



An
Bord
Pleanála

Inspector's Report

ABP-315804-23

Development

Protected Structure - RPS Ref: B11-35 at Celbridge Lodge. Construction of 60 residential units, ESB sub-station and associated site works. Revised by Significant Further Information consists of reduction of 8 residential units to 52 units.

Location

Celbridge Lodge, Tea Lane/Church Road, Celbridge, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

22562

Applicant(s)

Andrews Construction Ltd.

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

- (i) First Party v. Condition
- (ii) Third Party v. Decision

Appellant(s)

- (i) Andrews Construction Ltd.
- (ii) John Young

Observer(s)

None.

Date of Site Inspection

25th July 2024

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.73 ha and is located at Celbridge Lodge, Church Road / Tea Lane, Celbridge, Co. Kildare. The site is centrally located within the town, being within 5 minutes' walk of Main Street to the north-east. It is bounded by commercial properties on English Row to the east, by single and 2-storey residential properties fronting onto Church Road / Tea Lane to the south and by 2-storey residential properties at St. Patrick's Park to the north and west.
- 1.2. The site is roughly rectangular in shape and projects onto Church Road / Tea Lane at 3 no. locations along its southern boundary. The site is accessed via an existing vehicular entrance and gate piers located at the south-eastern site corner proximate to the junction of Church Road / Tea Lane and English Row. A single-storey gate lodge is located immediately inside this entrance. Thereafter a tree-lined access track extends into the central area of the site and terminates to the front of a two-storey over basement residential property (a Protected Structure), the main façade of which is orientated eastwards within the site. The property was occupied at the time of the inspection.
- 1.3. The remainder of the site to the front and rear (east and west) of the Protected Structure is characterised by open space with large mature trees, which are clustered at the eastern end of the site and extend along the northern, southern and western boundaries. The trees along the southern boundary are visible in views of the site from Church Road / Tea Lane, with those along the northern boundary being visible from St. Patrick's Park, albeit to a lesser extent. The remnants of a walled garden are in place at the eastern end of the site close to the entrance.
- 1.4. The open space throughout the site is largely overgrown and poorly maintained, with a section beyond the rear garden of the Protected Structure being fenced off. The eastern and western ends of the site were also inaccessible due to the density of trees and vegetation in these areas.

2.0 Proposed Development

- 2.1. The proposed development incorporates the continued residential use of Celbridge Lodge (4 no. bedroom) and the Gate Lodge (1 no. bedroom) and comprises the construction of 60 no. residential units at single and 2-storey levels in 2, 3 & 4 bedroom (terrace, semi-detached, detached and mews formats) comprising: 18 no. 4-bedroom (room in roof space), 34 no. 3-bedroom and 8 no. 2-bedroom units of which incorporates the conversion of the stable building to form a new single storey (2 no. bedroom) residential unit; the site thus supports a total of 62 no. residential units, the incorporation of Celbridge Lodge 'curtilage elements' as includes inter alia, the stable building, a walled garden and main entrance gates; the formation of communal open space areas totalling 5,423 m²; the retention of important tree groupings, supplementary and additional landscaping; 109 no. dedicated car parking spaces (106 no. residential, 3 no. accessible/service vehicles); a new primary vehicular and pedestrian access to the proposed development will be provided at the midpoint of the development with Tea Lane / Church Road. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths, an ESB substation and all ancillary works above and below ground.
- 2.2. The majority of the units are arranged in a back-to-back configuration parallel to the Protected Structure. The scheme is divided into 4 no. character areas, extending from east to west across the site. Character area 1 includes the existing gate lodge and the proposed mews dwellings within the walled garden at the eastern end of the site. Character area 3 includes Celbridge Lodge, the existing stable buildings adjacent to Church Road / Tea Lane and the proposed vehicular entrance into the site. A single-storey coach house is proposed adjacent to the southern / side elevation of the Protected Structure. The remaining character areas are characterised by new infill dwellings.
- 2.3. Communal open space is arranged in 5 no. separate parcels across the site, including open space no. 3 to the front of the Protected Structure. The scheme is characterised by retained trees along its southern boundary to Church Road / Tea Lane and along the proposed internal access road which extends along this boundary. Mature trees will also be retained to the front of the Protected Structure and along the eastern and western site boundaries.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued **Notification of the Decision to Grant Permission** for the proposed development subject to 51 conditions on 27th January 2023.
- 3.1.2. Condition no. 2 states that the permission authorises the construction of 51 no. dwellings.
- 3.1.3. Condition no. 3 requires the applicant to submit a revised Site Layout Plan demonstrating the omission of unit no. 32 for the written agreement of the Planning Authority.
- 3.1.4. Condition no. 13 requires the appointment of an Ecological Clerk of Works to manage compliance with the mitigation measures outlined in the Ecological Impact Assessment.
- 3.1.5. Condition no. 16 requires the applicant to submit a detailed Invasive Species Management Plan in relation to Japanese Knotweed.
- 3.1.6. Condition no. 17 requires dusk/predawn bat surveys to be carried out on the gate lodge and stables during the active bat period.
- 3.1.7. Condition no. 18 requires the appointment of a suitably qualified archaeologist to monitor construction works.
- 3.1.8. Condition no. 19 requires that a suitably qualified architectural conservation professional supervise all proposed works to the historic buildings on the site.
- 3.1.9. Condition no. 22 requires the developer to obtain a road opening licence to carry out the improvement works at the junction between Church Road/Clane Road and retain an engineer to supervise the works.
- 3.1.10. Condition no. 24 requires the applicant to provide a pedestrian permeability link adjacent to house nos. 14 & 15 connecting to St. Patrick's Park and two other links with Church Road/Tea Lane.
- 3.1.11. Condition no. 25 requires the submission of a Stage 2 Road Safety Assessment (RSA) for the development and works on the main road for the written approval of

the Planning Authority and the carrying out of a Stage 3 RSA on the completed works.

- 3.1.12. Condition no. 28 requires CBR tests to be undertaken to determine the subgrade strength under the proposed site access road.
- 3.1.13. Condition no. 47 requires the submission of a Construction Phase Surface Water Management Plan in accordance with the IFI publication “Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters” (2016).
- 3.1.14. Condition no. 50 requires the submission of a bond in the amount of €216,000 to ensure the satisfactory completion of open spaces and services.
- 3.1.15. Condition no. 51 requires the payment of a S. 48 development contribution in the amount of €471,447.38.
- 3.1.16. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (5th July 2022, 9th December 2022 and 25th January 2023)

- 3.2.2. Following an initial assessment of the application, Kildare County Council’s Planning Officer considered that the proposed development was generally acceptable in principle, that the design quality and architectural treatment of the proposed dwellings was of a high standard and was welcomed at this location. Notwithstanding the foregoing, it was recommended that **Further Information** be requested in relation to 26 no. items which can be summarised as follows:

3.2.3. Design, Layout and Architectural Conservation

- 3.2.4. **Item No. (1)** The applicant is requested to submit revised drawings to address the following:

(a) The removal of at least 2 no. mews units from Character Area 1, the retention of the existing pedestrian entrance to the walled garden and the removal of the 2 no. proposed new openings to the walled garden.

(b) Unit nos. 20, 21 and 22 in Character Area 2 should be redesigned and 1 no. unit removed. Unit no. 08 impinges on the historic walled garden and should be removed.

(c) Revised proposals to be submitted to address third party concerns in relation to negative impacts arising to existing residential properties on foot of unit nos. 02-07 and 14-19.

(d) The removal of unit nos. 32, 34, 35, 36, 37, 38 and 39 from Character Area 3 and the use of these areas as additional garden space for Celbridge Lodge or open space for residents of the new development.

(e) Character Area 4 should be redesigned, with unit no. 57 removed and unit no. 58 relocated into this area.

(f) The ESB substation to be relocated to a more suitable concealed location.

(g) The bin store for unit nos. 01-07 relocated to a more suitable, concealed location.

3.2.5. **Item No. (2) (a):** The existing ruined building on the south boundary of the site to be stabilised and retained.

3.2.6. **(b)** The restoration of historic piers and gates and walls to walled garden to be included in the proposal.

3.2.7. **(c)** Additional existing and proposed detail drawings indicating surviving historic fabric, full details of construction methods in a written method statement.

3.2.8. **Ecology and Layout**

(3) The proposed development should be reconsidered in light of the significant number of mature trees to be removed and the limited number of replacement trees.

(4) The applicant is to prepare an Ecological Impact Assessment for the site to include a faunal survey, bat survey, relevant bird surveys including owl and swift and floral surveys in particular for Floral Protection Order species and invasive species.

The assessment to include: **(a)** a habitat map, **(b)** a written description of all habitats within the receiving environment, **(c)** the identification of key species of flora and fauna, **(d)** mitigation measures in relation to mammal access along the river and stream corridors, **(e)** reference to any previous studies and old ecological records for the site, **(f)** evaluation of ecological significance of habitats and species occurring within the site, **(g)** assessment of likely impact of the proposed development on habitats and rare species or protected species within and adjacent to the site. Where appropriate, the report should include mitigation proposals.

(5) A field survey is required. Ecological surveys shall be carried out at the appropriate time of year.

(6) Where a proposed development will affect a site known to be used by bats and otters, consideration needs to be given to the likely impact on the population. If a derogation licence is required, this should be submitted prior to the granting of planning permission. The applicant is requested to submit revised details to address any impacts on protected species.

3.2.9. Archaeological Impact Assessment

(7)(a)(b)(c) The applicant is requested to carry out an Archaeological Impact Assessment.

3.2.10. Part V

(8) The applicant is requested to furnish evidence of the date of purchase of the site to establish Part V requirements, to submit the total plot areas for the site and of individual units proposed under Part V.

3.2.11. Transportation

(9) The applicant is to prepare a design for a controlled pedestrian crossing point near the new vehicular junction along Church Road.

(10) The applicant to re-examine the sight visibility lines at junctions to ensure compliance with DMURS.

(11) The applicant is requested to consider the increased conflict between pedestrians and cyclists along Church Road because of the new vehicular entrance to the development. The applicant is requested to propose measures for Church Road to mitigate the effect of the development on vulnerable road users.

(12) The applicant is requested to revise the car parking provision to ensure 2 no. spaces are provided for each house plus 10% house visitor parking and 1.5 spaces per apartment and 25% apartment visitor parking.

(13) The applicant is requested to consider the roll out of electric vehicles which must ensure that a cable can be run to the vehicle without creating a trip hazard on a footpath. The applicant is requested to revise the parking layout for the development on foot of same.

(14) The applicant is requested to submit revised proposals to address the following:

(a) prepare a design for the permeability link with St. Patrick's Park, **(b)** prepare a drawing showing the link connecting neighbouring residential areas and the town centre, **(c)** submit a drawing illustrating full details of the 3 no. proposed pedestrian accesses and the vehicular access onto Church Road.

(15) The applicant is requested to submit revised proposals to address the following:

(a) the junction of Church Road/Clane Road does not appear to be pedestrian and cyclist friendly. The applicant to review this to improve pedestrian access to and from the proposed development, **(b)** the applicant is requested to reconsider the piers proposed at the edge of the carriageway at the new vehicular junction between Church Road and the development to avoid a roadside hazard, **(c)** the applicant is requested to provide a turning bay at the end of the side roads and revise drawings accordingly, **(d)** the applicant to submit a revised swept path drawing for a bin lorry, refuse truck and fire engine to demonstrate manoeuvrability with parking bays fully occupied, **(e)** the applicant is requested to submit a drawing detailing the installation of speed limit signs within the estate, **(f)** the applicant to submit details of the type of materials for roads and footpath infrastructure, **(g)** the applicant is requested to avoid permeable paving in public areas as it may not be possible for the Local Authority to take them in charge, **(h)** the applicant is requested to demonstrate how the internal permeable paving for the car parking areas will be made durable to withstand shear loads arising from turning vehicles and how the car parking surface will have adequate slip resistance, **(i)** the applicant is requested to provide details of how additional ducting will be provided to avoid the permeable paving being dug for utilities, **(j)** the Planning Authority requests a separate footpath and carriageway, **(k)** the applicant is requested to clarify the material for the carriageway in the Home Zone, **(l)** the applicant is requested to provide details of the bicycle storage in the back gardens or at the front of the terrace units.

(16) The applicant is requested to examine the existing public lighting along Church Road for 100 m on either side of the new junction and for the new permeability link with St. Patrick's Park.

3.2.12. **Fire Safety**

(17) The applicant is requested to submit details to demonstrate how turning facilities for fire appliances will be provided on all access routes greater than 20 m.

3.2.13. **Waste Management**

3.2.14. (18) The applicant is requested to submit a report demonstrating how the development is to cater for waste management for the occupants of the proposed development, including: (a) waste management calculations, (b) details of storage facilities for the apartment block, (c) details of how it is proposed to secure waste management facilities against fly tipping and vermin.

3.2.15. **Surface Water Drainage and Attenuation**

(19) The applicant is requested to submit a drainage and SuDS strategy which shall prioritise the reduction of impermeable surface areas, nature based and infiltration SuDS and the retention of any existing site drainage ditches in open channels and 'daylighting' of any existing site pipework.

(20) Confirmation that the proposed surface water drainage network has adequate condition and capacity to cater for run-off from the proposed development is required.

(21)(a) – (h) A revised drainage design with revised layout drawing is requested which takes in account the revised drainage and SuDS strategy.

(22) (a) – (j) A Flood Risk Assessment which addresses fluvial, pluvial, groundwater and residual flood risk.

3.2.16. **Irish Water**

(23) The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry to determine the feasibility of connection to the public water/wastewater infrastructure.

(24) Wastewater drainage network calculations are required.

(25) Wastewater drainage longitudinal section drawings are required.

(26) Revised watermain layout showing watermains located in the footpaths as per Irish Water Standard Details are required.

- 3.2.17. The applicant submitted a **Response to the Request for Further Information** on 14th November 2022. The number of units was reduced from 60 to 52 (6 no. 2-bedroom units, 28 no. 3-bedroom units and 18 no. 4-bedroom units). The applicant's response can be summarised as follows:
- 3.2.18. **Item No. 1 (a):** Mews unit nos. 2 and 3 have been removed from Character Area 1, resulting in additional set-back to the neighbouring properties fronting onto Main Street. The removal of these units directly benefits tree retention. Revisions are also presented to the walled garden area, which now represents a nature-based surface water detention basin. New perimeter fruit tree planting on the perimeter of the walled garden is proposed. The applicant seeks to retain the existing walled garden opening and maintain the additional opening as originally presented in the interests of connectivity and permeability. The material selection for the proposed mews houses is buff brick with a metallic canopy over the entrance area.
- 3.2.19. **Item No. 1 (b):** Unit no. 8 has been omitted from Character Area 2 and a group of trees at this location has been retained. Unit nos. 21, 22 and 23 have been redesigned to address the over concentration of units in this character area, with unit no. 22 omitted. The proposed ESB substation has been relocated here. The bin storage area for the mews houses has been omitted and substituted with a dedicated bin collection area. A permeable link to St. Patrick's Park has also been included.
- 3.2.20. **Item No. 1 (c):** The omission of 2 no. mews units and the retention of existing trees in this area will lessen the negative impact and overlooking of adjoining vacant land and properties on English Row. A privacy screen of 1500 mm high is proposed to the 1st floor private amenity spaces of the mews dwellings to address overlooking concerns.
- 3.2.21. Unit nos. 04-07 within the walled garden are set back from the boundary by between 3.27 m and 5.96 m. The orientation of these dwellings will reduce overshadowing at midday. The size of the private amenity space for these units is compensated by a southwest facing terrace at 1st floor level and a communal open space within the walled garden. The rear garden set back from unit nos. 09-14 is greater than 11 m at ground floor level and 13 m at 1st floor level. These units will have no real impact on the adjoining vacant property in terms of privacy, overlooking and overshadowing.

- 3.2.22. **Item No. 1 (d):** A total of 4 no. dwelling units (nos. 36-39) have been omitted and replaced with additional open space to the rear garden of Celbridge Lodge. The retention of mature trees along the boundary wall will further enhance the amenity space. Unit no. 32 to the side of Celbridge Lodge and unit nos. 34 and 35 will be retained as they are strategically located to perform a wayfinding function gateway to the development. These units will provide passive surveillance of the open spaces and will not detract from the vistas of the Protected Structure.
- 3.2.23. **Item No. 1 (e):** The existing building line along Church Road should be maintained and unit no. 58 retained as previously proposed to form a proper streetscape. There is no change to Character Area 4 with regard to the number of dwelling units and arrangement.
- 3.2.24. **Item No. 1 (f):** The location of the ESB substation has been revised as requested.
- 3.2.25. **Item No. 1 (g):** All dwelling unit nos. 1, 4, 5, 6 & 7 within the walled garden will now have an in-curtilage location for their 3 no. bins which can be moved to a dedicated bin collection point.
- 3.2.26. **Item No. 2:** The restoration of the historic elements on the site is an inherent element of this planning application as described in the Architectural Heritage Impact Report. Additional details have been provided on the stable building, gate lodge and original main gate as requested.
- 3.2.27. **Item No. 3:** Significant additional trees are being retained. The application is supported by a Landscape Masterplan which presents that more than the equivalent of trees lost are being replanted. Low quality and diseased specimens will be removed and replaced with high quality, nursery sourced stock. The scheme is respectful of the primary green infrastructure as it buffers the development to the Church Road / Tea Lane frontage, the most significant and important element.
- 3.2.28. The majority of trees to be removed are either category C (poor quality) or U (dangerous). The trees to be removed has been reduced by 20 no. (104 no. in total). The proposed planting includes 117 no. standard trees, 64 no. mid-sized specimens and 624 no. understory planting. The Tree Report and Survey has been amended to address the concerns of Kildare Park's Department and an Arboricultural Method Statement is included.

- 3.2.29. **Item Nos. 4, 5 & 6:** An Ecological Impact Assessment Report has been prepared, which included the undertaking of a field survey. The proposed development will result in localised effects on the biodiversity of the site with the permanent loss of scrub, woodland, grassland and the man-made pond. Effects on species include the loss of nesting habitat for bird species, fragmentation of commuting corridors for mammals, loss of breeding habitat for amphibians and disturbance through light effects on mammals. Standard mitigation measures have been developed to reduce the effects of all identified impacts. The proposed development will not result in significant residual effects.
- 3.2.30. **Item No. 7:** Archaeological testing has been undertaken with no features, finds or deposits of interest identified. As such, the archaeological potential within the proposed development site is deemed to be low. It is recommended that archaeological monitoring of ground disturbance works be undertaken.
- 3.2.31. **Item No. 8:** Confirmation of the date of purchase of the site has been provided. A revised Part V allocation drawing has been provided to reflect the reduced number of units on the site.
- 3.2.32. **Item No. 9:** It is proposed to provide an uncontrolled junction at Church Road. The level of foot-based and cycle-based trips does not warrant the installation of a signal-controlled junction at the development.
- 3.2.33. **Item No. 10:** An engineering drawing is provided which illustrates revised sight line analysis.
- 3.2.34. **Item No. 11:** Church Lane / Tea Lane is located in an urban setting, characterised by 'hard' and 'soft' measures that influence driver speeds. The junction radii at the entrance to the proposed development are tight at 2.5 m. Crossing points are located closer to corners on pedestrian desire lines thus allowing vulnerable road users to cross the new junction safely. For junctions with smaller radii, vehicle and cyclist speed is more compatible, allowing the new junction to be negotiated safely.
- 3.2.35. **Item No. 12:** A total of 106 no. car parking spaces will be provided, with at least 1 no. space per unit. This level is appropriate given the site location relative to Celbridge town centre and accessibility to high-quality, public transport.

- 3.2.36. **Item No. 13:** Cable runs for charging of electric vehicles are provided with underground ducting for footpaths. The majority of EV charging will occur in curtilage. Ducting infrastructure for future EV charging will be provided to a small number of remote car parking spaces.
- 3.2.37. **Item No. 14:** The submitted engineering drawings illustrate the external permeability connections from the development to the surrounding area, including St. Patrick's Park, and sight lines from the development to Church Lane in accordance with DMURS. Final details of footpaths, cycle paths, kerbing, tactile paving, lighting, landscaping, entrance wall and rail detail and measures to enhance the safety of pedestrians and cyclists will be agreed with the Local Authority prior to construction.
- 3.2.38. **Item No. 15 (a) – (l):** Engineering drawings are submitted to illustrate revised kerb arrangements which are more pedestrian and cyclist friendly, the omission of piers, the inclusion of 2 no. turning heads so that vehicles avoid reversing past houses, Autotrack movements of a refuse vehicle and a fire tender and details of signage layout. The specification for footpaths and roads is provided.
- 3.2.39. Permeable paving has been removed from shared parking areas, with a revised surface water and detention basin model now proposed below in response to surface water issues. The proposed development presents separated footpaths and carriageways. The revised unit numbers have reduced the incidence of cars within the development along with additional pedestrian/cycle permeability linkages. The material for the carriageway has been specified and might be suitable to be agreed by condition prior to the commencement of development.
- 3.2.40. Bicycle parking (2 no. spaces) will be provided in each unit in the form of secure cycle storage. The design reflects the bin store and will be located adjacent to same. For mid-terraces where there is no rear garden access, the bin and bicycle stores will be located in the front garden and/or adjacent to car parking spaces. For mews houses, they will be located in the front yard. For the remaining house types with access to the rear garden, the bin and cycle stores will be located within a similar arrangement.
- 3.2.41. **Item No. 16:** The public lighting scheme within the site has been designed to position public lights close to both the entrances from Church Road and the

permeability link pedestrian access with St. Patrick's Road. Design details and specifications of the proposed street lighting system have been submitted.

- 3.2.42. **Item No. 17:** The requirements for fire access have been adequately provided for in the proposed development. An Autotrack layout for a fire tender has been submitted which demonstrates that the required turning movements are provided for.
- 3.2.43. **Item No. 18:** For the avoidance of doubt, it is clarified that no apartment units are proposed. The requirement in relation to waste management is understood to be a 3-bin system, the position and layout of which is clearly outlined in the respective architectural drawings.
- 3.2.44. **Item Nos. 19, 20 and 21:** The underground tank structures (3 no.) have been removed and it is now proposed to provide surface water attenuation by introducing 3 no. attenuation basins. To meet overall storage volume requirements, the installation of 1 no. below ground structure is also required. The road drainage has been incorporated into the attenuation features. Rain garden features have been introduced into the rear gardens of all units to collect roof runoff. It is unviable to provide any form of infiltration measures on-site for the purposes of attenuation storage, given the high level of rock across the site. These conditions negate the need for any groundwater monitoring.
- 3.2.45. As the outflow from the site is being restricted to greenfield run-off rates, it was assumed that the existing surface water network could accommodate the overall restricted discharge rate. This was confirmed in subsequent conversations with the Area Engineer. Drawings have been provided which demonstrate the revised design and drainage layout ("Foul & Surface Water Drainage Layout").
- 3.2.46. The permeable paving driveways have only been designed as providing for 25% of the storage volume. Details of the sub-base are provided.
- 3.2.47. The revised surface water calculations include a 30% climate change factor as discussed with the area engineer. The pipe network design has been revised to reflect a 5-year design return period.
- 3.2.48. **Item No. 22:** A Site-Specific Flood Risk Assessment has been prepared. Technical discussions have been held with the Engineering Department of Kildare County Council.

3.2.49. **Item Nos. 23, 24, 25 & 26:** A Confirmation of Feasibility from Uisce Éireann has been provided. Details of wastewater calculations, longitudinal sections and a revised watermain layout drawing have also been provided.

3.2.50. The applicant's response was deemed to contain Significant Additional Information and the planning application was readvertised to the public. Following an assessment of the submitted information, the Planning Officer considered that the proposed development complied with the policies of the county development plan and the Celbridge LAP and that the revised layout and increased retention of trees was welcomed. It was considered that **Clarification of Further Information** was required to address the outstanding issues raised by the Fire Officer, Architectural Conservation Officer and Water Services Section as summarised below:

3.2.51. **Design Layout & Architectural Heritage**

Item No. 1: (a) The new pedestrian entrance to the walled garden should be a gateway, rather than a gap in the historic wall as indicated and relocated further away from the Gate Lodge. The width of the entrance should be minimised to reduce the impact on the walled garden.

(b) The applicant is requested to omit unit no. 32 from the scheme as it infringes on the special character of the site and Celbridge Lodge.

(c) The views into the site from Church Road through the new pedestrian access should remain green open space/trees, cognisant of the historic grounds. Unit no. 58 should be removed as it is not considered necessary to continue the building line with the existing 20th century neighbouring houses.

(d) The revised location of the ESB substation at a prominent position on the route from Celbridge Gate Lodge to Celbridge Lodge should be reconsidered and relocated to a more discreet location.

(e) The works to the Stable Building (floors, openings, doors) to be clarified.

(f) The works to the Gate Lodge to be clarified.

3.2.52. **Fire Safety**

Item No. 2: The applicant is to submit details of how turning facilities for fire appliances will be provided on any dead-end access route that is more than 20 m

long. An Autotrack analysis should be carried out to verify proposed layouts in these dead-end sections.

3.2.53. **Surface Water Drainage & Attenuation**

Item No. 3: The applicant is requested to clarify if the proposed attenuation storage are ponds or detention basins as there is conflicting information in the submitted RFI response. The Water Services Dept. recommend the provision of retention ponds subject to: (a) compliance with relevant chapters of the CIRIA SuDS Manual, (b) a risk assessment of the ponds, especially for young children drowning, and necessary risk mitigation measures, (c) demonstrate compliance with GDSDS Regional Drainage Policy in relation to interception-treatment storage and long-term storage.

3.2.54. The applicant submitted a **Response to the Request for Clarification of Further Information** on 13th January 2023 which can be summarised as follows:

3.2.55. **Item No. 1(a):** The gated opening to the walled garden has been revised and relocated with a max. width of 1 m. The access point is presented further from the Gate Lodge and the width minimised to respect the Gate Lodge and Historic Walled Garden.

3.2.56. **Item No. 1(b):** It has been consistently agreed to date to physically frame Celbridge Lodge by proposed unit no. 32 as best preserves its architectural heritage and context. For this reason, unit no. 32 should be retained in the scheme.

3.2.57. **Item No. 1 (c):** There is no change to Character Area 4 with regard to the number of dwelling units and their arrangement. It is submitted that unit no. 58 should remain as previously proposed to form a proper streetscape. The proposed design approach represents the best use of zoned lands.

3.2.58. **Item No. 1(d):** The ESB substation has been relocated, with its design and siting providing minimal disruption to significant historic and arboricultural elements and adhering to a guideline separation distance of 5 m from the nearest house.

3.2.59. **Item No. 1 (e):** The architectural heritage design response for the Stable Building has been clarified.

3.2.60. **Item No. 1(f):** The architectural heritage design response for the Gate Lodge has been clarified.

- 3.2.61. **Item No. 2:** Analysis has been undertaken which demonstrates that where a cul-de-sac dead end exceeds 20 m, a fire tender can set up and access all dwellings in the proposed development off the cul-de-sac without travelling more than 20 m into the cul-de-sac.
- 3.2.62. **Item No. 3:** All open surface water attenuation storage areas have now been designed as retention basins. A risk assessment on detention basins and retention ponds has been carried out and has concluded that detention basins are more favourable in this instance due to steep side slopes, the underlying rock stratum, limited free open space and health and safety criteria. The detention basins will be open depressed dry grass areas and will only store water temporarily during high rainfall events. All the basins have been adequately sized to accommodate a 1:100-year storm event + 30% climate change. Compliance with SuDS and the GDSDS has been demonstrated.
- 3.2.63. Following an assessment of the submitted information, the Planning Officer considered that the applicant had addressed the concerns which had been raised. While the reduction in the number of units from 60 to 52 was welcomed, it was considered that unit no. 32 should also be omitted to protect the character of Celbridge Lodge. It was recommended that planning permission be granted subject to conditions.

3.2.64. **Other Technical Reports**

3.2.65. **Transportation Planning (15th June 2022 and 5th December 2022):**

Recommended that Further Information be requested in relation to: (1) a design for a controlled pedestrian crossing point near the new vehicular junction along Church Road; (2) re-examination of sightlines at junctions to ensure compliance with DMURS; (3) proposed measures to mitigate the effect of the development on vulnerable road users on Church Road; (4) revised car parking provision; (5) arrangements for the charging of electric vehicles; (6) revised layout to driveways to provide 2 no. off-street spaces per houses; (7) a design for the permeability link with St. Patrick's Park; (8) full details of proposed pedestrian access to Church Road and vehicular access onto Church Road; (9) removal of piers shown at edge of carriageway at new vehicular junction between Church Road and the development; (10) provision of a turning bay at the end of the side roads and submission of swept

path analysis drawings; (11) submission of drawing detailing the installation of speed limit signs within the estate; (12) details of materials for road and footpath infrastructure; (13) avoidance of permeable paving in public areas; (14) details of durability of permeably paving, slip resistance of surface car parking and of additional ducting for utilities; (15) a separate footpath and carriageway; (16) clarification of materials to be used in the home zone carriageway; (17) details of bicycle storage in the back gardens or at the front of the terrace units; (18) re-examination of public lighting on Church Road and the new permeability link with St. Patrick's Park.

3.2.66. Following the applicant's Further Information submission, no objection arose to the proposed development subject to conditions.

3.2.67. **Environmental Health Officer (15th June 2022):** No objection to the proposed development subject to conditions.

3.2.68. **Area Engineer (15th June 2022):** Requested Further Information in relation to: (1) revised layout to show parking adjacent to residential units; (2) revised road layout in relation to kerb-to-kerb widths; (3) revised visitor parking layout; (4) revised parking layout in relation to universal access car parking spaces; (5) revised site layout in relation to sightlines at vehicular access to/from Tea Lane; (6) revised road layout to avoid encroachment of refuse vehicles on footpath and car parking spaces.

3.2.69. No further report on file.

3.2.70. **Environment Section (17th June 2022 and 29th November 2022):** Notes that little information is provided in relation to operational waste management and requests a report outlining the overall waste management strategy.

3.2.71. Following the applicant's Further Information submission, no objection arose to the proposed development subject to conditions.

3.2.72. **Architects Dept. (17th June 2022):** Applicant to furnish evidence of site purchase to establish Part V requirement and to submit plot areas for entire site and proposed Part V units.

3.2.73. **Water Services (23rd June 2022, 2nd December 2022 and 18th January 2023):** Request for Further Information in relation to surface water drainage and attenuation (5 no. items).

- 3.2.74. Following the applicant's Further Information submission, it was recommended that Clarification of Further Information be requested in relation to surface water drainage and attenuation.
- 3.2.75. Following the applicant's Clarification of Further Information submission, no objection arose to the proposed development subject to conditions.
- 3.2.76. **Architectural Conservation Officer (23rd June 2022 and 7th December 2022):**
Further Information requested in relation to: (1) the removal of 2 no. units from Character Area 1 and the removal of 2 no. proposed new openings to the walled garden, (2) Character Area 2 – unit nos. 20, 21 and 22 should be redesigned and 1 no. unit removed, unit no. 8 also to be removed, (3) Character Area 3 – unit nos. 32, 34, 35, 36, 37, 38 and 39 should be removed and spaces used as additional garden space to Celbridge Lodge and/or open space for new residents, (4) Character Area 4 – new pedestrian access from Church Road should be redesigned and unit no. 57 removed and unit no. 58 relocated into this location, (5) relocation of ESB substation, (6) relocation of bin stores for units 01-07, (7) existing ruined building on southern site boundary to be stabilised and retained, (8) historic piers and gates and walls to walled garden to be restored, (9) additional existing and proposed detail drawings indicating surviving historic fabric, full details of construction methods in a written method statement.
- 3.2.77. Following the applicant's Further Information submission, no objection arose to the proposed development subject to conditions including, inter alia, the omission of unit nos. 32 and 58.
- 3.2.78. **Fire Service (27th June 2022, 2nd December 2022 and 24th January 2023):**
Applicant to submit details of how turning for fire appliances will be provided on all routes greater than 20 m on the site.
- 3.2.79. Following the applicant's Further Information submission, it was considered that the information received did not adequately address turning facilities for fire appliances.
- 3.2.80. Following the applicant's Clarification of Further Information submission, no objection arose to the proposed development subject to condition.

- 3.2.81. **Heritage Officer (1st July 2022 and 24th November 2022):** Further Information required in relation to: (1) Archaeological Impact Assessment, and (2) Ecological Impact Assessment.
- 3.2.82. Following the applicant's Further Information submission, no objection arose to the proposed development subject to conditions.
- 3.2.83. **Housing (17th June 2022 and 1st December 2022):** Initial recommendation that the applicant furnish evidence of the date of site purchase and to submit plot areas for entire site and plot area of individual units proposed under Part V.
- 3.2.84. Following the applicant's Further Information submission, recommendation that a Part V condition be attached in the event planning permission was granted for the proposed development.

3.3. **Prescribed Bodies**

- 3.3.1. **Dept. of Housing, Local Government and Heritage (16th June 2022 and 1st December 2022):** Recommends that an Archaeological Impact Assessment be submitted by way of Further Information.
- 3.3.2. Following the applicant's Further Information submission, suitable conditions identified in the event planning permission was granted.
- 3.3.3. **Irish Water (16th May 2022 and 26th November 2022):** Notes that Further Information is required. The applicant has not engaged with Irish Water and the proposed development may not be feasible. Applicant to engage with Irish Water through the submission of a Pre-Connection Enquiry.
- 3.3.4. Following the applicant's Further Information submission, no objections arose to the development subject to conditions.
- 3.3.5. **An Chomhairle Ealaíon:** None received.
- 3.3.6. **An Taisce:** None received.

3.4. **Third Party Observations**

- 3.4.1. A total of 11 no. third party observations were made on the application by: (1) Jan Gritzmman, 8 Abbey Court, Abbeyfarm, Celbridge, Co. Kildare, (2) Dain McMillan,

Tea Lane Architects, 155 Church Road, Celbridge, Co. Kildare, (3) Damian Farrell, 620 Patrick Park, Celbridge, Co. Kildare, (4) Denis O'Connor, 151 Church Road, Celbridge, Co. Kildare, (5) Patrick M. Kerr Architecture on behalf of John Young, Main Street, Celbridge, Co. Kildare, (6) George Wisdom, 150a Church Road, Celbridge, Co. Kildare, (7) Flora McDonnell, 14 The Court, Temple Manor, Celbridge, Co. Kildare, (8) Celbridge Tourism and Heritage Forum, c/o Breda Konstantin, 16 The Woodlands, Castletown, Celbridge, Co. Kildare, (9) Mark and Kate Carroll, Emmet Mews, Church Road, Celbridge, Co. Kildare, (10) Sonja Moore on behalf of Celbridge Heritage and River Catchment Association, 81 Dara Court, Celbridge, Co. Kildare, (11) Celbridge Community Council, c/o Liam O'Dwyer, 2a Temple Mills, Celbridge, Co. Kildare.

3.4.2. Representations were also made on the application by: (1) Cllr. Ciara Galvin, 70 The Grove, Celbridge, Co. Kildare, (2) Cllr. Vanessa Liston, 48 Rockfield Court, Maynooth, Co. Kildare,

3.4.3. The issues which are raised can be summarised as follows: (1) works to Celbridge Lodge and the gate lodge are unclear, (2) increased congestion and traffic impacts on Tea Lane, (3) tree loss, (4) inaccurate tree demolition plan, (5) impact of tree loss on wildlife (bats and birds) not considered, (6) negative impact on Protected Structures, (7) unacceptable loss of original boundary walls, (8) excessive development density and scale, (9) non-compliance with Celbridge LAP 2017-2023 and Kildare County Development Plan 2017-2023 in relation to protection of green spaces and Protected Structures, (9) refusal of permission for precedent case at No. 155 Church Road, (10) no archaeological assessment submitted, (11) impact on boundary walls adjoining 151 Church Road, (12) overlooking of 151 Church Road, (13) overlooking and overshadowing of adjoining site to south-east, (14) excessive height, scale and massing of unit nos. 02-07 and 09-14, (15) suburban style development, (16) site should be retained as green space / youth space for the community, (17) excessive car parking, (18) existing pond must be retained, (19) impact on ACA, (20) insufficient community services and school places to support population growth, (21) no EIA submitted, (22) air pollution, (23) native tree/shrub species should be used on the site, (24) National Pollinator Plan should be incorporated into the development, (25) walled garden should be used as allotments for local community, (26) inadequate traffic assessment, (27) loss of green

infrastructure, (28) erosion of opportunities for heritage and tourism-based economic development, (29) development is premature pending the preparation of a tailored Town Centre First Plan.

- 3.4.4. Following the applicant's Significant Further Information submission, additional observations were made by: (1) Dain McMillan, Tea Lane Architects, 155 Church Road, Celbridge, Co. Kildare, and (2) Patrick M. Kerr Architecture on behalf of John Young, Main Street, Celbridge, Co. Kildare.
- 3.4.5. The submission of Dain McMillan maintains the objections to the proposed development as raised in their original submission. The submission of John Young continues to raise concerns in relation to the impact of unit nos. 04-07 and 09-14 on the observer's property and the loss of landscape amenity and site trees.

4.0 Planning History

- 4.1. None.

5.0 Policy Context

- 5.1. The Kildare County Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023 were in force at the time this planning application was adjudicated by Kildare County Council. The Kildare County Development Plan 2023-2029 has been adopted in the interim and is the relevant local planning policy document in the assessment of this appeal case.
 - 5.1.1. Kildare County Council's website states that the Planning Authority will have regard to the Celbridge LAP 2017-2023 until such time as it is reviewed, or another plan is made. As such, the relevant provisions of this Plan are also set out below for context purposes.

5.2. Kildare County Development Plan 2023-2029

- **Core and Settlement Strategy**

5.2.1. Celbridge is designated as a Self-Sustaining Town in the county settlement hierarchy, with such towns described as having high levels of population growth and a weak employment base. Table 2.8 of the plan (core strategy) identifies a population target of 2,515 persons and a housing unit target of 914 for Celbridge to the end of Q4 2028, with a target residential density of 35-40 units/ha.

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

- **Housing**

5.2.3. **Policy HO P5:** Promote residential densities appropriate to its location and surrounding context.

5.2.4. **Objective HO O5:** Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

5.2.5. **Objective HO O6:** Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

5.2.6. **Policy HO P6:** Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

5.2.7. **Objective HO O8:** Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and

supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.

- 5.2.8. **Policy HO P7:** Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.

- **Built and Cultural Heritage**

- 5.2.9. Celbridge Lodge and its associated gate lodge and walls/gates/railings are included on the Record of Protected Structures (RPS Ref. B11-35).

- 5.2.10. **Policy AH P2:** Protect and enhance archaeological sites, monuments and where appropriate and following detailed assessment, their setting, including those that are listed in the Record of Monuments and Places (RMP) or newly discovered archaeological sites and/or sub-surface and underwater archaeological remains.

- 5.2.11. **Policy AH P6:** Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.

- 5.2.12. **Objective AH O21:** Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

- 5.2.13. **Objective AH O65:** Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.

- **Biodiversity and Green Infrastructure**

5.2.14. **Policy BI P1:** Integrate in the development management process the protection and enhancement of biodiversity and landscape features by applying the mitigation hierarchy to potential adverse impacts on important ecological features (whether designated or not), i.e. avoiding impacts where possible, minimising adverse impacts, and if significant effects are unavoidable by including mitigation and/or compensation measures, as appropriate. Opportunities for biodiversity net gain are encouraged.

5.2.15. **Objective BI O29:** Require the undertaking of a comprehensive tree survey carried out by a suitably qualified arborist where development proposals require felling of mature trees; the tree survey shall assess the condition, ecological and amenity value of the tree stock proposed for removal as well as mitigation planting and a management scheme. It should be noted that rotting and decaying trees are an integral part of a woodland ecosystem and can host a range of fungi and invertebrates, important for biodiversity. While single or avenue trees that are decaying may be removed, others that are part of group or cluster may be subject to retention.

5.2.16. **Objective BI O30:** Ensure a Tree Management Plan is provided to ensure that trees are adequately protected during development and incorporated into the design of new developments.

5.2.17. **Policy BI P15:** Promote and support the development of Sustainable Urban Drainage Systems (SuDS) to ensure surface water is drained in an environmentally friendly way by replicating natural systems.

- **Development Management**

5.2.18. The development management standards for residential development are set out in Chapter 15 of the development plan. Regard has been had to all relevant standards contained therein in the assessment of this appeal case.

5.3. Celbridge Local Area Plan 2017-2023

- **Land Use Zoning**

- 5.3.1. The majority of the site was subject to land use zoning “B – Existing Residential / Infill” under this Plan which has the objective “to protect and enhance the amenity of established residential communities and promote sustainable intensification”. A small portion of the site at its south-eastern corner was subject to land use zoning “A – Town Centre” which has the objective “to protect, improve and provide for the future development of town centres”. Residential development is permitted in principle under both of these zoning objectives.

- **Built and Natural Heritage**

- 5.3.2. The southeastern section of the site is located within an Architectural Conservation Area, the boundary of which extends along the length of the southern and eastern site boundaries. The majority of the site is also located within a Zone of Archaeological Potential.

- **Roads**

- 5.3.3. There is an objective for road and footpath improvements along Tea Lane

5.4. National Planning Framework (NPF)

- 5.4.1. **National Policy Objective 3c:** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- 5.4.2. **National Policy Objective 11:** In meeting urban development requirements, there will 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.
- 5.4.3. **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.5. **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA) (2019-2031)**

5.5.1. The RSES supports the implementation of the NPF by providing a long-term strategic planning and economic framework for the region up to 2031.

5.5.2. **Regional Policy Objective 3.1:** Key stakeholders, including local authorities in the Region shall, through their policies and objectives including development plans, commit to the delivery of the Growth Strategy as detailed in the RSES.

The growth strategy for the Region includes, inter alia, delivering the sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (MASP) and embedding a network of Key Towns through the Region to deliver sustainable regional development.

5.5.3. **Regional Policy Objective 3.2:** Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

5.6. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)**

5.6.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. Section 1.3.2 of the Guidelines in relation to compact growth states that higher densities (and taller buildings) will be encouraged in appropriate urban areas subject to the protection of historic fabric, character, amenity, natural heritage, biodiversity and environmental quality.

5.6.2. Table 3.3 of the Guidelines sets out density ranges for Metropolitan towns such as Celbridge, with a range of 50-150 dph (net) to be generally applied for centre and urban neighbourhoods. These density ranges should be refined based on consideration of centrality and accessibility to services and public transport, and considerations of character, amenity and the natural environment. Section 3.4.2 (b)

of the Guidelines notes that historic environments can be particularly sensitive to change.

5.6.3. Development standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16 m above ground floor level), SPPR 2 in relation to private open space (2-bed 30 m²; 3-bed 40 m²; 4+bed 50 m²), SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and SPPR 4 in relation to cycle parking and storage.

5.6.4. Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

5.7. Architectural Heritage Protection Guidelines for Planning Authorities, 2011

5.7.1. Guidance in relation to development within the curtilage of a Protected Structure is set out in Section 13.5. New development should be carefully scrutinised as inappropriate development may be detrimental to the character of the structure. Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. New works should not adversely impact on views of the principal elevations of the protected structure.

5.8. Natural Heritage Designations

5.8.1. The nearest European site is Rye Water Valley/Carton SAC (site code: 001398) is located approx. 4 km to the north of the appeal site at its closest point.

5.9. EIA Screening

- 5.9.1. Class (10)(b)(i) and (iv) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.9.2. This planning application seeks permission to construct 60 no. residential units on a site area of 2.73 ha. The total number of units is significantly below the 500-unit threshold noted above. The proposed development is urban in nature and is located on a site close to the town centre, but outside of any business district, and as such, is well below the applicable threshold of 10 ha.
- 5.9.3. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Éireann and Kildare County Council, upon which its effects would be marginal.
- 5.9.4. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment of the proposed development and the preparation of an environmental impact assessment report was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. First and third-party appeals have been lodged in this instance. The third-party appeal against the Planning Authority's decision has been lodged by Patrick M. Kerr Architecture on behalf of John Young, Main Street, Celbridge, Co. Kildare. The appellant owns land adjoining the south-eastern boundary of the appeal site. The first-party appeal relates to condition no. 3 of the Planning Authority's decision only.

6.1.2. The grounds of the **third-party appeal** can be summarised as follows:

- The appellant does not object to the principle of the development.
- Concerns that the proposed development will impact on the appellant's ability to develop their lands in the future.
- While the site is zoned for residential purposes and has a role to play in providing housing for the area, higher densities cannot be provided at the expense of the reasonable protection of existing amenities and the established character of a particular area.
- Unit nos. 02-07 are in close proximity to the existing site boundary with the appellant's property, with a substantial balcony/amenity area at 1st floor level, resulting in significant overlooking.
- The proximity of these units to the shared boundary, their height, scale and massing will result in significant overshadowing of the appellant's property.
- These units do not comply with open space standards of the county development plan or the Celbridge LAP and should be omitted from the proposed development.
- The Planning Authority's requirement to omit one of these units does not materially change the impact of the development on the appellant's property.
- Unit nos. 09-14 will have a significant impact on the appellant's property by way of overbearing and overshadowing, which will be increased by the removal of mature trees.

- These 6 no. units should be omitted and the existing trees to the eastern boundary of the site should be retained.
- The existing trees along the eastern and southern site boundaries provide mature screening and a sylvan context to the appellant's site. These mature trees provide an important biodiversity resource to the site and general area. The majority of these trees are in good condition with significant life spans remaining and should be retained.
- The development will increase existing traffic congestion in the area and result in a traffic hazard.
- Construction risks to historic stone walls between the application site and the appellant's property, particularly to the south and west.
- Removal of trees and their root network in these areas will have a material effect on these historic walls.
- A detailed Construction Method Statement should be requested as additional information by the Board, thereby allowing the appellant to consider same.
- The development is generic/suburban in nature and there is a missed opportunity to provide a more innovative development on an important town centre site.
- The proposed development does not properly address or respect the existing Protected Structure (Celbridge Lodge). The removal of mature trees has a negative impact on the curtilage of this structure.
- The current density of 19 units/ha is below a sustainable level of urban development and for this reason alone, the proposed development should be refused permission.

6.1.3. The appeal includes a copy of the appellant's original observation receipt and a copy of the Planning Authority's decision (Appendix A).

6.1.4. The grounds of the **first-party appeal** can be summarised as follows:

- The appeal relates to a singular condition (Condition no. 3) which seeks the removal of a singular unit (no. 32) and the consideration of the application de novo is not warranted in this instance.

- The appeal against condition no. 3 in turn relates to condition no. 2, which authorises the construction of 51 no. dwellings on the site.
- The proposed development is closely aligned with the intentions and objectives of the Architectural Heritage Protection - Guidelines for Planning Authorities (2011) and has been developed in liaison with the Planning Authority's Conservation Architect.
- During pre-planning meetings with the Planning Authority's Conservation Architect, it was advised that the presentation of unit no. 32 in the location proposed would best present the protection of the architectural heritage of Celbridge Lodge and the historic setting and approach of Celbridge Lodge in the overall site context.
- Significant amendments have been made to the scheme as originally submitted for 60 no. dwelling units. In particular, unit nos. 36-39 were removed to the rear of Celbridge Lodge resulting in additional green space infrastructure setting for the Protected Structure.
- In addition to the conservation merits of retaining unit no. 32, there are equally significant merits associated with the best use of residential urban infill sites in the delivery of much needed housing.
- In setting side condition no. 3, the necessary amendment of condition no. 2 as provided under Section 146(a) of the Planning and Development Act, 2000 (as amended) can be undertaken accordingly.

6.1.5. The appeal submission includes Appendix A (copy of the Planning Authority's decision), Appendix B (Original Sketch Design Proposals April 2021), Appendix C (Revised Sketch Design Proposals October 2021), Appendix D (Celbridge Lodge Architectural Design Statement March 2022), Appendix E (Architectural Heritage Impact Assessment), Appendix F (copy of the planning statement which accompanied the application, Appendix G (copy of the Planning Authority's Further Information Request on the application), Appendix H (copy of the Clarification of Further Information Meeting Agenda), Appendix I (FI Architecture Design Response November 2022), Appendix J (copy of the Planning Authority's Clarification of

Further Information Request) and Appendix K (copy of the Planning Authority's Further Information Response).

6.2. A copy of the Part V proposals and correspondence with Kildare County Council is also included (also annotated as Appendix A).

6.3. **Applicant Response**

6.3.1. The applicant submitted a response to the third-party appeal on 23rd March 2023 which can be summarised as follows:

- The Board's ability to dismiss appeals which may be considered vexatious is noted.
- The scale, density and massing of the development has been carefully considered to align with the site's built heritage and green infrastructure.
- The omission of 2 no. units from the walled garden area at Further Information stage has enabled the retention of a significant tree group to the benefit of the overall scheme.
- The Planning Authority were encouraging of the beneficial use of the walled garden and its presentation as a distinct character area. The particular nature of the mews style development in this location has enabled a departure from rigid standards as referenced by the appellant and a flexible consideration of development as best promotes the best use of urban lands and compact growth.
- The walled garden would have originally contained fruit bearing trees which are no longer in evidence. The existing trees in the walled garden are self-seeded sycamores which do not present the most appropriate setting or form of development at this location.
- The omission of 2 no. units in this location enables a significant buffer of retained trees adjacent to the appellant's landholding.
- A 1500 mm high solid screen has been provided to the 1st floor level of the mews houses to address overlooking concerns.

- The set back of unit nos. 4-7 within the walled garden to the adjacent vacant property ranges from 3.27 m – 5.96 m. The proposed dwellings are generally more than 45 degrees away from the top of the existing wall apart from the peak of the gable wall/roof at 4 no. separate locations. The orientation of these dwellings will further reduce the overshadowing at midday.
- The size of the mews dwellings' private amenity space is compensated by a southwest facing terrace at 1st floor level and a communal open space within the walled garden.
- The Planning Authority was satisfied that the design amendments at Further Information stage and Clarification of Further Information stage addressed third party concerns regarding residential amenity impacts.
- The design as presented is reflective of the town centre zoning and the established, fine-grained residential development at English Row.
- The appellants' lands are backlands in character and would present a challenge in terms of design and layout. The Planning Authority has shown a willingness to accept imaginative design responses in a fine grain urban context and the flexibility necessary to promote compact growth solutions.
- The appellant's lands represent an opportunity to increase the development density, which could integrate with the proposed development on the appeal site.
- Design amendments were made to unit nos. 9-14 at Further Information stage to address third party concerns. These units are located due northwest of the appellant's site and in this regard, overshadowing is highly unlikely.
- The appellant's site is currently subject to more overshadowing by the existing self-seeded and unhealthy trees in this location.
- The applicant has sought to provide a balanced development which delivers housing with a net benefit to green infrastructure.
- Whilst the site may present as a 'green oasis' within Celbridge, there is also a reflection of its industrial heritage associated with the proximate mill

buildings, commerce and residential enclaves associated with supporting the workers of that industrial past.

- The scheme has sought to maintain the established views of the site from the ACA as viewed from Church Road/Tea Lane, which are considered the most important and significant tree groupings running along the southern site boundary.
- The site plan has gone through a number of iterations to retain as much of the tree planting as possible. The higher quality existing trees were identified early in the design process and significant measures have been undertaken to retain them.
- Retaining even a small number of isolated trees in the areas referred to would render a large area undevelopable, with knock on implications for site levels and road gradients.
- Significant tree planting is proposed to mitigate tree loss and contribute to green infrastructure in the area.
- The applicant's Traffic and Transportation Assessment confirmed that traffic generated by the development would have no material adverse impact on the operation of all junctions modelled.
- Green links have been provided to St. Patrick's Park, close to the junction of Tea Lane and Main Street and onto Tea Lane opposite the graveyard to improve non-car travel options for future residents.
- Local improvements for pedestrians also include alterations to the Tea Lane/Main Street junction.
- The recommendations of the Stage 1/2 Road Safety Audit have been fully implemented by the applicant.
- The proposals will provide for a reduced radii junction and pedestrian linkage opportunities to the Tea Lane / Main Street junction as required and conditioned by the Planning Authority.
- The Planning Authority has required construction management and construction and demolition waste management plans by condition and the

requirement on site for an Architectural Conservation Architect to monitor and ensure heritage protection, including the associated walled garden boundary walls. As such, the protection of historic boundary walls will be effectively managed during the construction phase if permission is granted.

- The scheme has been presented in character areas and presents a successful place-making design.
- Significant consultation between the design team and the Planning Authority has presented a proposal based on first principles of respecting the setting of the principal building and its curtilage.
- The omission of unit nos. 36-39 to the rear of the main house at Further Information stage provides a wider open space to the rear of the main house and allows substantive tree retention at this location.
- The challenges of achieving increased density are acknowledged. It is submitted that a successfully integrated scheme has been achieved considering the challenges of natural and built environment.
- Net density in this instance is a robust presentation of what can be achieved under challenging heritage and green infrastructure conditions.

6.4. Planning Authority Response

- 6.4.1. An appeal response was received from the Planning Authority on 3rd March 2023. The Planning Authority has no further observations to make and requests that the decision to grant permission be upheld.

6.5. Third Party Response

- 6.5.1. The third-party appellant provided a response to the first-party appeal on 24th March 2023 which can be summarised as follows:
- The design iterations presented in the first-party appeal offer little insight or alternatives to a successful design solution for the site.
 - The applicant has always intended to construct in 2 no. areas of particular concern, including close to the northern and eastern boundaries.

- The omission of unit no. 32 will have no material bearing on the third party's concerns, which remain in relation to unit nos. 02-07, those units close to the eastern boundary and the removal of high-quality, mature trees.
- Concerns remain in connection with the poor-quality design used within the development, being what can be described as a bland, suburban, low-density development.
- Alternative designs are available to achieve a higher density of development on the site (feasibility drawing attached in Appendix A).

6.6. Observations

6.6.1. None.

7.0 Assessment

7.1. First and third-party appeals have been lodged in this instance. The third-party appeal has been lodged by the owner of a parcel of land at English Row which backs onto the south-eastern boundary of the appeal site. A first party appeal has been lodged in relation to condition no. 3 of the Planning Authority's Notification of the Decision to Grant Permission, which requires the omission of unit no. 32 from the permitted development. I intend to consider the application de novo having regard to the issues raised in the third-party appeal.

7.2. Having considered the contents of the planning application and appeal, the submissions on file, having regard to relevant national, regional and local planning policy, and having undertaken an inspection of the subject site and surrounding area, I consider that the key issues arising for assessment in this case include:

- Principle of the Development
- Impact on Protected Structure / Development Character and Density
- Impact on Appellant's Property
- Traffic Impacts
- Tree Loss / Impact on Site Biodiversity

- Drainage Infrastructure
- Omission of Unit No. 32
- Appropriate Assessment

7.3. Each of these issues is considered in turn below.

7.4. **Principle of the Development**

- 7.4.1. The third-party appellant has confirmed they are not opposed to the principle of the development. In considering this issue, I note that the Celbridge LAP 2017-2023 has expired, and as such, the land use zoning objectives which related to the site under this plan, no longer apply. Notwithstanding the foregoing, I am satisfied that there is sufficient policy guidance at the local, regional and national level which would support the development of the site for residential purposes.
- 7.4.2. The NPF seeks to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and suburbs, within their existing built-up footprints (national policy objective 3c refers). National Policy Objective 11 states that there will be a presumption in favour of development that can, inter alia, encourage more people within existing cities, towns and villages. National Policy Objective 35 seeks to increase residential densities in settlements through a range of measures, including infill development.
- 7.4.3. The recently published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 provide guidance on the creation of compact, liveable and well-designed settlements, with a focus on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.
- 7.4.4. The site is located within the boundary of the Metropolitan Area Strategic Plan as identified in the Regional Spatial and Economic Strategy for the Eastern & Midlands Region. The guiding principles for development within the Metropolitan Area include compact sustainable growth and accelerated housing delivery, with a target to achieve 30% of all new homes within or contiguous to the built-up footprint of existing settlements outside of Dublin City and suburbs.
- 7.4.5. While the Kildare County Development Plan 2023-2029 does not include zoning objectives for Celbridge, it provides policy guidance regarding the location and extent

of future population growth within the county. Celbridge is designated as a Self-Sustaining Town in the county settlement hierarchy. Table 2.8 of the plan (core strategy) identifies a population target of 2,515 persons and a housing unit target of 914 for Celbridge to the end of Q4 2028, with a target residential density of 35-40 units/ha. I note that the Compact Settlement Guidelines recommend higher densities of 50-150 dph (net) for such sites.

7.4.6. In my opinion, the site remains suitable to accommodate infill residential development subject to the appropriate protection of the existing built and natural heritage of the site. The site has an area of 2.73 ha and is located within 5 minutes' walk of Main Street and is adjoined by existing residential development to the north, west and south. As such, it is well located to accommodate a more compact form of development within the town centre. Celbridge is designated to accommodate future population and housing growth as provided for under the core strategy of the county development plan and the proposed development would contribute to these targets.

7.4.7. Having regard to the foregoing, I consider that the development of the subject site for residential purposes would be acceptable in principle, subject to the compliance of the proposed development with all other relevant policies, guidance and development management standards.

7.5. Impact on Protected Structure / Development Character and Density

7.5.1. The third-party appellant submits that the proposed development is generic / suburban in nature and does not properly address or respect the existing Protected Structure (Celbridge Lodge). The appellant's submission in relation to development density is somewhat contradictory, stating that higher densities cannot be provided at the expense of the reasonable protection of existing amenities and the established character of an area, while also submitting that the development density is too low, and that permission should be refused on this basis.

7.5.2. In responding to these issues, the applicant submits that the density, scale and massing of the proposal has been carefully considered to align with the built heritage and green infrastructure of the site. It is stated that the scheme has been presented in character areas and presents a successful place-making design. It is noted that the omission of unit nos. 36-39 at the rear of the Protected Structure at Further Information stage provides a wider open space to the rear of the building and allows

for more substantive tree retention. The development density is considered a robust presentation of what can be achieved under challenging heritage and green infrastructure conditions.

- 7.5.3. The development as originally proposed comprised a total of 60 no. detached, terraced or semi-detached units of 1-2 storeys, with some of the 2-storey units having accommodation at roof level. The dwellings have pitched roofs or a combination of pitched and flat roof treatments. The proposed finishes include a mixture of render, brick and stone. The scheme is divided into 4 no. character areas, extending from east to west across the site. Character area 1 includes the existing gate lodge and the proposed mews dwellings within the walled garden at the eastern end of the site. Character area 3 includes Celbridge Lodge, an adjoining single-storey coach house, the existing stable buildings adjacent to Church Road / Tea Lane and the proposed vehicular entrance into the site. The remaining character areas are characterised by new infill dwellings. Communal open space is arranged in 5 no. separate parcels across the site, including open space no. 3 to the front of the Protected Structure. Most of the units are arranged in a back-to-back configuration parallel to the Protected Structure. On an initial assessment of the application, Kildare County Council's Conservation Officer considered the development to be well-designed (report of 23rd June 2022 refers).
- 7.5.4. Item No. 1 of the Planning Authority's Further Information request required the applicant to amend the scheme to address impacts on the Protected Structure, the walled garden and neighbouring residential properties. In response, the applicant proposed the omission of 8 no. units, including unit nos. 36-39 to the rear of the Protected Structure, 2 no. units from the walled garden and 2 no. units from Character Area 2 between the Protected Structure and mews units. In my opinion, the amended scheme layout is more appropriate in terms of the set-back provided between the Protected Structure and the new development. I note that Kildare County Council's Conservation Officer had no objection to the amended proposal, subject to conditions.
- 7.5.5. In my opinion, the proposed development has been sympathetically designed with respect to the built and natural heritage assets of the site and would provide a high-quality infill development at this location. The unit sizes, separation distances arising, the quantum of private and communal open space and car parking are all

acceptable. I note that the Planning Authority subsequently required the omission of unit no. 32 due to its impact on the Protected Structure and this issue is discussed separately under Section 7.10 of this report below. In my opinion, the form of the proposed residential units can be described as simple and restrained, with an appropriate and complementary palette of materials. Given the sensitivity of the site, I consider it appropriate that the final building materials, including samples, should be provided to and agreed with the Planning Authority prior to the commencement of development. This matter can be addressed by condition should the Board decide to grant permission in this instance.

7.5.6. The net development density as originally proposed was 25 units/ha. The density of the scheme as amended at Further Information stage was 21.4 units/ha. The applicant's Further Information response cover letter states that a net density of 30.25 units/arises when the built heritage and green infrastructure of the site are taken into account.

7.5.7. I acknowledge the recommended density range of 50-150 dph (net) for central sites in Metropolitan towns under the Sustainable and Compact Settlement Guidelines for Planning Authorities. However, as confirmed in these Guidelines, such density ranges are subject to considerations which include the protection of historic fabric and amenity. I also note that Policy HO P5 of the Kildare County Development Plan 2023-2029 seeks to promote residential densities appropriate to location and surrounding context, while Objective HO O6 seeks to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

7.5.8. In my opinion, the identified density range could not be accommodated on the subject site without significant negative impacts arising to the Protected Structure and its curtilage. I consider that the development density as proposed at Further Information stage represents an appropriate balance which respects the heritage and green infrastructure assets of the site and delivers additional housing on a centrally located site as promoted under national, regional and local planning policy.

7.6. Impact on Appellant's Property

- 7.6.1. The third-party appellant owns a parcel of land which abuts the eastern / south-eastern site boundary, the rear portion of which is undeveloped adjoining the appeal site. The front portion of the appellant's site accommodates 2-storey properties at Nos. 7 - 9 English Row. The appellant has raised concerns in relation to overlooking, overshadowing and overbearing impacts on foot of the proposed development, specifically unit nos. 02 - 07 and nos. 09 – 14 which back onto the shared boundary. The appellant submits that the existing trees along the eastern and southern site boundaries provide mature screening and a sylvan context to their site, the majority of which are in good condition and should be retained. It is considered that the removal of these trees will have a material impact on the shared historic stone boundary walls. The appellant considers that the Board should request a detailed Construction Method Statement as additional information to enable the appellant to consider same. The appellant has also expressed concerns that the proposal will impact on the future development potential of their lands. The appellant also states that the private open space serving the mews units does not meet development plan standards.
- 7.6.2. In response, the applicant notes that the Planning Authority was satisfied that the design amendments proposed at Further Information Stage and Clarification of Further Information stage addressed third party concerns regarding residential amenity impacts. It is submitted that the design as presented is reflective of the town centre zoning and the proximate fine-grained residential development at English Row. It is considered that the appellants' lands are backland in character and would present a challenge in terms of design and layout but represent an opportunity to increase the development density, which would integrate with the development on the appeal site.
- 7.6.3. Item No. 1 (a) of the Planning Authority's Request for Further Information required the applicant to submit revised drawings demonstrating the removal of at least 2 no. mews units from Character Area 1 and revised proposals to address third party concerns in relation to negative impacts arising to existing residential properties on foot of unit nos. 02-07 which extend along the southern boundary of the appellant's property.

- 7.6.4. The applicant subsequently omitted mews unit nos. 2 and 3 from Character Area 1, allowing greater tree retention within the footprint of the omitted units and providing an improved buffer to the adjoining properties. A privacy screen of 1500 mm was also proposed to the 1st floor private amenity spaces of the mews dwellings to address overlooking concerns. The remaining units (nos. 04-07) are set back from the shared boundary by between 3.27m and 5.96 m. The applicant submits that the orientation of these units will reduce overshadowing at midday. The rear garden set back from unit nos. 09-14 is greater than 11 m at ground floor level and 13 m at 1st floor level. As such, the applicant submits that these units will have no real impact on the adjoining vacant property in terms of privacy, overlooking and overshadowing.
- 7.6.5. While the appellant contends that unit nos. 09-14 will have a significant impact on their property by way of overbearing and overshadowing and that these units should be omitted, I do not agree with this assessment. Given the separation distance which arises between these units and the shared boundary and the orientation of the units relative to the appellant's landholding, I do not consider that any overbearing or overshadowing impacts would arise in this context.
- 7.6.6. Mews unit nos. 04-07 are closer to the shared boundary and represent a more compact form of development. However, I do not consider that this pattern of development would be inappropriate given the proximity of the site to the town centre and the existing pattern of development to the east fronting onto English Row. In reviewing the rear elevation of these units as illustrated on Drawing No. 35 Rev. 2 (Mews House E) provided at Further Information stage, I note that the only fenestration proposed at 1st floor level fronting onto the appellant's property is a high-level window serving an en-suite from which no overlooking can occur. In my opinion, the proposed 1500 mm high solid screen to the 1st floor terrace is sufficient to address overlooking of the appellant's property from within this space.
- 7.6.7. While some overshadowing impacts may arise to the appellant's property on foot of unit nos. 04-07 given their location on the southern side of the shared boundary, I note that the units are 2-storeys in height, and as such, the extent of overshadowing will be limited. While the portion of the appellant's lands adjoining these units is currently vacant, I note that any future development on this portion of the site would be required to set back from the site boundary by at least the same distance should permission be granted for the proposed development. In my opinion, the extent of

overshadowing that would occur would not be sufficient to require any design amendments to the scheme or the omission of these units.

- 7.6.8. The appellant submits that the private open space for the mews dwellings does not meet development plan standards. SPPR2 of the Compact Settlement Guidelines identifies a minimum private open space standard of 30 m² for 2-bedroom units. The applicant's Housing Quality Assessment confirms that the private open space for the mews units ranges from 29.63 – 45.58 m². Given that the open space for only 1 no. unit (no. 6) is marginally below the required standard, I am satisfied that the proposed quantum of private open space for these units is acceptable. I also note that these units front directly onto a parcel of communal space of 369.44 m².
- 7.6.9. While the appellant refers to pre-planning discussions which have been undertaken with the Planning Authority regarding the development of their lands, a review of the online planning register at the time of writing this report confirms that no such application has been lodged. In any event, I am satisfied that the proposed development would not have any undue impact on the development potential of the appellant's property.
- 7.6.10. I acknowledge the appellant's concerns in relation to potential construction impacts on the shared boundary walls. I am satisfied that this matter can be appropriately managed through the agreement of a detailed Construction Management Plan with the Planning Authority prior to the commencement of development and the appointment of a suitably qualified Architectural Conservation professional to manage on-site works which impact on the historic fabric of the site. These matters can be addressed by condition should permission be granted for the proposed development.

7.7. Traffic Impacts

- 7.7.1. The third-party appellant submits that the development will increase existing traffic congestion in the area with no corresponding improvements. It is considered that the development will generate significant additional traffic movements entering and exiting the site in very close proximity to the adjoining properties, which will result in a traffic hazard and impact negatively on the appellant's property.
- 7.7.2. In responding to this point of appeal, the applicant submits that the TTA submitted with the application confirmed that the traffic generated on foot of the development

would have no material adverse impact on the operation of all junctions modelled. It is highlighted that green links have been provided as part of the scheme and improvements for pedestrians include alterations to the Tea Lane / Main Street junction. It is also noted that the recommendations of the Stage 1/2 Road Safety Audit have been fully implemented.

- 7.7.3. In my opinion, the appellant has failed to demonstrate how the proposed development would result in a traffic hazard which would impact negatively on their property. In reaching this conclusion, I note that the appellant's property is located to the east of the appeal site fronting onto English Row, with the proposed vehicular entrance into the site being located at Church Road.
- 7.7.4. The applicant's Traffic and Transport Assessment states that the primary vehicular and pedestrian access to the site will be via a new priority-controlled junction onto Tea Lane / Church Road at approximately the mid-point of the development. A separate pedestrian only access is proposed at the south-eastern boundary in the location of the existing vehicular entrance. It is expected that the total vehicle movements generated by the proposed development will be 7 arrivals and 38 departures in the AM peak, with the total number of vehicle movements in the PM peak hour including 36 arrivals and 15 departures. The impact assessment confirms that the proposed access arrangements would adequately accommodate anticipated traffic levels and as such, traffic generated by the proposed development would have no material adverse impact on the operation of all junctions modelled.
- 7.7.5. I note that the Transportation Planning Section of Kildare County Council requested the applicant to provide Further Information in relation to 18 no. items, while the Area Engineer requested Further Information in relation to 6 no. items. Following the applicant's response, no objections arose to the proposed development subject to conditions. Having regard to the foregoing, I am satisfied that the traffic movements which will be generated by the proposed development can be accommodated by the local road network and will not result in a traffic hazard.

7.8. Tree Loss / Impact on Site Biodiversity

- 7.8.1. The third party-appellant submits that the existing trees along the eastern and southern site boundaries provide mature screening and a sylvan context to their site. It is considered that these mature trees provide an important biodiversity resource, are in good condition with significant life spans remaining and should be retained. The appellant also submits that the removal of mature trees has a negative impact on the curtilage of the Protected Structure.
- 7.8.2. In response, the applicant submits that the site plan has gone through a number of iterations to retain as much of the existing trees as possible. The higher quality trees were identified early in the design process and significant measures have been undertaken to retain them. Retaining a small number of isolated trees in the areas referred to by the appellant would render a large area undevelopable, with knock on implications for site levels and road gradients. It is also submitted that significant tree planting is proposed to mitigate tree loss and contribute to green infrastructure in the area.
- 7.8.3. The planning application documentation includes a report which details a tree, hedgerow and vegetation survey and management and protection measures for the site. The report notes that many of the trees proposed for removal (124 no.) are lower quality, many with structural defects and decay. The trees along the Tea Lane boundary of the site have been identified as being important for retention and this is reflected in the site plan layout. Tree protection measures for the retained trees (70 no.) are identified, including the appointment of a project arborist prior to the commencement of development. This matter could be addressed by condition should the Board decide to grant permission in this instance.
- 7.8.4. The Planning Authority requested the applicant to provide Further Information in relation to the extent of tree loss, the limited number of replacement trees and the impacts on existing green infrastructure and habitats (item no. 3 of the RFI refers). An Ecological Impact Assessment Report was also requested (item no. 4 refers).
- 7.8.5. In responding to the requested information, a reduced number of trees were identified for removal (104 no.) including 75 category 'C' and 13 no. category 'U' specimens, with an increased number (89) proposed for retention. The proposed compensatory tree planting includes 117 no. standard trees, 64 no. mid-sized

specimens and 624 no. understorey planting and landscape boundary infill. The retained and proposed tree planting strategy is illustrated on Drawing No. 22/AC/TL/009/Rev. A.

- 7.8.6. I note that the omission of 2 no. mews units from the walled garden facilitated additional tree retention adjacent to the appellant's landholding. Additional tree retention was also proposed to the rear of the Protected Structure on foot of the omission of unit nos. 36-39. Kildare County Council's Heritage Officer recommended that the number of mid-specimen trees be increased to 117 no. to compensate for the significant loss of mature trees on the site and that trees capable of supporting hibernating bats shall be identified by an Ecological Clerk of Works prior to the commencement of development. I am satisfied that these requirements are reasonable and can be addressed by condition if the Board decides to grant permission for the proposed development.
- 7.8.7. Thus, while I acknowledge that the proposed development will involve tree loss from the site, I consider that this must be considered in the context of the value of the trees to be removed, which are generally of lower quality, the extent of replacement planting and the net benefit of delivering additional housing in a central location. In my opinion the proposed development strikes a reasonable balance in this regard.
- 7.8.8. In considering the wider issues of biodiversity impacts on the site, I note that the submitted Ecological Impact Assessment Report concludes that the proposed development will result in localised effects on the site biodiversity. It will result in permanent loss of scrub, woodland, grassland and a manmade pond. Effects on habitats outside of the site are limited to the potential spread of invasive species. Effects on species include the loss of nesting habitat for bird species, fragmentation of commuting corridors for mammals (bats and hedgehog), loss of breeding habitat for amphibians and disturbance through light effects on mammals. Standard mitigation measures based on recognised good practice have been developed to reduce the effects of all identified impacts and effects. These include the removal of trees outside of the bird breeding season, the erection of bird boxes within the site, the undertaking of works to the manmade pond between August and January to avoid harming breeding amphibian populations, the undertaking of pre-dawn/dusk bat surveys on the gate lodge and stables before works commence, the use of appropriate lighting during the construction and operational phases of the

development, the inclusion of bat boxes within the site, and the timing of vegetation clearance to avoid hibernating hedgehogs. Japanese Knotweed has been identified along the north-eastern site boundary and will be treated on site. A detailed management plan will be drawn up before works commence to prevent the spread of invasive species. The proposed development will not result in significant residual effects.

- 7.8.9. In reviewing the submitted information, I note that Kildare Council's Heritage Officer had no objection to the proposed development subject to conditions largely relating to the undertaking of the mitigation measures identified in the Ecological Impact Assessment. Thus, while the proposed development will have an impact on the green infrastructure of the site, I am satisfied that any impacts arising can be appropriately managed during the construction process and suitably mitigated by the measures identified by the applicant.

7.9. Drainage Infrastructure

- 7.9.1. Kildare County Council requested extensive information in relation to the proposed on-site drainage strategy including, inter alia, proposed SuDS measures and flood risk under Item nos. 19, 20, 21 (a) – (h) and 22 (a) – (j) of the Request for Further Information. Uisce Éireann also requested Further Information as the applicant had failed to engage to determine the feasibility of water and wastewater connections (Item Nos. 23 – 26 of the FI Request refer).
- 7.9.2. Following the applicant's Further Information submission, Uisce Éireann had no objection to the proposed development subject to conditions. The Water Services Department of Kildare County Council requested Clarification of Further Information in relation to surface water drainage and attenuation (item no. 3 refers) and following the applicant's response to same, no objection arose to the proposed development subject to conditions.
- 7.9.3. In my opinion, the applicant has demonstrated that the drainage requirements of the proposed development can be adequately catered for. The proposed development will connect to the water and wastewater services of Uisce Éireann and the surface water drainage arrangements within the site have been resolved to the satisfaction of the Planning Authority. Any final details which require agreement with the Planning Authority can be addressed by condition.

7.9.4. I note that condition no. 47 of the Planning Authority's decision requires the submission of a Construction Phase Surface Water Management Plan in accordance with the IFI publication "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters" (2016). There is no watercourse flowing through the site or in close proximity to same. As such, I consider that the attachment of this condition is unnecessary should the Board grant permission for the proposed development.

7.10. Omission of Unit No. 32

7.10.1. The first party appeal relates to condition no. 3 of the Planning Authority's decision, which requires the omission of unit no. 32 from the development. This in turn relates to condition no. 2 of the permission, which authorises the construction of 51 no. dwellings on the subject site. Kildare County Council's Conservation Officer considered that this unit infringes on the special character of the site and the Protected Structure.

7.10.2. The applicant submits that the Planning Authority advised during pre-planning discussions that the inclusion of a unit in this location would best present the protection of the architectural heritage of Celbridge Lodge. The applicant refers to the units which were omitted from the scheme during the application process to provide additional green space around the Protected Structure. The applicant also submits that there are significant merits associated with the best use of residential urban infill sites in the delivery of much needed housing.

7.10.3. Unit no. 32, referred to as the "Coach House" in the planning application documentation and drawings, is a single-storey structure arranged in 2 no. separate building volumes, with flat and pitched roof elements. The applicant's Architectural and Archaeological Heritage Impact Assessment notes that the proposed coach house will be set back from the front wall of Celbridge Lodge and will balance the existing out-buildings on the northern side of the house, framing the front elevation in a manner which mimics traditional screening wings to the sides of historic houses. It is also considered that its positioning will serve to redirect vehicles entering the site and will screen the side elevation of the main house, preventing it from becoming the new 'face' of the historic house. By turning traffic at this location, the Coach House

will reinforce the open space to the front of the house, the primary front elevation and the historic approach from the south-eastern corner of the site.

- 7.10.4. In reviewing the site section drawings of the proposed development (Drawing Nos. DR-A-023 Rev. 1, DR-A-024 Rev. 1), I accept the applicant's rationale regarding the symmetry provided by the Coach House and the existing outbuildings on the opposite side of the Protected Structure in front and rear views of these buildings. Unit no. 32 is subservient in scale, with its flat roof component located closest to the Protected Structure. The eastern elevation of the dwelling is visible on approaching the Protected Structure along the historic avenue. The fenestration treatment to this elevation is restrained, with only 1 no. narrow bathroom window included. As such, I consider that the proposed residential unit does not compete with the primary façade or established residential function of the main house.
- 7.10.5. While I acknowledge the Conservation Officer's concerns in relation to the impact of this unit on the character of the site and the Protected Structure, in my opinion, its retention must be considered in the context of the overall scale of infill development which is proposed on the site and the striking of a reasonable balance between the protection of the existing heritage assets and the efficient use of zoned, town centre lands. On foot of the foregoing, I recommend that unit no. 32 should be retained within the scheme as requested by the first party appellant should the Board grant permission in this instance.

8.0 Appropriate Assessment

AA Screening Determination

- 8.1. I have carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended). I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Rye Water Valley / Carton SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the relatively minor scale of the development, the lack of impact mechanisms that could significantly affect a

European Site and the distance from and absence of any connection to the European site.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the proposed development based on the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

- 10.1. Having regard to the designation of Celbridge as a “Self-Sustaining Town” in the Kildare County Settlement Strategy, the population and housing targets for the town to 2028 as set out under the Kildare County Development Plan 2023-2029, the central location of the site, the pattern of residential development adjoining the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comprise an appropriate form of development at this location, which would not seriously injure the character and setting of Celbridge Lodge (a Protected Structure) and its associated buildings and features, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14 th day of November 2022 and 13 th day of January 2023, 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 and the development
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings, including samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Proposals for an estate name, house numbering scheme and associated signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
4.	<p>Prior to the commencement of development on the historic buildings on the site, the applicant/developer shall submit for the written agreement of the planning authority confirmation that: (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.</p> <p>Reason: In the interest of the protection of architectural heritage.</p>
5.	<p>Prior to the occupation of the new residential units, the developer shall provide a pedestrian permeability link adjacent to unit nos. 14 and 15 connecting to St. Patrick's Park and two other links as shown on Landscape Drawing 22-Ac-TI-002 Rev A and 22-AC-LT-003 Rev A and the</p>

	<p>Permeability Drawing No. P210309X-PIN-XX-DR-D-006-SI Rev. P02 submitted to the planning authority on 14th November 2022. The design of the permeability links shall be approved by the planning authority prior to the commencement of development.</p> <p>Reason: To promote active travel.</p>
6.	<p>(a) Prior to the commencement of development, the developer shall submit a Site Layout Plan to a scale of 1:500 showing the areas of the development to be taken in charge for the written agreement of the planning authority. The layout shall identify the infrastructure and services that are to be taken in charge by the planning authority.</p> <p>(b) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy & Specifications. The material finishes and design and construction details shall be agreed in writing with the planning authority prior to the commencement of construction. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
7.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection.</p>
8.	<p>A detailed construction traffic 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</p>

	<p>the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
9.	<p>The attenuation and disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
10.	<p>(a) Prior to the commencement of 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), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement</p>

	<p>has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
11.	<p>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 on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
14.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the local authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation). The developer shall facilitate the archaeologist in recording any remains</p>

	<p>identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
15.	<p>(a) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include:</p> <p>(a) lighting along pedestrian routes, through open spaces and shall take account of trees within the Landscape Masterplan (Drawing Nos. 22/AC/TL/001 - 003 Rev. A) submitted to the planning authority on 18th November 2022.</p> <p>(b) the replacement of the old sox lanterns with LED heads for 100 m on either side of the new vehicular junction on Church Road and at the permeability link at St. Patrick's Park. The developer shall be liable for all costs associated with this work.</p> <p>Reason: In the interest of amenity and public safety.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. All existing</p>

	<p>over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
17.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
18.	<p>The landscaping scheme shown on the Landscape Masterplan (Drawing Nos. 22/AC/TL/001 - 003 Rev. A) submitted to the planning authority on 18th November 2022 shall be carried out within the first planting season following substantial completion of external construction works. The number of mid-specimen trees shall be increased to 117. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
19.	<p>Prior to the commencement of development, an Ecological Clerk of Works (ECoW) shall be appointed to manage compliance with the mitigation measures outlined in the Ecological Impact Assessment Report submitted to the planning authority on 18th November 2022. The ECoW shall submit 2 reports for the written agreement of the planning authority as follows:</p> <p>(a) a pre-construction report to ensure compliance with all pre-commencement conditions.</p>

	<p>(b) a report to demonstrate compliance with all mitigation measures outlined in the Ecological Impact Assessment Report within 3 months of the completion of development.</p> <p>Reason: In the interest of ecological protection.</p>
20.	<p>The following works shall be undertaken under the guidance of the ECoW:</p> <p>(a) the provision of 10 no. nest boxes for swifts, swallows and house martins on the new buildings,</p> <p>(b) the erection of 10 no. bird boxes within the walled garden to the south and along the north-west boundary,</p> <p>(c) the erection of 5 no. bat boxes.</p> <p>Reason: In the interest of ecological protection.</p>
21.	<p>Prior to the commencement of development, the developer shall submit a detailed, site-specific Invasive Species Management Plan which shall address the treatment of Japanese Knotweed and the management of machinery on site to avoid the spreading of Japanese Knotweed. All Japanese Knotweed shall be managed before any site works or tree removal commences.</p> <p>Reason: In the interest of ecological protection.</p>
22.	<p>(a) The developer shall appoint a suitably qualified Arborist for the entire period of construction activity. All recommendations pertaining to tree retention, tree protection and tree works as detailed in the Arboricultural Method Statement and Tree Protection Plan shall be implemented to ensure the protection of trees/hedges on the site.</p> <p>(b) The Arborist shall carry out a post construction tree survey and assessment of the condition of the retained trees. A Completion Certificate shall be signed off by the Arborist when all permitted development works are completed in line with the recommendations of the tree reports and plans. The certificate shall be submitted to the Parks Section of the planning authority for written agreement upon completion of site construction works.</p>

	<p>(c) A Final Completion Certificate shall be signed off by the Arborist when all tree/hedgerow works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals and all the recommendations in the tree reports and plans. The certificate shall be submitted to the planning authority for written agreement prior to taking in charge of the development.</p> <p>Reason: To secure the protection of trees on the site.</p>
23.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Footpaths shall be dishd at road junctions and tactile paving provided in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
24.	<p>The developer shall obtain a Road Opening Licence and carry out improvement works at the junction of Church Road / Clane Road as shown on Drawing No. P210309X-PIN-XX-DR-D-0005-SI Rev. P02 (External Alterations) as received by the planning authority on 14th November 2022. The developer shall retain the services of an Engineer to supervise these works and shall be liable for all costs associated with this work. The design of these junction works shall be approved by the planning authority prior to commencement of development and the junction works shall be completed prior to the occupation of the units.</p> <p>Reason: In the interest of pedestrian safety.</p>
25.	<p>Prior to the commencement of development, the developer shall submit a Stage 2 Road Safety Assessment (RSA) undertaken by an independent, approved and certified auditor for the proposed development and the works on the main road for the written approval of the planning authority. Prior to the occupation of the residential units, the developer shall carry out a Stage</p>

	<p>3 RSA on the completed works. The developer shall carry out any remediation measures identified in the RSAs.</p> <p>Reason: In the interest of road safety.</p>
26.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
27.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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

Louise Treacy

Senior Planning Inspector

9th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315804-23			
Proposed Development Summary	60 no. residential units and all associated development within the curtilage of a Protected Structure (Celbridge Lodge)			
Development Address	Celbridge Lodge, Tea Lane/Church Road, Celbridge, Co. Kildare			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No		X	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No				
Yes		Class 10 (b)(i) and (iv)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315804-23	
Proposed Development Summary	60 no. residential units and all associated development within the curtilage of a Protected Structure (Celbridge Lodge)	
Development Address	Celbridge Lodge, Tea Lane/Church Road, Celbridge, Co. Kildare	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The subject site is located within / adjoining the town centre of Celbridge and is adjoined by existing residential developments to the north, south and west.</p> <p>The removal of topsoil and C&D waste can be managed through an agreed Construction and Environmental Management Plan. Localised construction impacts will be temporary.</p>	<p>No</p> <p>No</p>
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing	<p>The proposed development would increase the development density of the site and would reflect adjoining housing developments within the settlement. The size of the development would not be exceptional in the context of the existing environment.</p> <p>There are no significant permitted developments in the immediate vicinity of the site.</p>	<p>No</p> <p>No</p>

Appendix 2

AA Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development of 60 no. residential units and all associated works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment accompanied the application and concluded that a Stage 2 AA is not required, as the proposed works, individually or in combination with other plans or projects, will not have a significant effect on any European site. An AA screening exercise was also undertaken by Kildare County Council, which concluded that the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description of the proposed development is presented in Section 2.0 of this report. In summary, the proposed development site is a centrally located brownfield site within the town of Celbridge which accommodates an existing Protected Structure, gate lodge, associated outbuildings and its landscaped curtilage. The site perimeter is formed by mature hedgerow, treelines, residential and commercial units. The proposed development comprises, inter alia, the continued residential use of the Protected Structure and gate lodge and the development of 60 no. infill dwellings within its curtilage. The development includes surface car parking and all associated site works, including a new vehicular entrance from Church Road. Hydrocarbon interceptors will be provided on storm water drainage sewers from car parking areas as required. Water and wastewater will be connected to local services. There are no watercourses or other ecological features of note on the site that would connect it directly to European sites in the wider area. The closest flowing waterbody is the Tootlestown watercourse which is located approx. 260 m to the north of the site. The River Liffey is located approx. 250 m to the north-west of the site.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The closest Natura 2000 site is the Rye

Water Valley / Carton Special Area of Conservation (site code: 001398) which flows in an east-west direction, approx. 4 km to the north. Given the scale of the proposed development, I do not consider it necessary to examine the potential for significant effects on any European sites beyond the aforementioned SAC.

European Site	Qualifying Interests (summary)	Conservation Objectives	Distance	Connections
Rye Water Valley / Carton Special Area of Conservation (site code: 001398)	Petrifying springs with tufa formation [7220]	To restore the favourable conservation condition of Petrifying Springs with tufa formation [7220]	c. 4 km	No direct
	Narrow-mouthed Whorl Snail [1014]	To restore the favourable conservation condition of Narrow-mouthed Whorl Snail [1014]		
	Desmoulin's Whorl Snail [1016]	To maintain the favourable conservation condition of Desmouline's Whorl Snail [1016]		

Likely impacts of the project (alone or in combination)

The subject site is located approx. 4 km south of the Rye Water Valley / Carton SAC and given the separation distance arising, there is no risk of direct loss or fragmentation of habitats of the SAC or any impacts from noise and emissions to air during the construction phase of the proposed development. There is no direct hydrological connection between the site and the Tootlestown watercourse and the River Liffey, which are directly connected to Rye Water Valley / Carton SAC approx. 4 km downstream of the site. Therefore, it is considered that the SAC will not be impacted by any works associated with the development.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to the separation distance arising and the lack of ecological connections, there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision of the hydrocarbon interceptor is a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC.

Overall Conclusion of Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Rye Water Valley / Carton SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and absence of any connection to the European site.