management plan.

- 10.6.2. The proposed development includes new pedestrian links and enhance connectivity. It will also create significant economic activity. During operation, the proposed development will provide new local amenities, generate much needed housing and consolidate Kilcock. This will enhance human health, allowing for more sustainable modes of transport in an attractive environment. A neighbourhood centre will be provided which will provide local services and employment opportunities. Overall, the proposed development will be significantly positive for the area and negative impacts will be short term and slight. In terms of accidents, this is considered a worst case scenario and unlikely. It could release pollutants to local watercourses.
- 10.6.3. Community Infrastructure and social facilities are considered. These include childcare facilities, primary schools, post primary schools and third level colleges. Sports and recreation facilities are listed. Retail and services providers are identified. No difficulties in obtaining information are cited. A Childcare Demand Assessment Report and School Demand Assessment Report, as well as Social Infrastructure report are provided under separate covers. It is noted that the proposed development provides for a primary school, catering for 480 pupils.
- 10.6.4. Overall, the residual impact is considered significantly positive with the construction impacts will be negative, short term and slight. The EIAR notes that there will be cumulative impacts with the completed development under **RA150205** (152 units).

Commentary

- 10.6.5. The chapter does not include a population projection for the proposed development, nor population projections for the three cumulative developments considered. Therefore, it is hard to assess the potential impacts direct effects of the proposed population on Kilcock in the absence of this information. I note that while four Electoral Divisions were considered in terms of population, in my opinion, the most relevant ones are the Kilcock Electoral Division and the Rodanstown Electoral Division. The population was 8,053 in 2016. Assuming a household occupancy of circa 2.75 persons per unit (the Irish average household size in 2016), the proposed development would

add circa 1,458 persons to Kilcock – an increase of approximately 18%. If the cumulative impacts of the other proposed developments are considered, the population increase is of the order of 3,000 persons, which would increase the population of Kilcock by approximately one third. The proposed development provides for a primary school, creche, parklands and sports facilities. Therefore, while the proposed development is a significant increase in population in regard to population, it provides commensurate levels of facilities. However, this would not be evident from reading the chapter.

10.6.6. No secondary or indirect effects were noted.

10.7. Landscape and Visual Impact

10.7.1. Chapter 5 outlines the landscape and visual impacts that would arise from the proposed development. It sets out the relevant legislation and guidance documents.

10.7.2. The site is categorised in the Meath Landscape Character Assessment in the current *Meath Development Plan 2021-2027* as the Royal Canal Character Area. The landscape is categorised as having a High landscape value but with an overall moderate landscape sensitivity. The *Kildare County Development Plan 2017-2023* [this has now been updated to the *Kildare County Development Plan 2023-2027*] provides protected views from the Royal Canal at Chambers Bridge Maws (RC9) at Lock 15 and Shaw Bridge (RC10). There is a *Kilcock Local Area Plan 2015-2021*, but the life of this plan does not appear to have been extended.

10.7.3. The chapter finds that the site is considered to have a low sensitivity due to the low sensitivity of the grass area and that the site is zoned for residential development. Views from the Royal Canal are low and restricted, save where the site parallels the canal. Here the sensitivity is medium to high. The impact on the view east from the Little Chapel of the Assumption (View 13) is considered to be moderate negative, as the future neighbourhood centre and school are dominant.

10.7.4. In the Do-nothing Scenario there would be no change. During construction, there will be significant negative impacts, particularly for dwellings adjacent the R125 and R148 and on the Royal Canal Way. However these impacts will be short-term. During operation the agricultural area will be residential in character. The removal of internal hedgerows (boundary hedges are being kept) will have a permanent negative impact.

Landscaping works for flood relief purposes will not be readily perceptible. The removal of overhead powerlines is considered positive. Cumulatively there will be minor additional impacts.

- 10.7.5. Mitigation measures incorporate design mitigation, construction and operational phase measures. Design mitigation include a varied visual environment with high quality buildings and materials. Construction measures include hoarding. Operational measures include planting and landscape, retention of hedgerows and improving the amenity of the watercourses. The residual impacts will improve over time, save for that for a dwelling located on the Moyglare Road. The parkland will become a significant amenity.

Commentary

- 10.7.6. From an environmental impact assessment perspective, I am satisfied that the potential impacts are identified. Many of these would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, save in relation to particular dwellings close to the site. I am, therefore, satisfied that the proposed development would have an acceptable direct, and cumulative effects on the landscape and on visual impact.

10.8. **Traffic and Transport**

- 10.8.1. The site benefits from the newly constructed distributor road, which provides for pedestrian and cycle facilities. However, only 160m is currently operational. Pedestrian and cycle facilities have also been improved on the R148 at the R148 roundabout. There is a shared pedestrian and cycle facility on the Royal Canal Greenway.
- 10.8.2. The site is some 800 metres from the Bus Eireann bus stop on Harbour Street. The bus serves Kilcock to Dublin, including Maynooth with 33 services on weekdays. The site is 1.2km from Kilcock Train Station. The rail line is the Dublin Sligo line. There are 11 services on a weekday.
- 10.8.3. The proposed development provides 1,112 no. car parking on site. Of these, 979 no. spaces are residential, 46 no. spaces for the primary school, 40. No. spaces for the

sports grounds, 32 no. spaces for the neighbourhood centres and 15 no. for the creche. The ratios of the car parking spaces per size of residential units are set out, with a maximum of 2 no. spaces per 3+ bed houses.

- 10.8.4. The proposed development provides for 446 no. cycle spaces. This includes 240 no. residential cycle spaces, 52 no. primary school cycle spaces, 50 no. neighbour centre cycle spaces, 42 no. creche cycle spaces, 32 no. sports cycle spaces and 30 no. cycle spaces for the parks and playgrounds.
- 10.8.5. The internal roads layout is consistent with DMURS, designed for lower traffic speeds.
- 10.8.6. In terms of phasing the southern portion of the site is to be constructed first. The Opening Year is anticipated to 2023. The + 5 years is to be 2028 and +15 years of 2038.
- 10.8.7. The Do-Nothing scenario includes for committed development. It assumes that as per the Kilcock Environs Settlement Statement, the Distributor Road is to be extended to connect to the R158, which would provide a relief road to the M4 motorway, which avoids the town centre (some 2.7km on length) will be open. Under these circumstances, the centre of Kilcock's main junctions will operate at capacity. The remainder have capacity.
- 10.8.8. Construction is likely to take up to 7 years. Construction impacts will slight, negative and short term in impact.
- 10.8.9. At operation stage, in the opening year, there is limited change to traffic experienced in the junctions. By 2038, there is significant impacts on the road network. A Mobility management is a mitigation measure. The residual impacts at operation stage are categorised as negative, and while not significant, are permanent.

Commentary

- 10.8.10. The number of truck movements that the proposed development would generate during construction has not been quantified, nor a proposed haul route identified in the EIAR, but the CEMP has stated that there is a maximum of 4 HGV movements per hour. Therefore, the impacts can be considered within the EIA, but the chapter is deficient in regard to this. Given that construction is due to last for seven years, it is considered inappropriate to describe construction traffic as a short term impact.

10.9. **Material Assets: Built Services**

10.9.1. The material assets includes the surface water, water supply, foul drainage and utility services. The core infrastructure has been permitted under **PL17.238370**.

Surface Water

10.9.2. The site generally falls in a southerly direction to the Upper Ditch and Rye Water River, which in turn discharges to the River Liffey. The greenfield runoff rate is 34.9l/sec, with a total attenuation volume of 5,950m³. Two attenuation facilities are to be provided. These will have a non-return valve will prevent flood waters entering the surface water drainage network. Permeable paving in driveways will provide additional attenuation and treatment.

Foul Water Drainage

10.9.3. Foul water drainage has been constructed under **PL17.238370**. The main foul sewer network is 375/450mm diameter drains, that discharges to an Uisce Eireann 600 diameter drain, which discharges to the Kilcock Foul Pump Station.

10.9.4. The daily foul discharge volume is estimated to be 236.m3, with a Biological Oxygen Demand of 91 kg/day. A Pre-Connection Feedback Letter has been provided by Uisce Eireann, stating that the proposed development can be facilitated.

Water supply

10.9.5. Water supply has been constructed under **PL17.238370**. The main water supply system consists of 280/315mm diameter pipes, reducing in size locally. An average daily domestic demand of 214.7m3 have been calculated for the proposed development.

10.9.6. Power is provided via the ESB networks. Overhead lines on the site will be undergrounded or redirected. Two 38kV lattice mast structures will be erected. A gas network will be provided.

10.9.7. Telecommunications can be provided through Eir and Virgin Media.

10.9.8. In a Do-nothing Scenario, there will be no impacts.

10.9.9. Construction impacts may arise that could lead to contamination of surface water or potable water supply, interruption of power/gas/telecommunications.

- 10.9.10. Operational impacts may include reduced recharge to groundwater, accidental contamination from hydrocarbons, increased discharge to foul drainage, increased use of potable water, contamination of surface water from foul sewer leaks. This could impact on human health, as could gas leaks or explosions and loss of supply of utilities.
- 10.9.11. A Construction Environmental Management Plan will consider such unplanned events.
- 10.9.12. No cumulative impacts in relation to surface water, as each site is independently designed. No cumulative impacts are likely in relation to wastewater, as there is adequate capacity and the same applies in relation to water supply.
- 10.9.13. Mitigation measures for surface water are contained in Section 9.6. However, during construction, surface water run-off will be directed to on-site settlement ponds, where it will be captured and treated.
- 10.9.14. The relocation of ESB infrastructure will be fully co-ordinated with ESB Networks so that any interruption is minimised.
- 10.9.15. The use of mitigation measures will ensure that any residual impacts will be moderate and short term during construction. None are expected during operation.
- 10.9.16. A Worst Case Scenario would arise during construction of excavation works coming into contact with power lines or damaging wastewater pipes. The CEMP will mitigate the risks of accidents and disasters. At operation, gas explosions or contaminated water supply might occur, but the probability is unlikely and so the risk to human health is not considered significant.

Commentary

- 10.9.17. I consider that the chapter has generally set out the main potential impacts arising, mitigation measures and risk to human health. Some more detail in relation to the Kilcock Pumping Station and ultimate destination of the wastewater, which flows to the Leixlip Wastewater Treatment Works via Maynooth, would have been helpful. I note that Uisce Eireann states that the Leixlip Treatment Plant has increased capacity from 80,000 PE to 150,000 PE and can cater for a hydraulic capacity of 48,500m³ per day.

10.10. Lands and Soils

- 10.10.1. The proposed development will strip topsoil and some subsoil from the site, but no deep excavations are proposed. Excavated material will be reused on the site where feasible. Preliminary ground investigations have been undertaken, with 7 no. trial pits and 7 no. infiltration tests.
- 10.10.2. The predominant soil type is Gleys, which is a waterlogged grey soil, underlain by limestone till., save at the southern end of the site, which includes gravel from limestone and alluvium (close to the Rye Water River). Ground investigations found that the site had topsoil to a depth of 0.3m, with made up ground to 0.45m. This was underlain by brown sandy gravelly clay. Groundwater was encountered in two trial pits at 1.8m and 2. m. The infiltration tests indicted negligible soakage rates.
- 10.10.3. Clap limestone underlies the site. This generally has low permeability and has low productivity. The local aquifer is described as a Locally Important Aquifer, which is moderately productive. Groundwater vulnerability is described as high. Bedrock was not encountered at 5.3 metres. A radon level of between 5-10% above 200 bequerel per cubic metre was identified for the site. 200 bequerels per cubic metre is the reference level for Ireland.
- 10.10.4. There are no impacts if the Do-nothing Scenario proceeds.
- 10.10.5. During construction, stripping of topsoil may result in soil erosion and generation of sediment, which will have a slight, negative impact in the short term. Some 72,000 m³ of topsoil will be stripped, with 65,000 m³ reused on site. Some 50,000 m³ of subsoil will be cut and 36,000 m³ used on site for fill. Some 14,000 m³ of material will be removed from the site. Construction vehicles can give rise to erosion on site and can generate dust. There is a risk of accidental spillage from oils or fuels used in construction vehicles and potentially from cement and concrete spills.
- 10.10.6. No impact is expected on bedrock from initial investigation and this will be confirmed prior to construction. Following construction, no further impacts on soils and geology is expected. There will be a cumulative impact on the lands and soils and geology of the area, which will be permanent but not significant and slight.
- 10.10.7. Mitigation measures during construction will be manage topsoil, minimise cut/fill earthworks and reuse on site, monitor and respond to weather conditions, capture and

treat surface water runoff and ground water discharges, dust suppression measures, prevent accidental discharges and minimise their impact. No mitigation measures are required during operation. Residual impacts are in relation to construction is the removal of material not suitable for reuse as fill material. The impact is considered neutral. There are no residual impacts during operation nor if the proposed development does not proceed in a do-nothing scenario. A worst case scenario would be a fuel spill during the refuelling of construction machinery, which could impact on groundwater. This is considered unlikely as there is an absence of a requirement to store large volumes of fuel on site. An alternative worst case scenario would be the collapse of stockpiles of soil, which could impact on human health. However, this risk is dealt with in the CEMP.

Commentary

- 10.10.8. The chapter has identified and quantified the environmental impacts of the proposed development. The indirect impacts of the proposed development on lands and soils are not referred to, but I do not consider that these are significant in this instance.

10.11. Water and Hydrology

- 10.11.1. The site is in the Rye Water River Catchment, which connects to the River Liffey, some 15 km downstream. Some 5km downstream, the River Rye Water forms part of a Natura 2000 site (Rye Water River / Carton SAC). Surface water from the site will be attenuated in two locations. The northern part of site will be attenuated prior to discharge to the Upper Ditch, which serves as an overflow for the Rye Water River. The southern part of the site will be attenuated before discharge to the Rye Water River.
- 10.11.2. The cumulative impacts of permitted development are considered (it should be noted that two permissions are referred to and are expected to be completed by 2022 and 2023, for 280 units. These figures are slightly different from those stated as being the cumulative permissions). The surface water runoff allowable rates are consistent with the greenfield runoff rates. Attenuation volumes for the 1,000 year storm have been provided for, which includes a 20% provision for climate change. The attenuation is 2,600m³ for the northern site and 2,350 m³ for the southern site. Floor levels are set

above the 100-year flood events, by 0.5 metres. Overland floor routes have been provided for the 1 in 100 year storm events.

- 10.11.3. In relation to the site's groundwater vulnerability, the main site is largely low vulnerability save in the southern section which has a high and moderate vulnerability. The school and neighbourhood centres site is mainly high vulnerability. The aquifer underlying the site is a Bedrock Acquirer, which is moderately productive in local zones. The deepest excavation will be for the installation of surface water drains and attenuation tanks (up to 4 metres deep).
- 10.11.4. A Site Specific flood risk assessment has been completed by RPS. Amongst other reports, it reviewed the CFRAMS (2018) and Kilcock FRAMS (2021) and the Meath Development Plan, 2021 to 2027. The majority of the site is in Flood Zone C – not at risk of flooding. Some parts of the site are in Flood Zone and B. Flood mitigation works were completed in 2018. These were completed under **PL17.246141** (10 year permission for 152 dwellings and creche). Post Flood Mitigation Works Flood Extents Mapping has been produced by RPS. All proposed dwellings are located within Flood Zone C. Finished floor levels are set in excess of 500mm above the 1 in 100 year flood levels.
- 10.11.5. No impacts will arise if the proposed development does not proceed. During construction, surface water runoff may have higher silt levels or be contaminated by spills, washwater, concrete runoff, discharge of foul water, infiltration of groundwater. Without mitigation measures, the impacts will be neutral, short term and moderate. Mitigation measures are set out similar to that outlined above in **Lands and Soils**.
- 10.11.6. Operational impacts include reduction to groundwater recharge, increased surface water runoff rate and potential leaks from hydrocarbons in piped surface water from porous driveways. Impacts are considered slight, permanent and neutral. Mitigation measures are designed into the surface water system, including Class 1 fuel/oil separators at each attenuation tank and a Non-Return Valve from both watercourses.
- 10.11.7. Potential risks to human health arise from the contamination of the potable water supply from surface water or ground water if pipes are damaged or incorrectly installed. This risk is low. No cumulative impacts are anticipated for foul water and water supply, as there is capacity for the proposed development.

10.11.8. No significant residual impacts are anticipated in the construction stage on the implementation of the mitigation measures. During operation, these will be slight, long term and neutral. In a worst case scenario, any flooding will be of a short term duration. Monitoring measures are proposed.

Commentary

10.11.9. The cumulative impacts in relation to the recharge of groundwater from all permitted schemes has not been considered. I note from the Biodiversity chapter the Leixlip Treatment Plant is operating within its design capacity and that there is no evidence of any negative impacts upstream or downstream from the discharge point. On that basis I am satisfied that indirect effects can be ruled out.

10.12. Biodiversity

10.12.1. Site surveys were carried out on 03.03.2019, 25.06.2019 and 01.10.2021. These were habitat, mammal and bird survey. Separate bat surveys were undertaken.

10.12.2. The Royal Canal pNHA (site code:2104) is 30 metres from the site. The Rye Water Valley/Cartron SAC (site code: 1398) is some 5 km from the site and the Rye Water River flows through it. The SAC was designated for its Petrifying Springs, Narrow-mouthed Whorl Snail and Desmoulin's Whorl Smail. The Petrifying Springs is sensitive to changes in water quality, flow regime, and intensification of land use practises. The Desmoulin's Whorl Snail is sensitive to changes in water level.

10.12.3. In 2019, the Rye Water was categorised as 'unpolluted' downstream of the site. However the Rye Water has been classified as 'moderate' or 'poor' under the WFD, 2013-2018 and has to achieve 'Good Ecological Status' by 2027. However, in the 2018-2021, the Rye Water was not listed as a 'priority area for action'.

10.12.4. The IFI was contacted for observations. The IPI notes that the Rye Water supports Atlantic Slamon, Sea Trout and Brown Trout. In 2018, electrofishing found Brown Trout, Minnow, Pike, Stickleback and Lamprey upstream of Carton House. At Millerstown Estate in Kilcock, brown trout, stoneloach, minnow and stickleback were found. Protected crayfish are also present. Riparian vegetation is suggested to be including in the planting plan.

- 10.12.5. The habitats on site vary. The southern area was bare soil and arable crops but now is dry meadow (GS2). The riparian zone to the south is lowland river (Fw2) is bare soil and highly modified. There is a hedgerow (c.150metres in length) (WL1). While a native hedgerow, it is structurally poor and isolated from connecting vegetation. The drainage ditch (FW1) has minimal vegetation. The northern area is improved agricultural grasslands (GA1). The school and neighbourhood centre site is bare soil with a lower significance hedgerow.
- 10.12.6. Badger activity was noted in March 2019, but no set found. A bat survey carried out in June and September 2019 found no evidence of bat roosts. Four species of bats were found foraging. These were the Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat and Brown Long Eared Bat. The flights were concentrated to the north of the site. In 2021, five species were encountered and bat activity was found in the north, the hedgerow to be removed and taround the river. No evidence of otter was found, nor Irish Hare. Other non-protected mammals were found.
- 10.12.7. Birds of low conservation were found on site. A *Snipe Gallinago Gallinago* was found on the Rye Water, which is of moderate conservation value.
- 10.12.8. No frog spawn was found, but frogs and lizards could be present on site.
- 10.12.9. No watercourses on the site are of fisheries significance, although the Rye Water is of fishery significance.
- 10.12.10. The Rye Water River is of county significance, with the other habitats being of lower, local significance or negligible significance in the case of the improved agricultural grassland.
- 10.12.11. In a Do-Nothing Scenario, no significant changes in biodiversity would occur.
- 10.12.12. During construction, there would be habitat loss, loss of 90 metres of higher significance hedgerow and 480 metres of lower significance hedgerow. 510 metres of higher significance hedgerow will be retained. The loss of hedgerow will affect species, including commuting routes for bat. New landscaping will offset some of this loss. The impact is likely to be negative, permanent and moderate. Mortality of species during tree felling and land clearance will arise. This should take place outside the months of

March to Augusts. Trees need to be checked for bat roosts. The impact is likely to be negative, permanent and moderate.

- 10.12.13. Pollution of watercourse could arise. The Upper Ditch is to be crossed. The soffit levels will be 300mm above the bed of the watercourse, to allow for fish passage. Mitigation measures are necessary. An NIS is required, due to the hydrological connection with the Rye Water River and downstream SAC.
- 10.12.14. During operation, disturbance to species from increase human activity will occur. Most of the species are habituated to human activity. However lighting will have a permanent mild negative effect on individual bats. Pollution from surface water will have a neutral, permanent, imperceptible effect.
- 10.12.15. Wastewater from the site will be treated in Leixlip. This plant is meeting its standards and operating within design capacity. Monitoring is showing that the plant is not having an observable negative impact.
- 10.12.16. There is no impact on the Royal Canal, as the site is separated from it by the Rye Water River and a public road. There is no hydrological connection.
- 10.12.17. An SEA was carried out for the *Kilcock Local Area Plan, 2015-2021*, where the lands were zoned for residential use. Therefore, the consultant considers that cumulative impacts have been assessed and found acceptable. There was an SEA for the *Meath County Development Plan 2021-2027*, which zoned the site for residential use. Sufficient capacity exists in the wastewater treatment plant in Leixlip and no pollution is being experienced.
- 10.12.18. Surface runoff may transport contaminants into surface water bodies. However, the proposed development includes SUDS. The removal of agriculture may also reduced diffuse pollution, with a net positive effect for surface water quality.
- 10.12.19. Mitigation measures include the landscape strategy, the limiting of site clearance and tree felling to outside the March to August period, a bat assessment prior to felling for bat roosts, robust silt barriers and use of settlement ponds. Installation of the watercourse crossing should be done in the dry. During operation, lighting design will accord with specific guidance and a dark sky will be designated.

Residual impacts in construction phase are neutral or negative, short term and not significant. The same applies at operation. A worst case scenario would result in the pollution of the Rye Water River, but the impact would be temporary.

Commentary

10.12.20. The chapter is considered acceptable.

10.13. Air Quality and Climate

10.13.1. The chapter notes that air quality standards apply to Nitrogen Dioxide, Particulate Matter (PM10 and PM3.5), Benzene and Carbon Monoxide. The maximum values permitted are categorised in terms of the hourly limit for protection of human health, the 8-hour limit for human health, the annual limit for protection of human health, the critical level for vegetation, depending on the appropriate category. Dust deposition of 350 mg/m²/day averaged over a year at any receptor outside the site boundary.

10.13.2. The Climate Action Plan (2021 is referenced in the EIAR) sets a built environmental reduction target of 40-45% relative to 2030 pre National Development Projections. Meath County Council has prepared a Climate Action Strategy, 2018. It includes reducing CO₂ emissions by 40% by 2030.

10.13.3. The National Emissions Ceiling Directive applies to four pollutants – Sulphur Dioxide (SO₂), Nitrogen Oxides (NO_x), Volatile Organic Compounds (VOCs) and Ammonia (NH₃). This Directive was amended in 2016 to include PM_{2.5} and Methane (CH₄).

10.13.4. Local air quality is affected by road traffic which gives rise to NO₂, PM₁₀ and PM_{2.5}, benzene and CO. Assessment is required if certain conditions are triggered. Road links within 200 metres of the proposed development will be the most affected by concentration of key pollutants. This distance also applies to ecologically sensitive sites.

10.13.5. Three equivalent towns have been tested for baseline air quality levels. It is assumed that Kilcock will have similar levels. All are well below the limit values for NO_x and PM₁₀.

10.13.6. The impact of the proposed has been forecast on the basis of the construction dust emissions and traffic generated by the proposed development during operation. The construction dust will impact circa 50 metres from the site. There are a number of dwelling houses which could be impacted, in the absence of mitigation measures. The impact on human health is considered short term, negative and imperceptible. The operational traffic impact has been identified for the Do-nothing, and Do-Something scenarios. The changes range from imperceptible to small increase (circa 1%). No exceedance of limit values is expected. Impacts are long term, negative and imperceptible. The increase in relation to national greenhouse gases is insignificant. The impact of NOX on the Royal Canal pNHA is of the order of 0.1%. The impacts on human health are long term, negative and not significant.

10.13.7. Cumulative impacts are considered. During construction, each site will implement their own dust minimisation programmes. The impact of construction traffic is considered, short term, negative and imperceptible. Mitigation measures include a dust minimisation plan and procedures to deal with complaints. No engines will be allowed to idle. Materials going to waste will be minimised. No mitigation measures are required during operation. The residual impacts of dust during construction should be minimised and will be short term, negative and not significant. No residual impacts of significance is expected in relation to Climate or the operational phase of the development. The worst case scenario has been modelled in effect for the nearest sensitive receptors and air quality and climate change are worst case. Monitoring during construction is required.

Commentary

10.13.8. The chapter is considered acceptable.

10.14. Archaeology and Cultural Heritage

10.14.1. Archer Heritage Planning Limited prepared this chapter. The site is located on the boundary with Meath and Kildare and the area has been inhabited since the 8th century. It has been the focus of historic battles. There are three RMP sites within the site – two ring ditches (ME049-A003001 and ME049A-003002), identified from aerial photography. An Enclosure (ME049-038) was identified as part of a Pre-Application Consultation. Three more ring-ditches (ME049A-004001 to 4003) are located in the

adjoining field east of the southern part of the site. Parts of the site has been subject to geophysical survey and archaeological testing, arising from the infrastructure works and Millerstown development. Only two brunt spreads near the Rye Water River were identified in the infrastructure works and none in the Millerstown development. No testing occurred of the central part of the site. Archaeological monitoring of the topsoil stripping and groundworks is recommended.

- 10.14.2. Two protected structures are located along the R125 – the Little Church of the Assumption and adjacent farmhouse (ME049-102 and 103 respectively).
- 10.14.3. Test Excavations have been carried out under three licences. Under Licence 19E0547, 20 no. trenches have been dug, with two to assess the potential of two cop-marks (ME049A-0003001 and 3002). These have been confirmed as ring ditches. More finds were made in the northern part of the site, where a large enclosure was found, the remains of a smelting pit and an associated ditch. These are estimated to be the Early Medieval period.
- 10.14.4. Under Licence No.20E0575, 12 test trenches were excavated along the R125. Only a 19th century cobbled surface was found.
- 10.14.5. Under Licence No. 19E0686, the plectrum shaped enclosure near the River Rye Water was excavated (ME049A-003001 and 3002).
- 10.14.6. As the ring ditches have been fully excavated and archaeological finds removed, there will be no impacts on these sites. The Enclosure has still to fully excavated. In the Do-Nothing scenario, there would be no further impact. In the Do-Something scenario, there could be impacts on unrecorded archaeology (although no other sites of archaeological potential have been identified. Mitigation measures are required during construction. None are anticipated during operation as they will have been resolved at construction stage. No cumulative impacts are anticipated.
- 10.14.7. The mitigation measures include design mitigation, such as including the fulacht fia sites into the open space and to complete the excavation of the Enclosure. Construction mitigation measures involve the monitoring of ground works by an archaeologist. No residual impacts are expected. In a Worst Case Scenario, the site would be excavated without monitoring and the impacts would be profound, direct and negative.

Commentary

10.14.8. I am satisfied that the identified impacts in relation to archaeology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I note that there is no assessment of the impacts of the proposed scheme on the setting of the protected structures which adjoin the boundary of the site (the Little Chapel of the Assumption and two storey farmhouse), which is indicated to be moderate negative in the Landscape and Visual Impact Chapter.

10.15. Interactions of the Foregoing

- 10.15.1. Traffic and transportation, noise and vibration, air quality and climate, lands and soil, built services interact with human health, during construction stage. Landscape, traffic and transportation and air quality interact with human health during operation stage. Mitigation measures have been identified and no significant residual negative impacts are anticipated.
- 10.15.2. Landscape and visual impact interact with Lands and Soils and Biodiversity. No significant negative residual impacts are expected following mitigation.
- 10.15.3. Built services interact with Lands and Soils, Water and Air quality and climate. Mitigation measures have been identified and no significant residual negative impacts are anticipated.
- 10.15.4. Lands and Soils may interact with the above and cultural heritage, in terms of disturbance of sub-surface archaeology. Mitigation measures have been identified and no significant residual negative impacts are anticipated.
- 10.15.5. Water interacts with the above and Biodiversity. Mitigation measures have been identified and no significant residual negative impacts are anticipated.
- 10.15.6. Biodiversity interacts with the above and Landscape. Mitigation measures have been identified and no significant residual negative impacts are anticipated.
- 10.15.7. Noise and vibration interacts with population and traffic and transportation. Mitigation measures have been identified and no significant residual negative impacts are anticipated.

10.15.8. Air quality and Climate interacts with population and human health. Mitigation measures have been identified and no significant residual negative impacts are anticipated.

10.15.9. Cultural heritage interacts with lands and souls. Mitigation measures have been identified and no significant residual negative impacts are anticipated.

Commentary

10.15.10. Generally, the main interactions have been adequately described and considered. The only gap is in relation to the interaction between cultural heritage and landscaping and visual impact.

10.16. **Mitigation Measures**

10.16.1. The chapter provides a summary of the main mitigation measures and refers to the Construction and Environmental Management Plan, which will be updated prior to the commencement of works. It includes Incorporated Design Mitigation, Construction and Operational Mitigation Measures. It provides a consolidated list of all the environmental commitments / mitigation and monitoring measures that have been recommended by the various specialists throughout the Chapters of the EIAR. The mitigation and monitoring measures have been recommended on that basis that they are considered necessary to protect the environment during both the construction and operational phases of the proposed project.

10.17. ***Reasoned Conclusion on the Significant Effects***

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock, provision of school and neighbourhood centre that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of these greenfield lands to residential. Given the location of the site, its zoning

and the public need for housing in the region, this would not have a significant negative impact on the environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures. Potential effects during operation having regard to noise from the railway line and aircraft noise. This will be mitigated by the use of appropriate insulation, fenestration and ventilation where relevant.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential effects on traffic and the road network from the increase in traffic in the wider road network area. Such effects can be mitigated by the reduction in trips by way of private car and use of more sustainable modes of traffic, given the provision of a local school and neighbourhood centre.

The EIAR has considered that the main significant direct effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are generally satisfactory. I am satisfied with the information provided to assess the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The indirect effects have generally not been considered in the EIAR. However, I consider the indirect effects are not significant, given that there is adequate treatment capacity in the Leixlip Wastewater Treatment Plant. Overall, the

environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

11.0 Discussion and Conclusions

- 11.1. The proposed development is for 530 residential units, a primary school and neighbourhood centre and sports changing rooms and associated car park. The primary school and sports facilities are not going to be delivered by the First Party.
- 11.2. The *Meath County Development Plan 2021-2027* considers, that notwithstanding that the lands have been subject to significant flood relief works and are Tier 1 lands that can be serviced within the life of the development plan, that no further population growth should occur in the Kilcock Environs. The First Party has made the case that it is appropriate to bring forward these lands for development purposes due to the strong growth in population in Kilcock in the intercensus period. The town has grown from 8,053 to 10,630 persons. The Board is in a position to materially contravene the county development plan, having regard to 'Housing for All' and the need for a steady supply of land for housing purposes and the conflicting policy objectives stated in the development plan in relation to the lands. The county development plan allocates no additional housing to Kilcock, while at the same time, supporting and facilitating the residential development of Kilcock Environs, having regard to its proximity to the town centre.
- 11.3. The scale of the proposed development is large at 530 residential units. It would add approximately 14% to the current population of Kilcock. The unbuilt permission to the south of the site is for 180 residential units. Combining the two, the increase in population would be circa 2,000 persons in a town of 10,630 persons in 2022. This is in addition to the population provided for the *Kildare County Development Plan, 2023*, expected to be circa 1,000 persons. I consider that this scale of increase is more appropriately dealt with at county and intercounty/regional level of forward planning, rather than as a matter for development management.
- 11.4. There is an argument to allow a proportion of the lands to be developed and the site lends itself to being developed in parts. This would be in keeping with the need to provide a ready supply of lands for housebuilding purposes, as set out in 'Housing for All'. However, the difficulty in relation to this site is the uncertainty in relation the extent

of lands in Flood Zone C and where the interface arises with lands in Flood Zones A and B. The planning authority has accepted that the housing is located on lands in Flood Zone C, but is concerned in relation to the access roads into the housing. These roads connect to the distributor road which is located on lands within Flood Zones A and B and which has been subject to a Justification Test. I would concur with the planning authority that the *Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009* require the applicant to carry out this test. However, in my opinion, the main issue is the lack of certainty in relation to the zoning extents. Again, this points to the need to review the zonings within the context of a variation. The First Party suggested that the Board could grant planning permission for the units entirely within the current A2 zoning, with the loss of 74 no. units. I have no drawing to indicate which units these are and in any case, the Justification Test for parts of the access road is not resolved. Therefore, I do not consider that planning permission can be granted for part of the proposed development.

- 11.5. The relocation of the proposed school is considered an improvement on the original application, as the school would be further from the Little Chapel of the Assumption. There is a change to the entrance to the school and this would require re-advertising. However, given the substantive reasons for refusal, I do not consider that an appropriate action.
- 11.6. The neighbourhood centre has been reduced in size in the appeal and the entrance relocated to the permitted development to the east. The original neighbourhood centre is considered overly large and I would concur with the planning authority, that it would undermine the town centre. The proximity of the proposed development to the town centre and its role as a counterweight to development that has proceeded on the other side of the canal, is one of the many arguments in favour of the proposed development. However, if the proposed development effectively captures a large proportion of the additional spend in the local economy, then it will not serve to enhance the vitality and viability of the town centre. On appeal, the neighbourhood centre is significantly reduced in scale. There is a change to the entrance to the neighbourhood centre and this would require re-advertising. However, given the substantive reasons for refusal, I do not consider that an appropriate action.

12.0 Recommendation

12.1. I recommend that planning permission be refused.

13.0 Reasons and Considerations

13.1. The proposed development should be refused for the following reasons:

1. The site is located on lands where three land use zoning objectives in the *Meath County Development Plan, 2021-2027*, apply. These zoning objectives are 'A1' Existing Residential, 'A2' New Residential and 'F1' Open space and the extent of these zonings are mapped on the *Kilcock Environs Combined Land Use Zoning Map*. The 'A2' New Residential zonings within the site are identified as '*A2 Phasing – Residential land not available for development until post 2027*'. The county development plan housing allocation to Kilcock Environs provides for no additional housing allocation be made to the area over the lifetime of the plan, notwithstanding the policy objective in Kil OBJ 2, *to support and facilitate the residential development of the Kilcock Environs having regard to its proximity to the town centre and available amenities*.

The Census of Population 2022 has demonstrated that the town of Kilcock has significantly grown over the last intercensus period, from 8,053 persons to 10,630 persons. The *Programme of Government* has identified the need to review the *National Planning Framework* in 2024, in the light of the changes in population nationally as evidenced in the Census of Population, 2022. Once this is complete, development plans are to be varied to account for population changes.

Having regard to this intention to vary development plans and to the scale of development proposed, 530 residential units which when combined with permitted development of 180 residential units and the housing allocation for Kilcock in the Kildare County Development Plan (366 units), it is considered that a grant of planning permission would be premature, pending the variation of the development plan.

2. The current zonings of the site were subject to a *Strategic Flood Risk Assessment*, in the *Meath County Development Plan, 2021-2027*. This assessment states that the final details of the Flood Zones pertaining to the site as a result of the new flood relief scheme works were not available when the zoning extents were mapped and so not included in the assessment. It is considered that the current zonings are not reflective of the flood relief works that have been carried out. It is considered that the extent of 'A2' zoned land needs to be reconciled with a Flood Risk Assessment to enable reliance on the zoning and if necessary, that the internal road network is subject to a Justification Test by the Applicant, as set out in the *Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009*. In the absence of such reconciliation and a Justification Test for the internal road network, the Board is not satisfied that the access roads of the proposed development would not be at risk of flooding. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. Given the proximity of the proposed neighbourhood centre to the town centre, it is considered excessive in size and would undermine the vitality and viability of the retail function of the town centre. 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.

Mary Mac Mahon
Planning Inspector

14 June 2023