



An
Bord
Pleanála

Inspector's Report

ABP-315138-22

Development	Demolition of existing buildings, construction of 137 no. residential units and associated site works.
Location	Glencarrig House, Simmonstown, Celbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22221052
Applicant(s)	Garyaron Homes Limited
Type of Application	Large-Scale Residential Development (LRD)
Planning Authority Decision	Grant with Conditions
Type of Appeal	1 st and 3 rd Party
Appellant(s)	Garyaron Homes – 1 st Party Rodger Quinn – 3 rd Party
Observer(s)	Catherine Murphy TD Councillor Vanessa Liston Celbridge Community Council

Celbridge Heritage and River
Catchment Association
Donna Murphy
Patrick Russell
Fiona Brunt
Brigitte Kuehni
Ann O’Gara
Louise Condell
Fiona Ward Ryan
Vanessa Carvalho & Rafael Gluskoski
Andrew Hanrahan
Sonia & Martin Dunne
James Barbour
Damian Reid
Ben & Carol Weir
Emma and Daniel O’Farrell
Ciara Brennan
Aidan Lawless
Eric & Denise Royal
Rodger Quinn
Grainne McGill
Vinny Slevin
Frankie Shaw
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Deirdre O’Hehir
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Stephen Fitzpatrick

Date of Site Inspection

11th January 2023

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 2.1 hectares, is located to the south east of Celbridge to the west of the R405 Celbridge to Newcastle road and also to the west of the L5062 local road which diverges here. The R405 is known as the Hazelhatch Road at this point and the L5062 is known as the Simmonstown Road.
- 1.2. The site is 990 m to the south east of the junction of Main Street and Celbridge Bridge, walking/ driving distance is approximately 1.1 km. Hazelhatch and Celbridge railway station is approximately 1.05 km to the south east of the subject site. The site contains a large detached-house and a number of outhouses. The site is screened from public view by extensive tree planting and there is significant tree planting throughout the site. Walls to the eastern side of the site are not easily visible due to them been set back from the roadside edge and also due to the extensive vegetation on this side of the site.
- 1.3. The lands to the south are in agricultural use. Residential development in the form of two storey terraced houses within Hazelhatch Drive are located to the west of the site and Celbridge GAA club is located on the opposite/ eastern side of the Hazelhatch Road.

The site is served by the following bus routes, with bus stops approximately 250 m in either direction from the site:

Route (operated by):	From:	To:	Frequency – Off Peak
L58 (Dublin Bus)	River Forest, Leixlip	Hazelhatch & Celbridge station	Every 30 minutes
L59 (Dublin Bus)	River Forest, Leixlip	Hazelhatch & Celbridge station	Every 30 minutes

The following bus routes operate along Celbridge Main Street:

Route (operated by):	From:	To:	Frequency – Off Peak
C4 (Dublin Bus)	Maynooth	Ringsend Road via City Centre	Every 30 minutes
C6 (Dublin Bus)	Maynooth	Ringsend Road via City Centre	Hourly service throughout the night
120 (Go Ahead)	Clane/ Edenderry	Dublin City Centre	Hourly service to/ from Edenderry and every 30 minutes to/ from Clane/ Dublin City Centre
120B/ F (Go Ahead)	Newbridge	Dublin City Centre	Four a day

Celbridge is also served by peak hour only Dublin Bus routes X27/ X28 to and from Leeson Street/ UCD.

Hazelhatch & Celbridge station is served by an off-peak service of approximately every hour to Dublin Heuston/ Portlaoise and every hour to Grand Canal Dock. Peak hour services are expanded from this basic service, with services extended to/ from Waterford.

2.0 Proposed Development

2.1 The proposed development consists of the following:

- The demolition of a habitable house and outhouses with a total stated floor area of 800 sq m.
- The provision of a new vehicular access from the L5062 and the upgrading of an existing access from the R405.
- The construction of 137 residential units in the form of apartments and houses.
- Three apartment blocks are proposed with between three and five storeys.

- The provision of a childcare facility with a stated floor area of 248 sq m.
- 129 car parking spaces and 204 bicycle parking spaces.
- All associated site works, open space, and infrastructure provision.

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

Table 1: Key Figures

Site Area	2.1 hectares
Density	64 units per hectare
Plot Ratio	0.47
Site Coverage	18%
Public Open Space	4,380 sq m
Car Parking	
Houses	56
Apartments	100
Visitors	3
Total	159
Bicycle Parking	
Residents	124
Visitors	80
Total	204

Table 2: Unit Mix

	Houses		Apartments – Block			Total	% of total
	Semi-Detached	Terraced	A	B	C		
1 bed			19	24	11	54	39.4%
2 bed			20	27	14	61	44.5%
3 bed	6	11				17	12.4%
4 bed	5					5	3.6%
Total	22		115			137	
% of total	16%		84%			100%	

3.0 Planning Authority Pre-Application Opinion

3.1 A section 247 Consultation Meeting took place on the 27th of January 2022 with representatives of the applicant and the Planning Authority in attendance. A LRD meeting took place on the 14th of June 2022.

3.2 A Large-Scale Residential Development (LRD) Opinion was issued on the 11th of July 2022. This concluded that the documentation submitted in accordance with Section 32B of the Planning and Development Act 2000 as amended, would constitute a reasonable basis for an application for a Large-Scale Residential Development. The Opinion outlined specific information that should be submitted with a LRD and included:

- Visual Impact Assessment and Photomontages/ CGIs from specific locations.
- Report detailing materials and finishes.
- Detailed SUDs and Drainage strategy
- Demonstrate compliance with Irish Water requirements
- Construction Management Plan
- Reassess the junction of the L5062 and R405.
- Provide for cyclists and pedestrians along the main frontages of the L5062 and R405.
- Provision of pedestrian/ cyclist suitable infrastructure within the parkland routes.
- Reduce straight sections of road to less than 70 m over a length.
- Site Layout Plan at 1:500
- Traffic and Transport Assessment
- Provide for Electric Vehicle charging throughout the site
- Waste Management Plan
- Provide for a Community and Social Infrastructure Audit
- Acoustics Report
- Arboricultural Assessment Report

4.0 Planning Authority Decision

4.1 Decision

The Planning Authority decided to grant permission subject to conditions. Conditions are generally standard, though the following are noted:

2. Requiring a number of revisions to the proposed development including the omission of Units A.01, A.10, A.10 and A.28 in Block A. The provision of a green living wall along the southern elevation of Block A and a revised landscaping plan that includes additional semi-mature planting in the place of those Block A units which are to be omitted.

7. Requiring the Developer/ applicant to enter into an agreement with the Planning Authority in relation to Part V housing.

9. Applicant to enter into a Section 47 agreement with the Planning Authority that all housing be first occupied by individual purchasers/ those eligible for Part V Housing, this Section 47 agreement to be applicable for two years unless it can be identified that this first occupation cannot be achieved, and that evidence be provided that this condition has been discharged by the applicant.

49. Operator of Weston Airport shall be informed of any intention of crane operations to commence at least 30 days prior to their erection on site.

4.2 Planning Authority Reports

4.2.1 Planning Reports

The Planning Report reflects the decision to grant permission for the proposed development in accordance with the recommended conditions.

4.2.2 Other Technical Reports

Celbridge-Leixlip Municipal District Area Engineer: No objection subject to recommended conditions.

Water Services: No objection subject to recommended conditions.

Chief Fire Officer: Conditions recommended in relation to fire appliance access.

Parks Section: No objection subject to recommended conditions.

Heritage Officer: Further information requested in relation to demonstration of measures to mitigate against the loss of trees/ hedgerows and to provide a lighting design that has full regard to the submitted Ecological Impact Assessment.

Roads, Transportation and Public Safety: No objection subject to recommended conditions.

Environment Section: No objection subject to recommended conditions.

4.2.3 Prescribed Bodies Report

The following reports were received from prescribed Bodies:

Irish Aviation Authority (IAA): No objection subject to condition notifying the IAA and Weston Airport of intention to operate cranes on site.

Transport Infrastructure Ireland (TII): No objection subject to condition that the development be undertaken in accordance with the recommendations of the Transport Assessment.

4.3 Third Party Observations

A number of letters of objection were received to the application; submissions were made by Catherine Murphy TD, Councillor Vanessa Liston, Celbridge Community Council, the Celbridge Heritage and River Catchment Association and by individual members of the public.

In summary, under appropriate headings, the observations include:

Nature of the Development:

- The proposed development of 137 units would make up 32% of the total of 423 units allocated for development in the Celbridge Local Area Plan.
- Query as to whether the proposed development in respect of the density gives rise to a material contravention of the Kildare County Development Plan and the Celbridge Local Area Plan.

Impact on Residential Amenity:

- The height of the apartments would give rise to overlooking and a loss of privacy and overshadowing of existing residential units.
- Overlooking of extensions to existing houses will occur, extensions etc. to houses adjacent to the site are not indicated on the submitted plans.
- Concern that the proposed amenity space is inadequate.
- The layout should be revised with the apartments facing onto the main road and the houses backing onto existing houses in the area.
- There is a lack of community facilities to serve the needs of the growing population of Celbridge.
- Request that the development be scaled back in terms of height and unit numbers.
- Recognised that there is a need for housing in the area.
- Noise and security issue from the proximity of a proposed electricity substation to existing houses.
- Potential loss of satellite television due to the blocking of the signal by the proposed development.

Density:

- The proposed density at 65 units per hectare is not in compliance with the Celbridge Local Area Plan.
- The site is not in a town centre location and the nearby school is only there on a temporary basis.

Height:

- The proposed height of the apartments at five storeys is not in compliance with the Celbridge Local Area Plan.
- The proposed apartments will give rise to overlooking of existing houses.

Traffic:

- The location and nature of the development will generate more car traffic in the area.
- There is a need for a second bridge in Celbridge to accommodate the additional traffic.

- The proposed junction onto the Hazelhatch Road is in a dangerous location and is beside a primary school.
- Shortfall in car parking provision and potential for overspill of parking into neighbouring residential areas.

Infrastructure:

- The proposed development will put further pressure on the waste services infrastructure in the area.
- The storm drain network does not have the capacity to serve this development.
- Issue over consent to attach to the storm water drainage system.

Other Issues:

- Query if the Fire Officer would be satisfied with the proposed development.
- 75.4% of the trees on site are to be removed to facilitate this development.
- The removal of so many trees will impact on habitats in the area.
- Loss of a significant amount of hedgerow.
- The development will result in the loss of the rural character of this part of Celbridge.
- The site includes bats, frogs and hedgehogs in addition to a walnut tree, a horse chestnut tree and Scots Pines. A biodiversity report has been submitted and identifies species on site.
- A number of YouTube videos were included with the submissions by Aidan Lawless, Vinnie Slevin, that demonstrates the presence of a number of species on site.
- Potential flood risk issues, which has been a problem in parts of Celbridge in the past – particular reference to the temporary school on adjacent lands.
- Potential for anti-social issues including trespass.
- A number of submissions indicated that there was a shortage of Gardaí in the area.
- Lack of medical and recycling facilities in the Celbridge area.

Procedural Issues:

- The site notice is not correct as it does not include the Kildare County Council logo and is not placed on a wooden board.
- No consultation was held with the local community.

- Complaint lodged with the Data Commissioner about the inclusion of photographs of existing houses with children clearly visible in the photos.

5.0 Planning History

There are no recent, relevant applications on the subject site. The following refer to the lands to the south east, between the Simmonstown Road and the Hazelhatch Road.

PA Reg Ref 16247 refers to a December 2016 decision to refuse permission for a residential development of 14 no. dwellings and all ancillary site works including 735 linear metres of foul sewer outfall along the Hazelhatch Road. The proposal was revised by Significant Further Information consisting of revised plans which provided for 13 no. dwellings, a revised layout reorienting dwellings to front onto the Hazelhatch Road and a relocation of proposed pedestrian and cycle access onto Hazelhatch Road and all ancillary site works including 735 linear metres of foul sewer outfall along the Hazelhatch Road. A single reason for refusal was issued as follows:

‘The proposed development, having regard to the constraints of the site, has failed to adequately ensure the protection of the visual amenity both along the Simmonstown Road and to a lesser extent along the Hazelhatch Road. To permit the revised layout would, notwithstanding retention of vegetation in the vicinity, represent an unacceptable visual impact of the rear elevations of predominately 2.5 storey dwellings along the semi-rural Simmonstown Road. Accordingly, the proposed development would seriously injure the visual amenity of the area and would therefore be contrary to the proper planning and sustainable development of the area’.

PA Reg Ref 17914 refers to a July 2018 decision to grant permission for a development of 9 houses and all ancillary site works including 644 linear metres of foul sewer outfall along the Hazelhatch road at The Common, Hazelhatch Road, Celbridge, Co. Kildare.

6.0 Relevant Planning Policy

6.1 National Policy

6.1.1 Project Ireland 2040 – National Planning Framework (NPF)

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

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

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

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.

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

6.1.2 Section 28 Ministerial Guidelines

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2022).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

6.1.3 Other Relevant Policy Documents include

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.
- Climate Action Plan - 2023

6.2 Regional Policy

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

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

6.3 Local/ County Policy

6.3.1 Kildare County Development Plan 2023 - 2029

The Kildare County Development Plan 2023 – 2029 was adopted on the 9th of December 2022 and came into effect on the 28th of January 2023 and is the current statutory plan for County Kildare, including Celbridge. Celbridge-Leixlip is one of five Municipal Districts in County Kildare. The population of County Kildare, 2022 figures, is given as 246,977 people and is expected to be 266,500 by 2031. The population of Celbridge is given as 20,288 people as indicated on Figure 1.1.

Chapter 2 – 'Core Strategy & Settlement Strategy' indicates that Celbridge is a 'Self-Sustaining Growth Town' and is located on a Multi-Modal Transport Corridor and is located within the Metropolitan Area as per Map Ref: V1-2.1. Self-Sustaining Towns are described as having 'High levels of population growth and a weak employment base'. According to Table 2.3 'Housing Target for County Kildare', there is demand for 18,425 homes over the period of 2020 – 2031 and Table 2.4 – 'Methodology used to determine housing targets to the end of the Plan period', indicates a demand for 9,144 units over the period of this development plan.

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

Chapter 3 – 'Housing' provides appropriate densities in Table 3.1. Town Centre & Brownfield Sites have a Site Specific density, developments on Public Transport Corridors would be 50 units per hectare and Outer Suburban/ Greenfield sites would be 30 to 50 units per hectare. The section 'Development at the Edge of Larger Towns' refers to Circular Letter NRUP 02/2021 and for a town the size of Celbridge,

regard to be had to the character of the area and ‘the full range of outer suburban density, from a baseline figure of 30 dwellings per hectare (net) may be considered, with densities below that figure permissible to facilitate a choice of housing types provided that, within a neighbourhood or district as a whole, average densities achieve the minimum recommended standards of the Guidelines’.

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

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

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

Chapter 5 refers to ‘Sustainable Mobility & Transport’, I note Objective TM 010 which seeks to ‘Facilitate and secure the delivery/implementation of the public transport projects that relate to County Kildare as identified within the Integrated Implementation Plan (2019-2024), (or any superseding document), including the DART+ programme (Including DART+ West and DART+ South West), BusConnects and the light rail investments. The DART+ projects present an opportunity to improve journey time, reliability, and train frequency’.

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

This Chapter also provides details on requirements in and around the airfields/ aerodromes in County Kildare. The subject site is within the 'Conical Surface' of Weston Airport and Baldonnell Aerodrome. Developments within this designated area are to be referred to the Irish Aviation Authority for comment.

Chapter 6 refers to 'Infrastructure & Environmental Services', 'Community Infrastructure & Creative Places' in Chapter 10, Chapter 12 is 'Biodiversity & Green Infrastructure', 'Urban Design, Placemaking & Regeneration' is provided in Chapter 14, with 'Landscape, Recreation & Amenity' in Chapter 13. 'Development Management Standards are set out in Chapter 15.

Table 15.2 provides the 'Minimum Floor space and Open Space Requirements for Houses

Unit Type (House)	Floor Area	Storage Area	Minimum Private Open Space
One bedroom	55m ²	3m ²	48m ²
Two bedroom	85m ²	6m ²	55m ²
Three bedroom	100m ²	9m ²	60m ²
Four bedroom	110m ²	10m ²	75m ²

Table 15.3 provides the 'Minimum Private Open Space Requirements for Apartments':

Unit Type	Private Space
Studio	4 m ²
One Bedroom	5 m ²

Two Bedroom	6 m ²
Three Bedroom	7 m ²
Four Bedrooms or more	9 m ²

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

- ‘Car parking standards are set out in Table 15.8 below to guide proposed development. Parking standards are maximum standards. Residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision set out below.
- The use of shared car schemes will be encouraged in appropriate town centre and urban locations’.

6.3.2 Celbridge Local Area Plan 2017 - 2023

The subject site is zoned B – Existing Residential/ Infill with the objective: ‘To protect and enhance the amenity of established residential communities and promote sustainable intensification’. Under Section 6.2.2 – ‘Residential Density, Mix and Design’, it is stated that the ‘housing allocation for Celbridge is based on an average density of 30 (approx.) unite per hectare..’ and, ‘In accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DECLG (2009) higher densities will generally be considered in town centre infill locations and proximate to public transport, with medium to lower densities being considered at outer suburban sites’.

The site is not subject to a specific density as is the case for areas designated as Key Development Areas.

6.3.3 Natural Heritage Designations

None.

7.0 The Appeal

7.1 Grounds of Appeal

First, and Third-Party appeals have been received in respect of Kildare County Council's recommended decision to grant permission for the development of 137 residential units at Glencarrig, Hazelhatch Road, Celbridge.

The following issues have been raised in the appeal:

First Party – Garyaron Homes Ltd:

- Appeal is against Condition 9(a), 9(b) and 9(c) in relation to first occupation of these units. The Planning Authority conditioned that the units be only occupied by first time buyers, unless after two years it can be demonstrated to the Planning Authority that it has not been possible to sell the units to individual purchasers and/ or those eligible for social/ affordable housing.
- The applicant has proposed the appropriate provision of Part V units and Condition 9 would restrict the disposal of the site.
- Request that the appeal be carried out expediently as possible and expect that there is no need to consider the application de novo.

Third Party – Rodger Quinn:

- Overlooking from the proposed development with specific reference to Block C and the rear gardens of 'The Drive, Hazelhatch Park'. This is due to building height and insufficient separation distance and would result in a loss of privacy/ residential amenity.
- The submitted CGIs/ Photomontages do not demonstrate the visual impact of the development when viewed from the rear of the houses on 'The Drive, Hazelhatch Park'.
- Issue raised about the applicant's ability to provide photographs etc. from the rear of the houses on 'The Drive'.

- The proposed development will block sunlight and the submitted Daylight and Sunlight Analysis is incorrect. Concern about overshadowing from the proposed development, and which would be greater from the proposed apartments blocks than is the case at present from the trees on site.
- Negative impact on trees and wildlife through the removal of a significant number of trees and consequent loss of habitats.
- The proposed density is excessive and not consistent with other developments in Celbridge including at Crodaun, SHD ABP Ref. 201409 – CE report considered 30 units per hectare to be more appropriate than the proposed 43.46 units per hectare.

7.2 Applicant's Response

Brock McClure Planning on behalf of the applicant – Garyaron Homes Ltd, have made a response to the Third-Party appeal, summarised as follows:

- **Overlooking:** A separation distance of 29.7 m is provided between Block C and the houses in 'The Drive' and 13.8 m from the block to rear gardens of these houses. This is considered to be acceptable and the area is proposed to be landscaped between the apartment block and the boundary wall. The Planning Authority did not raise any significant issues of concern and some modifications were proposed by way of condition.
- **Loss of Privacy & Visual Amenity:** It is not usual to prepare CGIs and Photomontages that present the view from private property/ gardens. The Planning Authority were satisfied that adequate supporting information was provided and that the development would not have a negative impact on existing houses that are adjacent to the subject site.
- **Trees and Wildlife:** An Ecological Impact Assessment (EclA) did not identify any common frogs on site. Any impacts to amphibians would be short term and either moderate or non-significant.
- **Density:** The proposed development and its density is considered by the applicant to be appropriate having regard to the location of the site in close proximity to Celbridge town centre and Hazelhatch & Celbridge station. The density is also considered to be appropriate having regard to the National Planning Framework, Regional Planning Guidelines and National Guidance, all of

which promote increased densities where this is considered to be appropriate. The Planning Authority reported that the proposed density was appropriate in this location.

- **Acoustic Impact:** The applicant notes that the third party appellant referred to acoustic impact in their supporting documentation, however this issue was not submitted to An Bord Pleanála in the appeal. A 'Noise Impact Report' prepared by IAcoustics in support of the application did not raise any issues of concern and the Planning Authority reported no issues of concern either.

In conclusion, the applicant invites the Board to consider the responses to the issues raised and to grant permission for the proposed development, subject to conditions.

7.3 Planning Authority Response

The Planning Authority has no further comment to make on the third-party appeal. I note that no comment was made on the first party appeal.

7.4 Observations

Observations were received from Catherine Murphy - TD, Councillor Ciara Galvin, and Peter McBride. The following observations were made:

- The scale and density of development is excessive for this site. Celbridge is defined as a 'Moderate Sustainable Growth Town'.
- The development would use up much of the housing capacity for Celbridge as identified in the Celbridge Local Area Plan.
- The height of the apartments, at up to five storeys, is excessive.
- The proposed development would give rise to overlooking leading to a loss of privacy and overshadowing of existing houses in the area.
- The development will give rise to increased car usage in the area.
- Lack of facilities and services in the Celbridge area.
- Shortage of Gardaí in the Celbridge area.

- Condition no. 9 as provided by Kildare County Council should be retained if the development is to be permitted. Support for this is included in two of the observations.
- Concern about the noise from an electricity substation that is to be located adjoining the boundary of houses on 'The Drive' and the development site. No details are provided in the acoustics report about the noise from this substation and although a condition is included in the Planning Authority decision, the visual impact of this substation is not considered in the planner's report.
- The proposed development with particular reference to the apartments will give rise to overlooking and a loss of daylight.
- The development should be carried out in a similar way to that of Key Development Area 5 – Simmonstown as detailed in the Celbridge Local Area Plan, i.e. heights to be restricted to two to three storeys.
- Requests that the site be reconfigured and that houses back onto the existing houses on 'The Drive'.
- Concern that the Environmental Impact Assessment is not sufficient and that there are deficiencies in it. Further details are provided with links to YouTube videos.
- Support given for the development of housing on this site.

8.0 Oral Hearing Request

Rodger Quinn requested an Oral Hearing; however, I am satisfied that an oral hearing should not be held as sufficient information has been provided in the appeal to enable a full assessment to be undertaken and no further benefit would be had in undertaking an oral hearing.

9.0 Assessment

9.1 The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development

- Density & Scale of Development
- Impact on the Character of the Area
- Impact on Proposed Residential Amenity
- Impact on Existing Residential Amenity
- Traffic and Access
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

9.2 Principle of Development:

9.2.1 The proposed development is for the demolition of a house and outbuildings and for the construction of 137 residential units in the form of 22 houses and 115 apartments. The apartments will be provided in three blocks towards the north of the site and which range in height from three to five storeys, block B has a maximum height of 16.5 m from ground to parapet level. The proposed houses are generally two storeys, though with some elements providing for a third storey. The proposed development also provides for a childcare facility located to the south west corner of the site.

9.2.2 The subject site is zoned 'B' – Existing Residential/ Infill and the proposed development is therefore acceptable in terms of the zoning that applies to the site. The Celbridge Local Area Plan 2017 – 2023 includes a number of Key Development Areas (KDAs) which specify in detail the development of such designated lands, the nearest to the subject site is the lands to the south west and west, known as KDA 5 - Simmonstown. The development site is not therefore subject to the requirements of the KDAs as set out in the Celbridge Local Area Plan and whilst I note that reference was made in the submissions/ observations that a similar form of development should take place to that specified in the KDAs, that is not a requirement for these lands. The site is not subject to any other specific requirements or objectives that would impact on the development of the site other than an indicative 'Pedestrian & Cycle Route' that enters the site from the KDA to the south west and exists onto the

local road. The proposed development layout allows for this pedestrian/ cycle route and good permeability to/ through the site.

9.2.3 The proposed development is considered to be acceptable in terms of the B zoning that applies to the site and the development is located on lands that are suitable for the provision of residential units.

9.3 **Density and Scale of Development:**

9.3.1 The issue of density and the number of units proposed was raised in the received submissions and observations. Reference was made to previous applications and the requirements in relation to the KDAs. The proposed development of 137 units on a site area of 2.1 hectares provides for a density of 65 units per hectare. Whilst this may appear to be high, it has to be considered in the context of the site location, efficient form of layout and residential amenity. The impact of the proposed development on existing residential amenity is considered in greater depth later on in my report.

9.3.2 The subject site is located on the urban edge of Celbridge almost equidistant from the town centre and Hazelhatch and Celbridge station to the south. Significant investment continues to be made into railway infrastructure/ services along the Cork/ Newbridge to Dublin railway line and the proposed future extension of the DART network, to include the section of line serving Hazelhatch and Celbridge station, will see a significant increase in capacity/ frequency of train service. The current service is adequate to serve the needs of Celbridge and access to/ from Celbridge and the railway station has been improved with the introduction of bus routes L58 and L59. These serve the Hazelhatch Road, along the front of the site, and therefore the subject site benefits from good public transport.

9.3.3 I am therefore satisfied that in terms of the development location, the site is suitable for the density and scale of development proposed. There is no restriction on density indicated in the Celbridge Local Area Plan as would be the case for adjoining lands that are designated as Key Development Areas.

9.3.4 In terms of layout, I consider the proposed development to be acceptable. The apartments are located to the north adjacent to existing urban development and the proposed houses are located to the south, adjacent to the cycle and pedestrian link that will in time connect to the KDA. The provision of houses here allows for passive surveillance of this pedestrian/ cycle route. Through the well-designed layout and

careful consideration of unit types, the applicant has been able to provide for a suitable density of development on this site.

9.3.5 I am satisfied that the provision of 137 residential units at a density of 65 units per hectare can be properly achieved on this site. The provision of mostly apartments allows for an efficient form of development on the site and which can be served by suitable public/ communal open space. In addition, the number of proposed units allows for a suitable childcare facility that is accessible to all future occupants of the development whilst ensuring the protection of residential amenity within and adjoining the subject site. The childcare facility can be easily reached on foot or by cycling to and from the proposed residential units within the development site.

9.3.6 The site layout incorporates a high-quality footpath network that allows for good permeability within the site as well as allowing for future connections to adjoining lands.

9.4 **Impact on the Character of the Area:**

9.4.1 Celbridge developed in the form of two-storey houses with multi-storey apartment units a more recent development. There are three storey apartment blocks in the residential development, Hazelhatch Park, to the north/ west of the subject site and therefore it is clear that densification has occurred on this side of Celbridge. The site is zoned for residential development and as already reported, it is considered that the site is suitable for the type and scale of development proposed. The proposed development provides for a mix of houses and apartments, and this is considered to be appropriate in order to meet the housing needs of the area.

9.4.2 It is accepted that the proposed development will have a significant impact on the character of the area however, as stated, the land is zoned for such development and having gone through the Local Area Plan process, the site was deemed suitable for the continued development of this part of Celbridge for residential development. The site was not designated as a Key Development Area (KDA) and as such the nature and form of development is considered on its own merits having regard to relevant guidance. The site is not located in an architectural conservation area and the existing house/ structures on site are not listed on the record of protected

structures and therefore their demolition is considered to be acceptable in order to facilitate the comprehensive development of the site.

9.4.3 I note the comments made in the third-party appeal with reference to impact on the character of the area, including the loss of the trees on site. The submitted Arboricultural Impact Assessment, prepared by Arborist Associates Ltd, identifies 334 trees on site, in addition to a shrub border and nine hedges. Out of this total, seven were categorised as high value trees, 106 were categorised as moderate value and the remaining ones were either low value (Category C) or Category U which are trees with little or no potential and would have to be removed at some stage due to their condition. The proposed development requires the removal of 249 of the trees, and also the removal of the nine hedges and the shrub border. The proposed landscaping of the site will mitigate against the loss of some of these trees and a detailed landscaping plan is provided in support of the application. Full details of proposed tree retention and appropriate tree protection measures are provided by the applicant in the submitted Arboricultural Impact Assessment.

9.4.4 The third-party appeal raised concern about the loss of habitats and ecology through the development of this site and the removal of the trees. I note the Ecological Impact Assessment prepared by MWP and which has fully assessed the importance of the site with regards to impact on biodiversity. I also note this report's conclusion which states:

'Residual impacts on biodiversity including impacts to designated sites, habitats, flora, fauna and water quality are not considered significant provided best practice methodologies and mitigation measures are employed during the construction and operational phases.

Provided that the proposed development is constructed and operated in accordance with the design, best practice and mitigation that is described within this application, significant effects on KERS are not anticipated at any geographical scale.

The application of construction and operational phase mitigation and protection measures will ensure that no significant residual ecological impacts, either alone or in combination with other plans or projects, will arise from the proposed development'.

9.4.5 In conclusion, in relation to impact on the character of the area, I am satisfied that the proposed development will integrate with the existing character of the area. The site has been identified as suitable for residential development through the local area plan process, and also through its zoning for residential development. The proposal as submitted, demonstrates a suitable sequential residential development to the existing urban form of Celbridge. In addition, I note the accessibility of the site to existing public transport and specifically the fact that the site is within walking distance of Hazelhatch and Celbridge station, as well as been within walking distance of Celbridge town centre. No important habitats or rare species were identified on site through the Ecological Impact Assessment and the submitted landscaping plan demonstrates that a suitable number of trees will be retained/ planted to ensure that the existing character of the area is suitably provided through this development.

9.5 **Impact on Proposed Residential Amenity:**

9.5.1 Residential Amenity of Future Occupants: The Housing Quality Assessments for the proposed apartments and houses provided in support of the application demonstrates that other than Unit B.50 all units are provided with adequate room sizes and storage areas. All apartments are provided with floor areas in excess of the minimum requirements of the apartment guidelines. Unit B.50 is provided with 2.8 sqm of storage area when the minimum required is 3 sq m. This unit is provided with a floor area measuring 113% of the minimum required, and I am therefore satisfied that the unit can be provided with a storage area of 3 sq m.

9.5.2 A total of 52 (45%) of the 115 apartment units are dual aspect. The applicant has also identified 15 units in Block B that are north facing but which have a bay window that effectively makes them dual aspect units. Considering the area of window proposed on these eastern/ western sides of the bay, I am satisfied that these can be considered as dual aspect units as they afford a significant amount of additional daylight/ sunlight to these units. The site may be considered a suburban location, however considering its proximity to public transport and Celbridge town centre, it may be considered as an accessible urban location. I am satisfied that it demonstrates compliance with SPPR 4 of the apartment guidelines.

9.5.3 Floors 1, 2 and 3 in Block B, each provide 11 individual apartment units per floor. The units on these floors are served by a lift/ stair core, and this is acceptable

through demonstration of compliance with SPPR 12 of the apartment guidelines. At ground floor level, the floor to ceiling heights are 2.7 m and other floors are generally at least 2.45 m. This is acceptable and demonstrates compliance with SPPR 5 of the apartment guidelines. Private amenity areas are in the form of balconies and are acceptable in terms of area provided and minimum depth of the balcony exceeding 1.5 m. An amenity room of 60 sq m is provided on the ground floor of Block C to serve the residents of the proposed development.

- 9.5.4 The proposed development is provided with 4,380 sq m of public open space, which makes up 20% of the total site area. The open space is dispersed throughout the site and allows for good accessibility for all residents within the scheme.
- 9.5.5 The proposed development includes 22 houses located to the southern part of the site. These are in the form of terraced and semi-detached units. All houses are provided with car parking and adequate private amenity space located to their rear. House types H2 allow for good passive surveillance to their side through the location of the front of the unit towards the side. The H2 units are three storeys with two bedrooms located at second floor level. The H1 and H3 units are two-storey houses.
- 9.5.6 A Daylight and Sunlight Assessment Report has been prepared by 3D Design Bureau in support of the proposed application. The assessment was undertaken in accordance with the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (BRE 209 – 3rd edition) and BS EN 17037:2018: Daylight in Buildings (2018). The applicant reports that:
'EN 17037:2018 recommends that 300 lux should be received across 50% of a hypothetical reference plane of any room for half of the daylight hours of the year, with no less than 100 lux received across 95% of the reference plane. No distinction is made for the function of the room for target lux levels within this standard.

The target values given within EN 17037 are difficult to achieve, especially where increased density is desired'.
- 9.5.7 The applicant has considered Illuminance targets for all floors in the three apartment blocks. Full details are provided in Section 7.3 of the applicant's report. The majority of units in Blocks A and B do not meet the criteria of IS EN 17037, with a significant number of units in Block C also not meeting the criteria; an overall

compliance rate of 47%. The compliance rate for BRE 209 is much higher with a compliance rate of 87% in the winter and 80% in the summer.

9.5.8 The applicant also tested the proposed rooms (total of 291 apartment rooms) for Sunlight Exposure in accordance with BRE 209. A unit to receive at least 1.5 hours of sunlight with a preference for the main living room receiving this sunlight.

Sunlight exposure is categorised as:

- Less than 1.5 Hours – Non-compliant
- Between 1.5 Hours and 3 Hours – Minimum
- Between 3 Hours and 4 Hours – Medium
- Above 4 Hours - High

Each of the 115 apartments in the three blocks are assessed and a compliance rate of 67% (with the deciduous trees as opaque objects) and 77% (without the deciduous trees) was found. Overall, the applicant considers that the results demonstrate an adequate performance. The removal of trees would improve the overall results; however, the retention of trees allows for greater biodiversity on site and provides an amenity function.

9.5.9 The Planning Authority did not raise any issues of concern in relation to the amount of daylight and sunlight that the proposed apartments will receive. In general, I am satisfied the proposed units are acceptable. The applicant has designed the development to ensure that an appropriate number of units can be provided on site whilst ensuring that existing residential amenity can be protected. Further constraints are provided in the form of unit mix and the retention of trees on site. A solely apartment development may allow for improved sunlight and daylight receipt, but units numbers and density would increase. The retention of the trees on the eastern side of the site reduces flexibility in the layout design.

9.6 **Impact on Existing Residential Amenity:**

9.6.1 The Third-party appeal, and the observations to the original application, raised a number of issues in relation to impact on existing residential amenity. Primarily this is related to the height of the proposed apartments with specific reference to Block C, and the potential for overlooking leading to a loss of privacy and overshadowing/ loss of sunlight.

9.6.2 Overlooking: Block C is the apartment block located to the north west of the site. This block is a mix of three/ four storeys, with the fourth storey set back to the north

west corner. The separation distance between the first-floor windows of the existing houses on The Court and the second/ third storey of the apartment block is approximately 29.8 m and 32.3 m between the fourth storey and the relevant houses. The standard for separation distance is 22 m between opposing first floor windows and as the separation distance is greater than that, I am satisfied that an adequate level of privacy can be maintained in this case. The position of balconies on the north west elevation of the apartments does not give rise to any increased overlooking. The separation between the apartment block and the facing boundary is 13.8 m and this is considered to be acceptable. I note that comment was made in the original submissions to the application that a number of the houses have been extended to the rear and this has not been considered by the applicant. From the site visit it was evident that the extensions were at ground floor only and only one dormer was evident on the houses along The Court.

9.6.3 There are no concerns in relation to overlooking from the other proposed units within the development. The separation between the northern elevation of Block C and the existing house to the north, 1 The Close, is only 18 m, however the windows are not directly opposing, and it is the front of the house that is adjacent to the proposed development of Block C. The rear first floor windows of no. 1 The Close is 22.6 m from the rear windows of Block A and again this is acceptable. The separation distance between Block A and existing houses to the north is acceptable as the relevant windows in Block A serve a bedroom and there are no directly opposing windows with the houses on The Close. I note that the Planning Authority recommended the omission of Units A.01, A.10, A.19 and A.28 due to potential issues of overlooking. The provision of a louvre or similar screening on the northern elevation of Block A would address this issue, whilst ensuring that the apartment units are retained. There is no need to remove these units to ensure that privacy is maintained.

9.6.4 The units to the south west and southern sides of the site are two/ three-storey houses and adequate separation distances are indicated. The Planning Authority raise no issues of concern in relation to overlooking/ protection of privacy. I am

satisfied that the proposed development will not result in an unacceptable level of loss of privacy of existing residential amenity.

- 9.6.5 The issues of loss of daylight/ sunlight and overshadowing were raised in the third-party appeal and in the letters of observation. The applicant has engaged the services of 3D Design Bureau to prepare a Daylight and Sunlight Assessment Report and considers the impact of the proposed development on adjoining properties, specifically the houses on the southern part of The Close (no. 1 to 5, 23 to 26) and nos. 1 to 9, 11 to 19, 21 to 29, 31 to 39, 41 to 53 The Drive.
- 9.6.6 The assessment considered the impact on the Vertical Sky Component (VSC). The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The VSC is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value. The VSC assessment undertaken found the impact to be generally negligible and in a number of cases a Beneficial Impact was expected due to the removal of evergreen trees. The assessment demonstrates that the proposed development will not have a negative impact on the available daylight to the assessed houses.
- 9.6.7 The Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment, in accordance with BRE guidance. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:
- At least one main window wall faces within 90° of due south and
 - The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).
- Further to this the BRE advise that the sunlighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period, and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

9.6.8 The assessment of the impact of the development on adjoining properties found that the impact would be negligible, though a number of units would experience a beneficial impact, again due to the removal of evergreen trees.

9.6.9 An assessment of the impact of the development on sunlight to existing gardens/ private amenity of existing units was undertaken by the applicant in their submitted assessment. The BRE guidance is that for a noticeable effect on received sunlight, the value needs to drop below the stated target value of 50% and be reduced by more than 20% of the existing value. The assessment was undertaken for the same properties as per the VSC and APSH tests and in general the results were a Negligible effect with some units experiencing a Beneficial Impact.

The following units would experience a Minor Adverse effect on received sunlight:

Address	Baseline	Proposed	Ratio of Baseline to Proposed	Recommended Minimum	Level of Compliance with BRE Guidelines
11 The Drive	46.7%	34.9%	0.75	37.4%	93.4%
29 The Drive	70.3%	29.2%	0.42	50%	58.3%
53 The Drive	59.8%	39.5%	0.66	47.7%	82.5%

In relation to 11, 29 and 53 The Drive, I note that large extensions have been constructed to the rear of these houses and the available garden area is significantly

reduced. A similar situation occurs to the rear of other gardens; however the referenced units are further impacted by their orientation.

9.6.10 I am satisfied that existing houses will not be impacted by the proposed development in terms of loss of daylight and sunlight. The vast majority of units will continue to receive adequate sunlight to their private amenity areas, and those that will not, already endure a reduced amenity through the provision of an extension to the house in lieu of garden space. The applicant has also undertaken a shadow assessment and no issues of concern arise.

9.7 **Traffic and Access:**

9.6.1 The applicant has engaged the services of NRB to prepare a Transportation Assessment Report and which includes a Preliminary Travel Plan, a DMURS Statement of Consistency and a Stage 1 Road Safety/ Quality Audit. The site is located within walking distance of Celbridge town centre and Hazelhatch and Celbridge station, in addition to its location on a local bus service corridor.

9.6.2 A survey of the local road network was undertaken in March 2022. The submitted assessment reports that the existing road network and the proposed access junction are suitable to accommodate the worst-case traffic associated with the proposed development. The submitted assessment also confirms that the construction and full operation/ occupation of the residential development will have a negligible impact upon the operation of the local road network. Improvements are proposed to the junction of the L5062 and the R405 to facilitate the development of this site. It is expected that the development will encourage the use of sustainable forms of transport/ movement. 129 car parking spaces are proposed, which includes 4 for the proposed childcare facility, in addition to 204 bicycle parking spaces.

9.6.3 The Planning Authority report no objection to the development in relation to traffic, access, and car/ bicycle parking. 44 parking spaces are proposed for the 22 houses and in the case of the apartments 81 spaces are proposed for 115 units. The Planning Authority report no objection to the shortfall in car parking for the apartments noting the availability of public transport and suitable bicycle parking on site. I am satisfied that the proposed development will not have a negative impact on the local road network and that adequate car parking is provided to serve the

future residents having regard to the existing availability of good public transport within walking distance of the site.

9.7 **Infrastructure and Flood Risk:**

9.7.1 Full details are provided in the Drainage Design Report by Kavanagh Burke Consulting Engineers with regard to drainage and appropriate SuDS measures to be applied on site. The Planning Authority have reported that the proposed surface water and foul drainage proposals are acceptable. Water can be supplied to the site from the existing public water system.

9.7.2 The applicant has engaged the services of JBA Consulting to undertake and provide a Flood Risk Assessment of the subject site. There are no watercourses on site but the location of the River Liffey, Shinkeen Stream, and Hazelhatch Stream (80 m to the east of the site) are identified. Flood History was obtained from the OPW website (www.floodinfo.ie) and Table 3 -1 of the applicant's report provides a list of events. It is reported that flood relief works have been undertaken on the Shinkeen Stream and this will have a benefit to the adjoining area.

9.7.3 The flood assessment considered the development in the context of a number of flood sources:

Fluvial: The site is at risk during a 0.1% AEP event. Further analysis was undertaken.

Groundwater: The soil is well drained and there are no wells or springs on site/ or in the surrounding area. The groundwater vulnerability is classified as 'Moderate'.

Pluvial/ Surface Water: Due to the topography of the area it is possible that ponding may occur. Any potential development would have to consider the ground conditions of the area and ensure that a suitable surface water management system is put in place.

9.7.4 The site is identified as partially located within Flood Zone B within the Hazelhatch Further Study (HFS), though no part of the proposed housing is located within this area. Flooding would occur from an overland flow route along the local road from the south. The design ensures that this overland route is maintained but is contained to the green space along the eastern boundary of the site, rather than inundating the overall site. This results in a negligible impact on the wider floodplain and proposed landscaping removes the risk to properties located to the north of the site. The applicant applied the Justification Test, and which was passed. The

development provides for floor levels that are above the 0.1% AEP event plus an additional 690 mm freeboard. Provision is also made for climate change. The report was peer reviewed by RPS who agree that 'the Development Management Justification Test has been passed and the proposed development is compliant with The Guidelines'.

9.7.5 The Planning Authority have reported no objection to the proposed development in relation to flood risk. I note the report of the applicant and the comments of the Planning Authority and consider the proposed development takes appropriate account of the flood status of the site. The proposed open space along the eastern side of the site and the proposed SuDS measures, will ensure that the development does not impact on existing residential amenity. In addition, adequate measures are proposed/ incorporated into the design of the development to ensure that the proposed units are protected from potential flood risk.

9.8 **First Party Appeal:**

9.8.1 The First Party appeal refers to the inclusion of Condition no. 9 by the Planning Authority, and the restriction on the sale of the development and/ or individual residential units. The applicant reports that the development fully complies with the requirements for Part V and proposes to offer 20% of the units as social housing. The inclusion of this condition reduces the ability of the applicant to dispose of the site and also dispose of individual units. The proposed development is in accordance with National Guidance and the requirements of the Kildare County Development Plan. The Planning Authority reported that they had no further comment to make, and a number of the observers supported the retention of this condition if permission is granted for the proposed development.

9.8.2 Condition no. 9 as applied by the Planning Authority is a standard condition, that is included in the May 2021 'Regulation of Commercial Institutional Investment in Housing - Guidelines for Planning Authorities' as issued by the Department of Housing, Local Government and Heritage. I note that it is included in 'OPR Practice Note PN03 – Planning Conditions' as issued by the Office of the Planning Regulator in October 2022.

9.8.3 The condition only refers to the proposed houses, of which there are 22 proposed out of a total of 137 residential units. I do not consider the condition to be overly restrictive, requiring houses to be first sold to individual purchasers. Whilst the

issue of economics is not one that has to be considered in the assessment of an appeal of this nature, it must be noted that demand for housing of this nature remains very high and new units are rarely left vacant for long. I recommend that the first party appeal be rejected and that a revised condition be included that omits parts b) and c) and revises the wording of part a), but in effect it provides for a similar outcome to that recommended by the Planning Authority.

9.9 Ecological Impact Assessment

9.9.1 MWP were engaged by the applicant to prepare an Ecological Impact Assessment (EclA). As already reported, some comment was made in the observations about the impact on ecology associated with the proposed development/ removal of trees on site. In addition to desktop surveys, and available information, a field survey was undertaken by the applicant in August 2021 and a number of surveys relating to bats were undertaken in July and August 2021. The Zone of Influence was identified as the development site within the red line boundary and adjacent areas that are ecologically connected to the subject site. In addition, designated sites located within 15 km of the subject site are considered to be within the Zone of Influence and which include:

- Rye Water Valley/ Carton SAC – 5 km to the North
- Glenasmole Valley SAC – 13 km to the South East
- Red Bog Kildare SAC – 15 km to the South
- Dodder Valley pNHA – 13 km to the South East
- Grand Canal pNHA – 1.6 km to the South East
- Lugmore Glen pNHA – 11 km to the South East
- Slade of Saggart and Crooksling Glen pNHA – 9.5 km to the South East
- Liffey Valley pNHA – 5 km to the North
- Royal Canal pNHA – 6 km to the North
- Donadea Wood pNHA – 14.6 km to the West

Other sites are identified in the report but lie outside of the 15 km ZOI and would not be considered susceptible to impact from the proposed development.

9.9.2 The report details potential impacts that may arise from the proposed development of this site. Impacts are generally listed as Short Term, Not Significant or Moderate Negative Effects during the construction phase. A similar level of impact would be

expected during the operational phase. Section 9 of the EclA provides details on mitigation measures. These are relatively standard for a development of this nature. Cumulative impacts were considered and include County and Local Area Plans and other development that has been permitted. No issues of concern were raised. Similarly, an assessment of Residual Effects did not give rise to any concern.

9.9.3 The Planning Authority did not raise any issues of concern in relation to the submitted EclA. I note the applicant's report and I have no concern about the submitted details/ findings. I note in particular the bat survey and that the on-site survey identified 33 bat passes. From the submitted Figure 3.1, these were primarily to the west of the site. No roosting locations were identified though it is possible that roosting takes place. A list of mitigation measures is provided and includes a need for a derogation licence for the removal/ replacement of the roof of the existing house during the period from September to the end of February. Outside of this period, the potential for negative impacts to bats and birds is greatest. Careful removal of the roof of the house is required to ensure that any bats present are not harmed. Bat roosts and specific lighting are also suggested to be put in place. Overall, the submitted report does not raise issues of concern.

9.10 Other Matters

9.10.1 Social Infrastructure: The lack of services/ social infrastructure was raised as an issue in the observations. An 'Economic, Community and Social Infrastructure Audit was prepared by Brock McClure in support of the application. This identified the availability of such infrastructure in the area and what the current capacity is. As I have already reported, the site is within walking distance of the centre of Celbridge and where a range of services are available.

9.10.2 A list of childcare facilities in the area is provided, however the proposed development includes a childcare facility with capacity for 53 children. The proposed development is for 137 units, out of which 54 are one-bedroom units, therefore childcare provision is required for the remaining 83 units. The childcare requirement is therefore 37 spaces ($83/ 75 = 1.11, *20 = 22$). The proposed facility with a floor area of 248 sq m could accommodate 106 children, when the standard of

2.32 sq m per child is applied. The proposed facility provides for more than adequate childcare and would meet the needs of the greater area.

9.10.3 A total of six primary schools and three second level schools have been identified in the catchment area. It is not expected that the proposed development will generate a significant demand for school places, due to the number of one- and two-bedroom units that are proposed. The report also lists a range of sporting/ fitness clubs/ facilities in the area in addition to other social facilities and public parks. Healthcare is also assessed, and I note that Celbridge has access to a primary care centre in addition to a number of medical centres.

9.10.4 Overall, Celbridge and the subject site are identified as having access to a range of social, health, sport, and educational facilities/ services. This is in addition to the provision of a large childcare facility and open space on site, a site which is currently served by a good quality public transport system in the form of bus and train services.

9.10.5 Part V Housing: A number of units have been identified for transfer in accordance with the applicant's Part V obligation. The Planning Authority and the Kildare County Housing Section have reported no objection to this subject to condition.

9.10.6 Electricity Substation: An electricity substation with associated switch and plant room is proposed adjacent to the north western boundary of the site. This was raised as an issue of concern in one of the letters of observation received to the appeal. This structure is proposed to be 3.75 m at the highest point of its monopitch roof which is adjacent to the boundary wall, I assume this is to allow for suitable fall of water from the roof towards downpipes which are located on the front/ south eastern side of this structure. This structure would not be as high as some of the extensions and sheds provided to the rear of existing houses on The Court. Any loss of sunlight would be marginal, with only morning light affected for a short period of time at only certain times of the year.

9.10.7 I do not foresee concern regarding noise as the rooms are enclosed to the side that they adjoin the existing rear gardens of the houses on The Close.

9.11 **Appropriate Assessment:**

9.11.1 Stage 1 – Appropriate Assessment Screening: The applicant has engaged the services of MWP to prepare an Appropriate Assessment (AA) Screening Report. The nature/ process of an AA Screening is detailed and also full details on the

proposed development are provided by the applicant. The River Liffey is approximately 750 m to the north west of the development site and the Shinkeen and Hazelhatch Streams flow to the east, with the Hazelhatch Stream 80 m from the subject site. The Loughlinstown River is located approximately 200 m to the southwest of the development site. The site is partially within Flood Zone B in the Hazelhatch Further Study area. Characteristics of the proposed development are provided in Section 3.3 of the applicant's report.

9.11.2 Three Strategic Housing Development applications are identified in the report in the vicinity of the subject site and the Celbridge Local Area Plan 2017 – 2023 lists a number of 'Key Development Areas' one of which at Simmonstown is adjacent to the subject site. These areas are identified as suitable for a certain scale and type of development, which is outlined in appropriate detail.

9.11.3 The Zone of Influence (ZOI) includes the development site and an area of land up to 15 km from the subject site. The following Natura 2000 sites are located within this ZOI.

Site Name (site code)	Designation	Distance/ direction from the site	Hydrological/ Ecological Connection
Rye Water Valley/ Carton (001398)	SAC	5 km to the North	No
Glenasmole Valley (001209)	SAC	13 km to the South East	No
Red Bog Kildare (000397)	SAC	15 km to the South	No
Poulaphouca Reservoir (004063)	SPA	17 km to the South East	No

The submitted AA Screening Report details potential impacts that may arise from the proposed development at construction and operational stages.

9.11.4 The applicant excluded Glenasmole Valley SAC, Red Bog Kildare SAC and Poulaphouca Reservoir SPA from further assessment due to their distance from the site and lack of connection either hydrologically or ecologically. Further assessment

was given to Rye Water Valley/ Carton SAC based on impact to Water Quality/ resource, habitat loss, habitat alteration, habitat or species fragmentation, disturbance and/ or displacement of species, and cumulative/ in-combination impacts.

Water Quality: there is no ecological connection between the site and the SAC, and the designated site is located in a different WFD sub-catchment. Foul water will be treated in the Leixlip wastewater treatment plant through the public foul drainage system. Storm water will be treated on site. Impact on water quality can be excluded at this stage.

Habitat Loss and Alteration: Due to the lack of hydrological and ecological connection between the site and the SAC, habitat loss/ alteration can be excluded at this stage.

Disturbance and/ or Displacement of Species: Due to the lack of hydrological and ecological connection between the site and the SAC, these potential impacts can be excluded at this stage.

Habitat or Species Fragmentation: Due to the lack of hydrological and ecological connection between the site and the SAC, these potential impacts can be excluded at this stage.

Cumulative/ In-Combination: Impacts were assessed, and no issues of concern were identified. The site is not connected to other development sites in the area.

9.11.5 The applicant's report concludes that the proposed development will not significantly impact on the identified Natura 2000 sites either individually or in combination with other plans and projects.

9.11.6 Screening Assessment: In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site. In terms of the zone of influence, I note that the site is not within or immediately

adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

9.11.7 I note the distance between the subject site and the designated Natura 2000 sites, the nature of the proposed development and the character of the area. I am satisfied that there is no realistic likelihood of pollutants reaching the identified Natura 2000 site. During the operational phase of the development, surface water drainage design will have full regard to SUDs. Foul drainage will be through the existing public foul drainage system.

9.11.8 I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites on the Rye Water Valley/ Carton, from surface water runoff, can be excluded given the distance and lack of a direct hydrological connection.

9.11.9 AA Screening Conclusion: It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rye Water Valley/ Carton (001398) or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the significant separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise

to a significant effect individually or in combination with other plans or projects on an European site.

In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment.

9.12 Environmental Impact Assessment:

9.12.1 The applicant has engaged the services of MWP to prepare an Environmental Impact Assessment Screening Report. The nature of the development and the environmental setting of the site are provided in Section 2. 'Description of the Proposed Development' in the applicant's report. The proposed development includes the demolition of an existing house, and a number of outhouses and the construction of a residential development of 137 units in the form of houses and three apartment blocks. In addition, a creche, open space, and all associated infrastructure works are to be provided. Water supply will be from a connection to the existing public system and similarly foul drainage will be via the public system. The potential impact on the environment is assessed in the applicant's report and concludes that there is no requirement for an EIA and the 'development would not introduce any new or additional effects of a significant or adverse nature such as to have a significant effect on the environment or warrant an EIA'.

9.12.2 I have had regard to the applicant's submitted report. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size of 2.1 hectares in area, number of residential units (137) and the fact that the proposal is unlikely to give rise to significant environment effects, therefore a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

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

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up

area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

9.12.4 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations

2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

9.12.5 The proposed development is for a residential scheme of 137 residential units in the form of 22 houses and 115 apartments, the provision of a childcare facility, and all associated site works and services. The site is located to the western side of the Hazelhatch and Simmonstown Roads to the south of Celbridge, though on residentially zoned lands and is located on a stated site area of 2.1 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

9.12.6 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

9.12.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant

impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report & Statement of Consistency – Brock McClure
- Community and Social Infrastructure Audit – Brock McClure
- Design Statement - John Fleming – Architects
- Materiality Report - John Fleming – Architects
- Landscape Design and Access Statement - Ronan Mac Diarmada – Landscape Architect
- Landscape Management and Maintenance Plan - Ronan Mac Diarmada – Landscape Architect
- Visual Impact Assessment - Ronan Mac Diarmada – Landscape Architect
- Appropriate Assessment Screening Statement – MWP
- Ecology Impact Report and Bat Survey – MWP
- EIAR Screening Report – MWP
- Drainage Design Report - Kavanagh Burke - Consulting Engineers
- M&E/Sustainability Report and Lighting Design -Including all Drawings - MANDE-M&E
- Flood Risk Assessment and Independent Audit - JBA and ARUP
- Traffic Impact Assessment / TTA – NRB
- Traffic and Transport Assessment - NRB
- Stage 1 & 2 Road Safety Audit / Assessment – NRB
- Stage 1 Preliminary Design Surface Water Audit - Kavanagh Burke - Consulting Engineers
- SUDs Strategy - Kavanagh Burke - Consulting Engineers
- Daylight and Sunlight Assessment Report - 3D Design Bureau
- CGIs/Photomontages - 3D Design Bureau
- Tree Impact Report and Drawings - Felim Sheridan

- Arboricultural Assessment - Felim Sheridan
- Tree Protection Strategy - Felim Sheridan
- Acoustic Assessment – iAcoustics
- Waste Management Plan - JFA

9.12.8 In addition, the applicant has provided to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment, carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been considered and are listed in the ‘Statement in Accordance with the Planning and Development Regulations 2001 (as amended) prepared by MWP.

The documents are summarised as follows:

Document:	Relevant Directives:
<ul style="list-style-type: none"> • Appropriate Assessment Screening - MWP 	Directive 92/43/EEC, The Habitats Directive Directive 2009/147/EC, The Birds Directive
<ul style="list-style-type: none"> • Ecological Impact Assessment – MWP (includes Bat Assessment – FGE Consulting) 	Directive 92/43/EEC, The Habitats Directive Directive 2009/147/EC, The Birds Directive
<ul style="list-style-type: none"> • Screening for EIA Report - MWP 	Directive 2014/52/EU, EIA Directive
<ul style="list-style-type: none"> • Site Specific Flood Risk Assessment – JBA Consulting 	Directive 2001/42/EC, SEA Directive, Floods Directive (Directive 2007/60/EC)
<ul style="list-style-type: none"> • Screening for EIA Report - MWP 	Directive 2002/49/EC, Environmental Noise Directive

<ul style="list-style-type: none"> • Screening for EIA Report - MWP 	Directive 2000/60/EC, Water Framework Directive
<ul style="list-style-type: none"> • Construction Waste Management Plan • Traffic Impact Assessment – NRB Consulting Engineers 	Directive 2008/50/EC, Clean Air for Europe Directive

9.12.9 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

9.12.10 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

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

10.0 Recommendation

Having regard to the above and the reasons and considerations set out below, I recommend that planning permission for the proposed development should be granted, subject to conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2023 – 2029 and the Celbridge Local Area Plan 2017 – 2023, and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Recommended Draft Order

Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th of November 2022 by Garyaron Homes Ltd.

Proposed Development:

- The provision of 137 residential units in the form of 115 apartments and 22 houses, a childcare facility, car parking, cycle parking and all associated necessary infrastructure works.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017 – 2023 and the Celbridge Local Area Plan 2017 - 2023. The Kildare County Development Plan 2017 – 2023 has been superseded by the Kildare County Development Plan 2023 – 2029 and the development is consistent with the objectives of this current plan.
- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2020 (these are superseded by the 2022 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant

standards including private open space, room sizes, storage, and residential amenity areas.

Appeal:

First Party appeal by Garyaron Homes Ltd. against Condition 9(a), (b) and (c) as issued by Kildare County Council in their decision to grant permission for the proposed development as submitted, and a Third-Party appeal by Rodger Quinn against the decision to grant permission subject to conditions as issued by Kildare County Council.

Decision:

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

Matters Considered:

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

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

- (i) the provisions and policies of the Kildare County Development Plan 2023 - 2029,
- (ii) The provisions of the Celbridge Local Area Plan 2023 – 2029 including the zoning objective B – ‘Existing Residential/ Infill’, which aims to ‘protect and enhance the amenity of established residential communities and provide sustainable intensification’.
- (iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice

Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,

(vi) the availability in the area of a wide range of social and transport infrastructure,

(vii) to the pattern of existing and permitted development in the area, and

(viii) Submission and Observations received, and

(ix) the Inspectors Report

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

Appropriate Assessment (AA):

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises an edge of town site, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment (EIA):

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

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective B, 'protect and enhance the amenity of established residential communities and provide sustainable intensification' in the Celbridge Local Area Plan 2017 - 2023, and the results of the strategic environmental assessment of the Kildare County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the current Kildare County Development Plan 2023 – 2029, and the Celbridge Local Area Plan 2017 – 2023, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The floor plans of Apartment B.50 to be revised so as to clearly indicate the provision of a minimum storage area of 3 sq m within the unit.

(b) Suitable louvres or similar screening shall be provided to the front of the windows on the northern elevation of Apartment Block A. These shall ensure that outward views are restricted but ensure that adequate daylight is received by these units.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority/ An Bord Pleanála prior to commencement of development.

Reason: In the interests of residential amenity.

3. The number of residential units permitted by this grant of permission is 137 no. units in the form of 22 houses, and 115 apartment units.

Reason: In the interests of clarity.

4. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. The proposed external treatment shall ensure a clearly defined distinction between character areas. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. Each apartment and house shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

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

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

Reason: In the interest of urban legibility.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:

a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense,

b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii,

c) Pedestrian crossing facilities shall be provided in suitable locations to be agreed with the Planning Authority,

d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of

the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

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

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

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

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

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

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

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

Reason: In the interest of public health.

14. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

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

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

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

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

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

Reason: In the interest of amenities, public health and safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

21. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul O'Brien

Planning Inspector

1st February 2023

EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	315138-22	
Development Summary	Demolition of a house, outbuildings and the construction of 137 residential units in the form of 22 houses and 115 apartments. The apartments to be in three blocks between three and five storeys in height. Also, a creche, all landscaping. Bicycle/ car parking and all necessary infrastructure works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment, therefore EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other	Yes	Ecological Impact Assessment has been submitted.

relevant Directives – for example SEA					
<table border="1"> <tr> <td data-bbox="193 282 802 1368"> <p>B. EXAMINATION</p> </td> <td data-bbox="802 282 1149 1368"> <p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> </td> <td data-bbox="1149 282 1465 1368"> <p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p> </td> </tr> </table>			<p>B. EXAMINATION</p>	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
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<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>					
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development includes the demolition of an existing house and some outhouses and the construction of two and three</p>	<p>No.</p>			

	<p>storey houses and three no. apartment blocks in addition to a creche and all supporting infrastructure.</p> <p>The site is on the edge of Celbridge with similar development to the north/ west and a more rural type character to the south and east.</p>	
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development is located on a greenfield site to the western side of Celbridge.</p>	<p>No.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Construction materials will be typical of such an urban development.</p> <p>The loss of natural resources or</p>	<p>No.</p>

	<p>local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential</p>	<p>No.</p>

	<p>impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction</p>	<p>No.</p>

	<p>Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul</p>	<p>No.</p>

	<p>services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No.</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No.</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and</p>	<p>No.</p>

	<p>temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development. Positive benefit through the</p>	<p>No.</p>

	childcare facility having capacity to accommodate children from outside the development site.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Development in Celbridge is subject to a local area plan and its supporting Strategic Environmental Assessment (SEA)	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No European sites located on the site. An Appropriate Assessment Screening accompanied the application which concluded the proposed development, individually or in combination with other plans or	No.

	projects would not adversely affect the integrity of any designated European sites.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The submitted EclA and AA Screening did not raise any issues of concern.	No.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	None on site.	No.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	There are no such features that arise in this urban location.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	None on site.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	Site is located in a built-up urban location where such impacts are not foreseen.	No.

<p>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is served by a local urban road network, including the R405 regional road and the L5062 local road. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No.</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>None located adjacent to the subject site.</p>	<p>No.</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>		
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may</p>	<p>No.</p>

	arise during construction. This would be subject to a construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) the location of the site on lands governed by zoning objective B 'Existing Residential' in the Celbridge Local Area Plan 2017 – 2023,</p> <p>d) The existing use on the site and pattern of development in surrounding area,</p> <p>e) The planning history relating to the site,</p> <p>f) The availability of mains water and wastewater services to serve the proposed development,</p> <p>g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),</p>		

h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and

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

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

Inspector _____

Date _____